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# Law on General Administrative Procedure: Contemporary Tendencies and Challenges

*Thematic Collection*



Belgrade, 2024

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Contemporary Tendencies and Challenges**  
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# **Закон о општем управном поступку: Савремене тенденције и изазови**

*Темајски зборник*



Београд, 2024

**Закон о општем управном поступку:**  
**Савремене тенденције и изазови**  
*Темајски зборник*

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# INCOMPATIBILITY OF THE LAW ON GENERAL ADMINISTRATIVE PROCEDURE AND THE LAW GOVERNING THE SPECIAL ADMINISTRATIVE PROCEDURE CONDUCTED BEFORE THE CADASTRE

## *Abstract*

*The Law on General Administrative Procedure (LGAP) prescribes the possibility of regulating certain issues of administrative procedure, if necessary, by special laws, in compliance with certain conditions. In relation to the law regulating the special administrative procedure conducted before the cadastre, adopted two years after LGAP's entry into force, it is to be expected that it meets the prescribed conditions. However, inconsistencies were observed in the interpretation of the provisions of the special law, , reflected in a different interpretation and prescription of the principle of legality, as well as inconsistencies in the provisions related to the validity period of the special law and the prescription of the retroactive effect of the special law for certain cases. The author's intention is to point out examples of non-compliance of a particular law with LGAP, to propose certain changes to the provisions of LGAP, which could influence the achievement of greater unity of the legal order and legal certainty in the future.*

**Keywords:** Administrative Procedure, Principles of Administrative Procedure, Cadastre, Validity of the Law, Supervision over the Implementation of the Law.

## 1. Introduction

The possibility of prescribing special administrative procedures in addition to the general one is not new in our law, and the relationship between these procedures has always been based on certain rules.<sup>1</sup> The legislator set themselves the framework which the future legislator must navigate when prescribing special

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<sup>1</sup> Zoran Lončar, "Posebni upravni postupci", *Zbornik radova Pravnog fakulteta u Novom Sadu*, Vol. 50, No. 4, 2016, p. 1234.

rules for special procedures,<sup>2</sup> and since all laws represent a legal order that must be unique, there is no possibility for certain laws to have greater legal force than other laws that govern related matters.<sup>3</sup>

The Law on General Administrative Procedure (hereinafter referred to as LGAP) was adopted in 2016, and other provisions of the Law are applied too as of June 1, 2017,<sup>4</sup> except for certain legal norms that began to be applied 90 days after the law's entry into force.<sup>5</sup> The law regulating the special procedure conducted before the cadastre<sup>6</sup> entered into legal force a year and a half after the beginning of implementation of LGAP, which should represent an optimal period for regulating a special administrative procedure and highlighting its specificities, while harmonizing with the modernization process and digitalization of state administration in our country. In addition, the enactment of the aforementioned law was preceded by almost 30 years of experience in keeping a single record of real estate and the actions of administrative authorities in that area, as well as a constant and continuous increase in procedural provisions in the regulations that regulated the field of single records of the real estate cadastre and rights thereto since its establishment.<sup>7</sup>

Accordingly, the necessity of passing a special law regulating the administrative procedure conducted before the cadastre is evident and not disputed. It is, however, a disputed fact that, in addition to the conditions prescribed by LGAP, which must be complied with when regulating all the special administrative procedures, and in addition to the establishment of a special coordinating body of the Government of the Republic of Serbia whose competence was the assessment of the conformity of special laws and LGAP, a law was passed whose norms are not fully harmonized with LGAP. Examples of such deviations, in addition to the fact that they cannot be brought under the specific nature of solving administrative matters in a specific administrative area, significantly affect the quality of exercising the rights of citizens and disrupt the unity of the legal order.

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<sup>2</sup> Darko Golić, David Matić, "On certain specific features of tax procedure as a type of administrative procedure", *Pravo – teorija i praksa*, Vol. 39, No. 3, 2022, p. 3.

<sup>3</sup> Dobrosav Milovanović, "Odnos opšt(ij)eg i posebni(ji)h upravnoprocenih zakona", *Polis – časopis za javnu politiku*, No. 11, 2016, p. 42.

<sup>4</sup> More about the concepts of publication of the law, its entry into legal force and determining the time of application of some or all provisions of the law in: Momčilo Grubač, "Jedno pogrešno shvatanje ustavnih odredaba o stupanju zakona na snagu", *Glasnik advokatske komore Vojvodine*, Vol. 81, No. 5, 2009, p. 162.

<sup>5</sup> The Law on General Administrative Procedure, *Official Gazette of RS*, No. 18/16, 95/18 – authentic interpretation, 2/23 – decision of Constitutional Court, Art. 217.

<sup>6</sup> Law on The Procedure for Registration in the Cadastre of Real Estate and Utilities, *Official Gazette of RS*, No. 41/18, 95/18, 31/19, and 15/20.

<sup>7</sup> Milica Torbica, "Obaveštavanje i dostavljanje u upravnom postupku u Republici Srbiji koji se vodi povodom upisa u katastar nepokretnosti i vodova", *Pravna riječ-časopis za pravnu teoriju i praksu*, No. 64, 2021, pp. 185-187.

## 2. Examples of Incompatibility of the Law Governing the Special Administrative Procedure Conducted Before the Cadastre With the Law on General Administrative Proceduree

The procedural rules of the procedure conducted before the cadastre, as a unique record of immovable properties and the rights to them, have found their place in the laws that regulated this area, since the time of replacement of the land register with this register. Therefore, the need for special regulation of certain, specific, actions of administrative bodies in this area has always existed, but until the adoption of the Law on the Special Procedure for Registration in the Cadastre of Real Estate and Utilities (hereinafter LSPRCREU),<sup>8</sup> the procedural provisions of this special administrative procedure were not covered by special procedural law.<sup>9</sup>

The rules of the special administrative procedure conducted before the cadastre are very complex, coordinated with the strategic goals of development of the administration, its modernization and digitalization. Digitization represents one of the more important tendencies in the development of public administration, the advantages of which consist in increasing efficiency, greater accessibility of its services to users, reducing costs and publicity of its work, all of which aims to revive the concept of “good administration,” that is, public administration as a service to citizens.<sup>10</sup> The procedure before the cadastre is arranged so that it meets the requirements for efficiency, it is simplified and adapted to full digitalization. The existence of the principle of registration, officiality, reliance on cadastral data and the principle of definiteness underline the legislator’s goal to achieve a high level of legal security, up-to-dateness of the register and enable unhindered legal transactions in real estate. Although the application of this law has an unambiguously affirmative effect on the entire economy of our country, it is necessary to point out certain inconsistencies with LGAP as the law by which the area of action of administrative bodies is primarily regulated.

### 2.1. The Principle of Legality

The entire legal system rests on principles that indicate its real properties as well as desirable goals and values.<sup>11</sup> A legal principle should be compatible with

<sup>8</sup> Law on the Special Procedure for Registration in the Cadastre of Real Estate and Utilities, *Official Gazette of RS*, No. 41/18, 95/18, 31/19, and 15/20.

<sup>9</sup> In addition to the existence of a special law that regulates the procedure conducted before the cadastre, the actions of administrative bodies in certain administrative matters are partially prescribed by the provisions of laws that regulate some other administrative area that has a certain connection with cadastre records. Milica Torbica, “Specifičnosti upravnog postupka pretvaranja prava korišćenja u pravo svojine na građevinskom zemljištu”, *Sudski postupak – pravda i pravičnost, Zbornik radova 35. susreta kopaoničke škole prirodnog prava Slobodan Perović* (ed. Jelena Perović Vujačić), No. 1, Belgrade, 2022.

<sup>10</sup> Darko Golić, “E-uprava i matične knjige – novine u Zakonu o matičnim knjigama”, *Kultura polisa*, Vol. 16, No. 39, 2019, p. 203.

<sup>11</sup> Generally speaking, this implies that lower legal norms must be formally (lower legal acts must be adopted by the competent authority, according to a predetermined procedure and form) and materially (content) connected

its own goal, which is to enable the fullest realization of the right, whereby the creator of the legal principle must take into account a number of circumstances and causal relationships on which the realization of that goal depends.<sup>12</sup> Certainly, tradition and previous experiences play a significant role, but it should always be borne in mind that the conditions in which legal principles achieve their goal change with the rapid development of society, so it is necessary to adapt them to social reality. In addition, legal principles are necessary to direct the development of social reality in a certain direction in order to achieve the goal of law.

Principles have a constitutive role in every legal institution, as well as in administrative proceedings. In domestic practice, traditionally, the basic principles on which all the rules of general and special administrative procedure rest are stated at the beginning of the law regulating that procedure.<sup>13</sup> Thus, the principle of legality is specifically provided for in LGAP and in LSPRCREU, but when interpreting the content and meaning of these two principles, certain inconsistencies are observed.

The principle of legality stipulated in LGAP prescribes that the authority acts on the grounds of the law, other regulations and general acts, as well as that when making a decision based on a free assessment, it does so within the limits of the authority given by law and in accordance with the purpose for which the authority was given.<sup>14</sup> Therefore, this principle emphasizes that the administrative body in its actions performs its activities on the grounds of general legal regulations (laws and other regulations), which represents to some extent a repetition and elaboration of the constitutional provision that regulates the legality of the work of the administration.<sup>15</sup>

The principle of legality stipulated in LSPRCREU implies that the Republic Geodetic Authority (hereinafter referred to as RGA), deciding on registration in the cadastre, checks whether the conditions for registration prescribed by this law and other regulations are met, unless the change is made on the basis of a court ruling, notarial or other document, in which case it does not check the legality of that change, given that the legality of the change is taken into account in the procedure of adoption, drafting, or confirmation (solemnization) of that document.<sup>16</sup> The principle of legality formulated in this way is exclusively aimed at keeping the register, as a record, and a similar solution existed in the law regulating the land registry procedure real estate registration system.<sup>17</sup> Therefore, with this legal solution,

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and in accordance with higher legal norms, as well as that the content of the norms of the same rank should be non-contradictory. Gordana Vukadinović, "Načela pravnog sistema", *Zbornik radova Pravnog fakulteta u Novom Sadu*, Vol. 48, No. 4, 2014, p. 25.

<sup>12</sup> Srđan Đorđević, Milica Torbica, Milica Župljanić, "Izvedenost pravnog načela", *Pravo teorija i praksa-časopis Saveza udruženja pravnika Vojvodine*, No. 10/12, 2012, p. 87.

<sup>13</sup> Dragan Milkov, Ratko Radošević, "Načelo predviđivosti u upravnom postupku", *Zbornik radova Pravnog fakulteta u Novom Sadu*, Vol. 54, No. 1, 2020, p. 2.

<sup>14</sup> LGAP, Art. 5, paras. 1 and 2.

<sup>15</sup> Constitution, Art. 198, para. 1.

<sup>16</sup> LSPRCREU, Art. 3, para. 1, p. 6.

<sup>17</sup> Law on land registers of the Kingdom of Yugoslavia, *Official Gazette of the Kingdom of Yugoslavia*, No. 146/30 and 281/31, Art. 104, para. 2.

LSPRCREU in fact returns to the traditional rules of land registry law, with the fact that this kind of obligation in the land registry system of immovable property records was incorporated into the rules of procedure during registration and was not specifically prescribed as a principle. In LSPRCREU, despite the fact that this obligation of the cadastre is prescribed, similarly as in the earlier records on real estate (land registers), within the provisions on the actions of the cadastre when deciding on registration,<sup>18</sup> it is also singled out as a principle of keeping that register.<sup>19</sup>

However, the question arises of the justification of its separation as a principle, on the one hand, and its naming as a principle of legality, on the other. The justification of the separation as a principle is questionable precisely for the reason that its content, as we have already mentioned, is already woven, very clearly and precisely, into the provisions concerning the decision on registration in the cadastre. On the other hand, since it is exclusively a principle whose meaning is to emphasize the obligation of the authority to examine *ex officio* the fulfillment of the conditions prescribed by law for registration in the cadastre with the mentioned limitation regarding public documents, whose meaning is much narrower than the meaning of the principle of legality in general, it would be more appropriate to call it the principle of formality, if it must already exist. That would be logical, since this principle only emphasizes the certainty that the registration will be carried out if the other conditions stipulated by the law are met, and in any case if it is a public document.

## 2.2. Provisions Concerning the Validity of the Law

In the part of transitional and executive provisions of LSPRCREU, the validity of the law, both LSSC and LSPRCREU, is prescribed in a rather complicated way.<sup>20</sup> The criteria that were used on that occasion are: the time of the request submitted by the parties, the time of making the decisions based on which the registration is made and the type of authority that made the decision. In relation to the procedure conducted for the registration of documents brought or solemnized by notaries public, the retroactive validity of LSPRCREU is prescribed,<sup>21</sup> which is not logical, since the interpretation of the previously valid law and LSPRCREU cannot see justified reasons for such a thing.

The norms of LSPRCREU, which define different treatment in relation to all public documents, including documents issued by notaries public, concern

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<sup>18</sup> LSPRCREU, Art. 32, paras. 2 and 3, Art. 33, para. 7.

<sup>19</sup> One of the reasons for such a legal solution is the evident permanent search for adequate rules through numerous amendments and supplements to the law that previously regulated the registration procedure in the cadastre, embodied by the approximation or, on the other hand, distancing from the rules of land registry law. Radenka Cvetić, "Načela katastra nepokretnosti", *Zbornik radova Pravnog fakulteta u Novom Sadu*, Vol. 43, No. 1, 2009, p. 127.

<sup>20</sup> LSPRCREU, Art. 57.

<sup>21</sup> LSPRCREU, Art. 57, para. 4.

the initiation and conduct of the procedure *ex officio* and the rights and obligations of the cadastre and the parties in that procedure. At the same time, special emphasis is placed on the previously mentioned limitation of the cadastre in checking the application of substantive law for the adoption and solemnization of such documents. Consequently, since the application of LSPRCREU is also prescribed to procedures initiated at the request of the parties for the registration of notarial documents, which have been adopted, certified or solemnized since the entry into force of the Law on Notaries Public in 2011,<sup>22</sup> it is objectively not possible to apply the norms on initiating and conducting proceedings *ex officio* to such procedures. The effect of the LSPRCREU in such cases has the greatest impact on the position of the party in the proceedings, which is certainly worse since LSPRCREU, unlike LSSC, completely excludes the possibility of informing the party about possible deficiencies in terms of the submitted request and attached documents.<sup>23</sup>

Also, LSPRCREU stipulates that, when registering documents that have not been certified by notaries public, regardless of the time of submission of the request for registration, a note is entered *ex officio* in the real estate cadastre highlighting this fact.<sup>24</sup> In practice, this implies that the record that the registration was made on the basis of a contract certified before 2014, i.e. a contract certified by the competent court at the time, will be registered in the encumbrances of the immovable property that is the subject of registration, even when the request for registration was submitted before the entry into force of LSPRCREU. Although it is foreseen that such an entry is deleted at the request of the party, and based on confirmation by the court whose signatures on the specific contract have been certified, i.e. *ex officio* after the expiration of three years from the entry,<sup>25</sup> such the legal solution certainly put the party in a worse position since it submitted the application for registration at a time when such a norm was not in legal force.

The entry of such a note in real estate encumbrances certainly represents a limitation in real rights for the right holder, which was imposed on them by a law that was not in force at the time the request was submitted, and with the prescribed retroactive effect, it is applied at the time of the first-instance decision based on the submitted request. Accordingly, in this case, the principle of assisting the party provided for by LGAP<sup>26</sup> was deviated from, which stipulates that the authority, *ex officio*, ensures that the ignorance and indolence of the party

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<sup>22</sup> Law on Public Notaries, *Official Gazette of RS*, No. 31/11.

<sup>23</sup> The Law on State Survey and Cadastre, provision of Art. 126. para. 4 stipulates that the Service is not obliged to inform the party about deficiencies in regard to the submitted request and attached documents, but will reject the request by decision. This legal solution, i.e. the phrase “not obliged,” still leaves the possibility, i.e. it is not prohibited, for the cadastre to inform the party about the need to complete the request and submit the missing documents in order to meet the party’s request. LSPRCREU does not provide at all the possibility of informing the party about the need to arrange the request and supplement the missing documentation, but the request is rejected due to non-fulfillment of formal conditions, which is provided for in the provision of Art. 33 para. 3.

<sup>24</sup> LSPRCREU, Article 57, paragraph 5

<sup>25</sup> LSPRCREU, Article 15, paragraph 1. item 19, paragraphs 3 I 8 I Article 35, paragraph 3

<sup>26</sup> LGAP, Article 8

and other participants in the proceedings are not to the detriment of their rights, that, when the authority, with regard to the factual situation, learns or assesses that the party and other participants in the procedure have a basis for exercising some right or legal interest, warns them of this, as well as that, if during the procedure there is a change in regulations that are important for the procedure in an administrative matter, the authority shall inform the party thereof. Applied to a specific case, this principle would imply the necessity of informing the applicant in advance about the amendment of the law, which should have been foreseen as an activity of the competent Real Estate Cadastre Service as a first-instance body by the law regulating a special administrative procedure.

### *2.3. Supervision Over the Implementation of the Law Regulating the Special Administrative Procedure of Registration in the Cadastre of Real Estate and Utilityss*

The RGA is a special organization formed within the administrative body, the Ministry of Construction, Transportation and Infrastructure.<sup>27</sup> A special organization in Serbian law<sup>28</sup> represents an integral part of the state apparatus established primarily for the performance of specific professional tasks. Its administrative activity is not its main activity. Accordingly, administrative activity is not the main activity of the RGA either, it was primarily established to perform a very large number of professional tasks in the fields of: geodesy, state survey, address register, compaction, geomatnetism, and aeronomy. Administrative tasks in the RGA are carried out, among others, during the establishment, renewal and maintenance of the real estate cadastre, as well as the establishment and maintenance of the land cadastre, by solving administrative matters and passing administrative acts by the first instance bodies: the Real Estate Cadastre Service and the Cadastre Department lines, as well as of the second-level body, the RGA.<sup>29</sup> Therefore, the tasks of registration in the cadastre, both of immovable property and rights to immovable property, represent administrative tasks that are carried out within the competence of the RGA.

According to the legal position of the RGA, the supervision of its work is carried out by the Ministry of Construction, Transportation and Infrastructure,<sup>30</sup> while the inspection supervision of implementation of the regulations regulating the general administrative procedure and special administrative procedures is carried out by the Administrative Inspectorate.<sup>31</sup> In both cases, it is about internal

<sup>27</sup> Law on Ministries, *Official Gazette of RS*, No. 128/20 and 116/22, Art. 33.

<sup>28</sup> Dragan Milkov, *Upravno pravo I*, Pravni fakultet u Novom Sadu, Centar za izdavačku delatnost, Novi Sad, 2020, p. 81.

<sup>29</sup> Milica Torbica, "Uticao načela oficijelnosti na pravni položaj stranke u upravnom postupku upisa u katastar nepokretnosti u Republici Srbiji", *Pravo između stvaranja i tumačenja* (eds. Dimitrije Čeranić, Svetlana Ivanović, Radislav Lale, Samir Aličić), Vol. 1, East Sarajevo, 2023, p. 465.

<sup>30</sup> Law on Ministries, Art. 33.

<sup>31</sup> Law on Administrative Inspectorate, *Official Gazette of RS*, No. 87/11, Art. 3, para. 1.

supervision that is carried out by an administrative body over a special organization and consists of work supervision, inspection supervision through administrative inspection and other forms of supervision regulated by a special law.<sup>32</sup> In exercising supervision over the work of the RGA, the Ministry is authorized to request reports and data on work, determine the state of execution of work and warn of observed irregularities, issue instructions and propose to the Government to take the measures it is authorized to take.<sup>33</sup>

Supervision of work consists of supervision of the legality of work, which examines the implementation of laws and other general acts, and supervision of the expediency of work, which refers to the control of the effectiveness and economy of work and the expediency of the organization of work.<sup>34</sup> However, the supervision of the legality of the work of this special organization is already absent from the legal wording that refers to the competence of the Ministry to supervise the work of the RGA. Apropos, since the Ministry, in exercising supervision over the work of this special organization, is exclusively authorized to request reports and data on work, as well as to determine the state of execution of work and to warn of observed irregularities, it follows that it is authorized to exercise supervision over the expediency of the work of the RGA whereby the effectiveness and economy of work and the expediency of the organization of work are controlled.

Inspectional supervision over the application of regulations regulating general administrative procedures, as well as special administrative procedures, is entrusted to the Administrative Inspectorate, which ensures legality in the work of state authorities, authorities of autonomous provinces and local self-government units and holders of public authority, as well as the protection of public and private interests. The Administrative Inspectorate undertakes preventive measures in order to encourage the supervised bodies to efficiently and timely fulfill the established obligations.<sup>35</sup> Administrative inspection represents a special form of inspection supervision, which in relation to general inspection supervision has its own specificities, which was recognized by the adoption of a special law regulating this area of supervision.

LGAP stipulates that supervision over the implementation of that law is carried out by the ministry responsible for state administration affairs, as well as that inspection supervision over its implementation is carried out by the administrative inspectorate, except in matters related to the implementation of laws in the field of defense and of importance to defense and the Serbian Armed Forces.<sup>36</sup> With this legal formulation, a distinction has been made in relation to supervision on the one hand, and inspection supervision, on the other, while in both cas-

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<sup>32</sup> Law on State Administration, *Official Gazette of RS*, No. 79/05, 101/07, 95/10, 99/14, 47/18 and 30/18 – state law, Art. 45.

<sup>33</sup> Law on State Administration, Art. 50, para. 2.

<sup>34</sup> Law on State Administration, Art. 4, paras. 1 and 2.

<sup>35</sup> Predrag Dimitrijević, *Upravno pravo opšti deo*, Medinvest, Niš, 2019, p. 362.

<sup>36</sup> LGAP, Art. 209.

es it is about supervision over the implementation of the law. Also, in both cases it is an administrative body that supervises the implementation of LGAP, and since the provisions of LGAP are applied when dealing with administrative matters by state bodies and organizations, bodies and organizations of provincial autonomy and bodies and organizations of local self-government units, institutions, public companies, special bodies through which the regulatory function is exercised, and legal and natural persons entrusted with public powers, it is clear that it is internal supervision. More precisely, it is a type of supervision over the work, and it is about supervision over the legality of the work of all state administration bodies and holders of public authority in the performance of entrusted tasks of the state administration that apply LGAP, while examining the implementation of laws and other general acts.

Therefore, LGAP stipulates that the Ministry of Public Administration and Local Self-Government supervises the legality of the work of all bodies and organizations that apply this law when dealing with administrative matters. Indirectly, and since LSPRCREU foresees the subsidiary application of LGAP to all issues that are not specifically regulated by this law, and refer to the process of registration in the cadastre of real estate and utilities,<sup>37</sup> it implies the competence of the Ministry of Public Administration and Local Self-Government to supervise the legality of the work of the RGA when dealing with administrative matters. However, since no law explicitly provides for the exercise of this type of supervision over a special organization, it would be advisable in this sense to stipulate in LGAP that supervision over the implementation of that law and all special laws which deal with individual issues of administrative procedure are regulated by the ministry responsible for state administration and local self-government. This would completely round off the type of control of both the implementation of LGAP itself and all special laws, the content of which should not deviate from the basic principles determined by LGAP with the prohibition of reducing the level of protection of the rights and legal interests of the parties guaranteed by LGAP.

### **3. Conclusion**

Through the quality of its provisions, LGAP offers a significant degree of protection of the parties' rights, both through the principles that indicate its real characteristics, desirable goals and values, and through the rules that regulate the legal position of the parties in the general administrative procedure. The comprehensive application of all legal solutions enables a significant degree of protection of the rights and legal interests of the parties in the procedure, which in terms of the number of rights of citizens that are realized by its procedural rules far exceeds all other legally regulated procedures. By predicting a special attitude toward special administrative procedures and by prescribing restrictions within which it is

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<sup>37</sup> LSPRCREU, Art. 20.

necessary to standardize and harmonize such procedures with LGAP, the legislator intended to fully maintain the quality of protection of the rights and legal interests of the parties in all administrative procedures in which they are carried out.

The law regulating the special administrative procedure conducted before the cadastre entered into legal force one and a half years after the date of application of LGAP, and it can be concluded that its adoption was preceded by the procedure of harmonization with LGAP, as it is by regulation and provided for. However, examples of non-compliance of the special law are evident and in the paper we pointed out not only the deviations concerning the basic principles of LGAP, but also those that directly reduce the level of protection of the rights and legal interests of the parties guaranteed by LGAP.

It is difficult to explain how such deviations occurred, but when they have already been noticed, it is necessary to indicate a possible way to overcome them in the future. First of all, it is necessary to change certain provisions of LGAP, which would affect the organizational and functional activities of the Coordination Body of the Government, as well as the provisions concerning the supervision of implementation of LGAP, all aiming to achieve unity of the legal order and overcome legal uncertainty. The Coordination Body of the Government was established in accordance with the provisions of LGAP in order to assess the compliance of special laws with the provisions of LGAP, and since a deadline has been set for the harmonization of special laws with LGAP, this implies that after that period the Coordination Body of the Government body stopped working. However, it would be advisable to envisage the involvement of this working body during each drafting of a bill on amendments and supplements to special laws, since even through amendments to laws, the rules of LGAP can be deviated from even when the norms of the special law are primarily harmonized with LGAP.

Furthermore, since the conformity of special laws with LGAP can also be assessed through its application by administrative bodies and holders of public authority in the performance of state administration tasks, it would be advisable to prescribe the authority of the ministry responsible for state administration affairs to exercise supervision by LGAP itself over the implementation of the law on special administrative procedures, with the supervision over the implementation of LGAP provided so far. This would be particularly significant in relation to special organizations over which the administrative authorities have prescribed restrictive supervision of work, which concerns supervision over the expediency of work, i.e. control of the effectiveness and economy of work and the expediency of the organization of work, and not supervision over the legality of work. Since the ministry responsible for state administration and local self-government supervises the implementation of LGAP, with which all special laws regulating the actions of administrative bodies in specific administrative areas must be in accordance, it is fully justified that it also supervises the implementation of all laws regulat-

ing special administrative procedures. Also, in carrying out the supervision for which they are authorized, Administrative Inspectorates can make a significant contribution in pointing out to the Coordination Body of the Government the existence of provisions of special laws that are not in accordance with the norms of LGAP, which could be the basis for initiating amendments to special laws in which such non-compliance was observed.

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