



UDC 349.2:331.108

Doi: 10.31548/law/4.2025.221

Legal aspects of human resource management in small and medium-sized enterprises

Mentor Shaqiri*

PhD in Business Law and Economic Sciences, Associate Professor
UBT College

10000, 56 Rexhep Krasniqi Str., Pristina, Republic of Kosovo
<https://orcid.org/0000-0002-4656-2450>

Article's History:

Abstract

Received: 24.06.2025

Revised: 19.10.2025

Accepted: 27.11.2025

The aim of this study was to identify legal challenges and assess the compliance of human resource management practices in small and medium-sized enterprises with international standards, in order to justify ways of improving legal enforcement. The research methodology was based on a comparative analysis of current labour legislation in the selected countries, the study of relevant international labour standards, secondary data from international reports, and the examination of available case law in the field of labour disputes. International surveys and court rulings showed a large disparity between the official labour legislation of the nations reviewed, which generally corresponds with international principles, and its practical application in small and medium-sized firms. Despite the establishment of digital legal registries to increase transparency, its potential to improve legal awareness among small and medium-sized firms remains unexplored. All three countries have thorough labour relations laws, but their execution is difficult. Labour disputes and international reviews show that informal practises, particularly in Albania, make it difficult to document employment contracts, provide official remuneration, and follow termination procedures.

Suggested Citation:

Shaqiri, M. (2025). Legal aspects of human resource management in small and medium-sized enterprises. *Law. Human. Environment*, 16(4), 221-239. doi: 10.31548/law/4.2025.221.



*Corresponding author

Copyright © The Author(s). This is an open access article distributed under the terms of the Creative Commons Attribution License 4.0 (<https://creativecommons.org/licenses/by/4.0/>)

International reports show low employer legal knowledge and institutional inadequacies in oversight and law enforcement contribute to non-compliance. The study substantiates the need to develop and implement comprehensive measures aimed at improving the legal culture among small and medium-sized enterprises employers, strengthening the institutional capacity of regulatory bodies, and improving access to qualified legal support in Kosovo, Albania, and North Macedonia, in order to bridge the gap between legislation and practice

Keywords: labour law; legal compliance; informal employment; labour regulation; human resource management

Introduction

Small and medium-sized enterprises (SMEs) remain the backbone of the Western Balkans' private sector. Recent official statistics and country reports show that SMEs account for virtually all enterprises and a very large share of jobs and value added. In Albania, SMEs represented 99.9% of enterprises, employed 82.5% of workers, and generated 78.2% of value added (Institute of Statistics, 2023). In Kosovo, SMEs represent over 99% of registered businesses, account for 80.4% of employment in non-financial businesses, and generate 81% of total value added (European Commission, 2024). In North Macedonia, SMEs accounted for 99.7% of enterprises and employed nearly 75% of workers, MSMEs' contribution to GDP is reported at around 68% over 2018-2023 (Ministry of Economy and Labour of the Republic of North Macedonia, 2025). The effectiveness and sustainability of these enterprises depend greatly on the quality of human resource management (HRM), as HR practices directly influence innovation, productivity, and organisational performance. For example, in Albania, E. Cera and E. Subashi (2024) find that commitment-based HRM practices significantly enhance open innovation, particularly when supported by a developmental organisational culture. In North Macedonia, E. Piperkova *et al.* (2023) highlight that HRM remains largely informal and resource-constrained, with limited employee training posing a

challenge to long-term SME sustainability. Proper personnel management is therefore an essential prerequisite for the successful operation of SMEs.

A growing body of scholarship explains SME non-compliance with labour standards through the interaction between employer behaviour, enforcement, and the institutional environment (Porkodi *et al.*, 2024). Using Western Balkan economies, C.C. Williams and A. Gashi (2022) examined which "formal institutional failings" are most closely linked to informal employment and concluded that informality is significantly associated with negative perceptions of governance quality, public integrity/corruption, and dissatisfaction with public services, implying that strengthening integrity, responsiveness, and trust in institutions is central to compliance. In Albania, E. Karma and V. Pinto (2021) analysed undeclared work (including "envelope wages") through an institutional-asymmetry lens and showed that lower trust in government/rule of law and weaker "tax morality" (a proxy for misalignment between formal rules and social norms) coincide with higher undeclared employment, suggesting that compliance improves when enforcement is paired with legitimacy-building and norm alignment. Complementing these institutional explanations, S. Clibborn and S. Hanna-Osborne (2023) synthesise the employer-side logic of wage-law breaches: their systematic review shows that SME

owners/managers rationalise underpayment through factors such as financial viability pressures, perceived (low) consequences of detection, ethical or normative justifications, and the influence of external actors, highlighting how legal awareness and the perceived credibility of enforcement shape compliance decisions.

From the perspective of legal design, A. Ristovski (2023) studied the “grey area” between employment and self-employment in North Macedonia (e.g., disguised employment and objectively ambiguous work) and argued that these arrangements generate precariousness, unfair competition, and tax evasion, concluding that labour law needs clearer doctrinal and regulatory tools to formalise informal work and extend protections beyond rigid binary categories. At the level of legal awareness and rights-realisation, M. Binaku and S. Ismajli (2024) surveyed employees across private and public sectors in Kosovo and concluded that policy measures should prioritise informing employees about their rights and strengthening monitoring and transparency, since greater awareness and institutional accountability are prerequisites for consistent compliance in practice. Reflecting newer compliance challenges connected to digitalisation, T. Kalamatiev and N. Murdzev (2022) analysed crowdwork and platform-mediated work relationships and showed that the tripartite “platform-worker-client” structure blurs the classic employer-employee model, complicating the application of labour protections and indicating the need for updated regulatory approaches in South-East European labour systems.

Despite the breadth of research on informality and labour standards, an important gap remains in explaining, within the Western Balkans context, how the institutional environment and enforcement capacity, and SME employers’ legal awareness and compliance rationalisations, jointly translate formally harmonised labour rules into day-to-day HRM practices (contract

formalisation, remuneration legality, working-time records, and lawful termination). Addressing this gap requires a comparative legal focus on the content of labour-law obligations alongside evidence about how those obligations are implemented (or circumvented) in SMEs, including the patterns revealed by disputes and enforcement outcomes.

The purpose of this study was to identify legal challenges and assess the implementation of labour legislation in the human resource management of small and medium-sized enterprises in the Balkan region. To achieve this aim, the study set the following objectives: to analyse and compare the key provisions of labour legislation in Kosovo, Albania, and North Macedonia that regulate essential aspects of HRM in SMEs; to compare the legislation of the countries studied with international labour standards; and to identify and systematise the legal challenges and issues faced by SMEs.

Materials and Methods

This study was of a theoretical and comparative-legal nature and was aimed at a comprehensive examination of the legal aspects of HRM in SMEs within the specific geographic and economic context of the Western Balkans, specifically Kosovo, Albania, and North Macedonia. The research methodology was based on a multifaceted analysis of various types of sources to ensure the depth and objectivity of the findings. The primary research method was the analysis of legal and regulatory acts governing labour relations and SME activities in Kosovo, Albania, and North Macedonia. Particular attention was paid to their Constitutions: Constitution of the Republic of Kosovo (2008), Constitution of Albania (1998), Constitution of the Republic of North Macedonia (1991) and core labour laws: Law of Republic of Kosovo No. 03/L-212 “On Labour” (2010), Labour Code of the Republic of Albania (1995), Labour Relations Law of the Republic of North Macedonia (2025). The analysis of these

documents involved identifying and systematising provisions relating to key aspects of HRM.

An essential component of the methodology was the comparative analysis of national legislation in the selected countries with relevant international labour standards. National norms were compared with conventions and recommendations of the International Labour Organization (1962; 1970; 1982). The comparison also included key European Union (EU) directives in the socio-labour domain: No. 2003/88/EC (2003), No. 2019/1152 (2019). This analysis enabled an assessment of the degree of harmonisation of national legal systems.

In addition, international reports and publications from the Organisation for Economic Co-operation and Development (OECD) (2020), the Support for Improvement in Governance and Management (SIGMA) Programme (Organisation for Economic Co-operation and Development, 2023), and the Employment and Social Affairs Platform (ESAP) (Regional Cooperation Council, 2021) were analysed. These sources provided information on public administration, social rights, labour markets, the SME business environment, and practical challenges in implementing labour legislation in the Western Balkans, contributing to a contextual understanding of HRM issues in SMEs in the region.

Another component of the study involved analysing available case law on labour disputes in Kosovo, Albania, and North Macedonia. This analysis included the review of specific rulings and precedents, as well Judgment of the European Court of Human Rights No. 4586/18 (2022); Qirushi and Adrianov, 2023; Constitutional Court of the Republic of North Macedonia, 2004) and the Constitutional Court of Kosovo (Judgment of the Special Chamber of the Supreme Court in Case No. KI190/22, 2024; Judgment of the Supreme Court of the Republic of Kosovo in Case No. KI38/23, 2024), including the case involving

workers of the Kosovo Energy Corporation (KEK) (Over 1,000 workers..., 2022). Published judgments relating to the interpretation and application of labour law norms were examined to identify key trends in enforcement and the effectiveness of judicial protection of labour rights. A separate line of analysis focused on the state of digitalisation in legislative processes. This involved studying the operation of official government electronic portals – Official Gazette of the Republic of Kosovo (2025), Official Publications Center (2025), Enerunique National Electronic Register of Regulations of the Republic of North Macedonia (2025). The synthesis of information from these diverse sources enabled the formation of a comprehensive picture of the legal environment of HRM in SMEs across the countries studied.

Results

General characteristics of legal regulation and comparative analysis of key aspects of labour relations.

The effectiveness of legal regulation of human resource management in Kosovo, Albania, and North Macedonia largely depends on the level of legal culture and awareness among economic actors, particularly SME managers. Available data indicates significant gaps in SME employers' understanding, especially in Albania, of key provisions of labour legislation, which directly correlates with the prevalence of informal practices in labour relations. This situation reflects broader systemic challenges related to the rule of law and the quality of governance in the Western Balkans, as confirmed by international assessments such as the Government at a glance: Western Balkan (Organisation for Economic Co-operation and Development, 2020). A substantial gap remains between the countries of the region and OECD-EU member states in ensuring the rule of law, manifested in low public trust in the judiciary and persistent problems in ensuring real equality before the law.

Although the legislative frameworks of the countries studied are generally aligned with European standards – as evidenced by the ratification of the European Charter of Local Self-Government (1985) by all three – effective implementation and legal enforcement remain major issues, particularly at the local level. The insufficient legal literacy of SME managers is one manifestation of these deeper systemic weaknesses. This situation creates fertile ground for the spread of informal labour practices, which not only contradict national laws but also conflict with international decent work standards enshrined in the International Labour Organization (2025) and the fundamental The European Pillar of Social Rights in 20 Principles (2025).

Notably, Principle 7 of the “The European Pillar of Social Rights in 20 Principles” (2025) affirms the worker’s right to receive complete information about the conditions of their employment – an obligation often ignored under informal employment. The regional overview of the Western Balkans prepared by ESAP also confirms that ensuring fair and transparent working conditions remains a serious challenge in the region, despite progress in legislative harmonisation (Regional Cooperation Council, 2021). Employers’ critical lack of awareness of their obligations – such as proper employment contract documentation and adherence to dismissal procedures – poses significant and direct risks to workers, leading to rights violations and reduced access to social protection.

The Constitution of the Republic of Kosovo (2008), Article 49, guarantees the right to work and the free choice of profession. The Constitution of Albania (1998), Article 49, similarly guarantees everyone the right to earn a living through lawful work of their choice, freedom to choose profession, workplace, and qualification system, as well as the right to social protection at work. Likewise, the Constitution of the Republic of North Macedonia (1991), Article 32, guarantees everyone

the right to work, free choice of employment, workplace protection, and material support during temporary unemployment. However, the significant gap between constitutional declarations and actual practice, particularly the high level of informality, is confirmed by international reports (Organisation for Economic Co-operation and Development, 2020; Regional Cooperation Council, 2021). The ESAP report specifically noted that informal workers were disproportionately affected during the COVID-19 pandemic due to lack of access to social support (Regional Cooperation Council, 2021).

A comparative analysis of labour legislation regarding types and forms of employment contracts reveals the presence of basic regulations but also significant differences in detail and enforcement. The legislation of all three countries provides for both indefinite and fixed-term employment contracts. Law of Republic of Kosovo No. 03/L-212 “On Labour” (2010) of Kosovo explicitly defines types of contracts. Article 10 of this law states that contracts may be concluded for an indefinite period, for a definite period, or for the execution of specific tasks. Furthermore, under Kosovo law, a fixed-term contract is considered indefinite if renewed continuously for 10 years. Labor Code of the Republic of Albania (1995) also regulates labour relations and provides for both indefinite and fixed-term contracts. Chapter V of the Code is dedicated to the different types of employment contracts, with various articles regulating both types, confirming their legal standing.

The Labour Relations Law of the Republic of North Macedonia Macedonia (2025) of is the main act governing this sphere. It allows for contracts to be concluded for both indefinite and definite periods (limited to five years). Article 46, for instance, regulates fixed-term contracts, confirming their existence alongside indefinite contracts as a standard form. These provisions aim to limit

precarious employment. Regarding contract form, the Labour Relations Law of North Macedonia and Law of Republic of Kosovo No. 03/L-212 (2010) require written employment contracts. Albania's Labour Code also prescribes written form but permits oral agreements. This legislative flexibility in Albania contributes to a greater prevalence of oral arrangements compared to North Macedonia and Kosovo, where stricter legal requirements for written contracts apply. Such practices

contravene international standards, particularly Directive of the European Parliament and of the Council No. 2019/1152 (2019) on transparent and predictable working conditions, which mandates that workers be provided with written information on key terms of employment. The absence of a written contract significantly complicates the protection of employee rights. Table 1 summarises the key aspects of employment contracts and probationary periods.

Table 1. Comparative table of employment contract aspects and probation periods

Aspect	Kosovo	Albania	North Macedonia
Types of employment contracts	Open-ended, fixed-term, for specific tasks	Open-ended, fixed-term (regulated in Chapter V of the Code)	Open-ended (standard form), fixed-term (regulated, e.g., Art. 46)
Conversion of fixed-term to open-ended	After 10 years of continuous renewal	Considered open-ended if exceeding 3 years or renewed more than twice for the same position	Fixed-term contracts limited to a maximum of 5 years
Form of employment contract	Written form mandatory	Written (oral form allowed, which contributes to its prevalence)	Written form mandatory
Maximum probation period	6 months (specified in the contract)	3 months (may be reduced or waived by agreement)	4 months (3 working days for seasonal workers)
Notice during probation	7 days (both parties)	5 days (during the first month); thereafter - general notice periods (from 2 weeks)	3 days (when terminating a fixed-term contract during probation)
Consequences of unsuccessful probation	Employment becomes permanent if not terminated	Employment contract may be terminated unilaterally with due notice	Employment contract becomes void

Source: compiled by the author based on Labour Code of the Republic of Albania (1995), Law of the Republic of Kosovo No. 03/L-212 "On Labour" (2010), Labour Relations Law of the Republic of North Macedonia (2025)

The analysis of national legislation reveals that probationary procedures are regulated by the respective labour codes, although with notable differences. According to available data, Law of Republic of Kosovo No. 03/L-212 (2010) stipulates that the probation period must be specified in the employment contract and shall not exceed six (6) months. A key feature is that either the employer or the employee may terminate the employment relationship during this period by giving seven (7) days' notices. If the employment continues beyond the six-month period without termination, it is deemed permanent. Labor Code of the Republic of Albania (1995) provides for a shorter maximum probation period of three

(3) months. This period may be reduced or even omitted by mutual written agreement. In North Macedonia, the Labour Relations Law (2025) likewise permits a probationary period by agreement of the parties, with a maximum length of four (4) months. An exception applies to seasonal workers, whose probation may not exceed three working days. In cases of unsuccessful probation, the employment contract is rendered void.

Additionally, termination of fixed-term contracts during probation is allowed with a three-day notice. These provisions generally align with international practice; however, the practical application within SMEs and potential abuses highlight the need for further improvement in

legislation. This also relates to the principle of equal opportunities and non-discrimination enshrined both in international instruments and national constitutions – Constitution of the Republic of North Macedonia (1991), Constitution of Albania (1998), Constitution of the Republic of Kosovo (2008). The Constitution of the Republic of Kosovo (2008) (Art. 24) explicitly prohibits discrimination on grounds such as race, colour, gender, language, religion, political or other beliefs, national or social origin, association with any community, property, economic and social status, sexual orientation, birth, disability, or any other personal status. The Constitution of Albania (Art. 18) includes a similar list of prohibited grounds. Constitution of the Republic of North Macedonia (Art. 9) guarantees equality regardless of gender, race, skin colour, national and social origin, political and religious beliefs, property and social status. The absence of a systematic approach to candidate selection in Albania and partially in Kosovo may result in subjectivity and potential discrimination in hiring practices.

Compliance with working time standards and the provision of fair and formal remuneration are fundamental rights reflected in the constitutional provisions of all three countries. The Constitution of the Republic of North Macedonia (1991), Constitution of Albania (1998), Constitution of the Republic of Kosovo (2008) guarantee the right to work (Kosovo, Art. 49; Albania, Art. 49; North Macedonia, Art. 32) and social protection (Kosovo, Art. 51; Albania, Art. 52; North Macedonia, Art. 34), which includes the protection of working conditions. These constitutional guarantees are further specified in the labour legislation of Kosovo, Albania, and North Macedonia, which establishes a 40-hour working week and the right to daily and weekly rest, in line with international standards such as Directive of the European Parliament and of the Council No. 2003/88/EC (2003) and the

R116 – Reduction of Hours of Work Recommendation (1962).

Law of Republic of Kosovo No. 03/L-212 (2010) sets a standard 40-hour week, requiring at least twelve (12) consecutive hours of daily rest and a weekly rest period of no less than twenty-four (24) continuous hours (Art. 30). Labour Code of the Republic of Albania (1995) similarly provides for a 40-hour week (maximum 8 hours per day), 11 consecutive hours of daily rest, and a minimum weekly rest of 36 hours, typically including Sunday. Labour Relations Law (2025) of North Macedonia stipulates the same 40-hour week, 12-hour daily rest, and a 24-hour minimum weekly break.

All three countries legislate overtime compensation. Albania's Code mandates at least a 25% premium over the regular hourly wage or compensatory time off exceeding the overtime by at least 25%. Kosovo limits overtime to 8 hours per week and requires payment for it. North Macedonia mandates compensation according to law or collective agreements. Annual paid leave is guaranteed in line with international standards, particularly the C132 – Holidays with Pay Convention (1970), which recommends at least three weeks of paid holiday. Kosovo grants four (4) weeks (20 working days), regardless of whether the employee is full- or part-time. Additionally, one extra day is granted for every five years of service. Those working under hazardous conditions are entitled to at least 30 working days, while mothers of children under three, single parents, and persons with disabilities are granted two additional days. Albania ensures a minimum of 20-22 working days, and North Macedonia generally provides 20-26 days depending on collective agreements and seniority. Sick leave provisions vary: in Kosovo – up to 20 days annually; in Albania – the first 14 days paid by the employer at a minimum of 80% of wages, thereafter paid from social insurance funds.

Maternity leave is extensive and constitutionally protected (Albania, Art. 54; North Macedonia, Art. 42) in accordance with the ILO (2000) "C183 - Maternity Protection Convention" (Constitution of the Republic of North Macedonia, 1991; Constitution of Albania, 1998). Kosovo allows up to 12 months of maternity leave, with 70% wage compensation for the first six months paid by the employer, 50% by the government for the next three, and the final three months unpaid. Albania grants 1 year, with approximately five months covered at 80% and the remainder at 50%. North Macedonia grants nine months of paid maternity leave. However, paternity leave remains underdeveloped: it is not provided in Albanian law, is limited to 7 days in North Macedonia, and only emerging initiatives exist in Kosovo - indicating slow progress towards gender-balanced caregiving and the implementation of Principle 9 of the European Pillar of Social Rights (EPSR) (The European Pillar..., 2025).

The level of official wages is a critical indicator of legal compliance. The widespread practice of undeclared "envelope wages" undermines constitutional guarantees of social protection by depriving workers of proper contributions, which negatively affects access to benefits like sick leave and pensions (Constitution of the Republic of North Macedonia, 1991; Constitution of Albania, 1998; Constitution of the Republic of Kosovo, 2008). It also contravenes Principle 6 of the EPSR (The European Pillar..., 2025), which guarantees the right to fair remuneration. According to ESAP, this remains a systemic issue in the region (Regional Cooperation Council, 2021).

Procedures for terminating employment relationships are comprehensively regulated by the national legislation of Kosovo, Albania, and North Macedonia, which generally aligns with international standards, notably the C158 - Termination of Employment Convention (1982). Article 4 of this Convention requires a valid reason for

dismissal, relating to the employee's conduct or capacity, or the operational needs of the undertaking. National labour laws specify these grounds in greater detail. The Law of Republic of Kosovo No. 03/L-212 (2010) and the Labour Relations Law of the Republic of North Macedonia (2025) include such grounds as gross misconduct, unsatisfactory performance, or economic and organisational reasons. Similarly, Labor Code of the Republic of Albania (1995) provides for dismissal on justified grounds. Mutual agreement remains the most common method of termination in practice (Albania - 69%, Kosovo - 61%, North Macedonia - 48%) and is legally recognised, though it requires voluntariness from both parties.

Procedural safeguards, such as written notification and notice periods, are of critical importance. Article 11 of the C158 - Termination of Employment Convention (ILO, 1982) mandates the provision of "a reasonable period of notice or compensation in lieu thereof". National legislation establishes specific notice periods, typically based on length of service: in Kosovo - 30 days (6 months to 2 years of service), 45 days (2-10 years), and 60 days (over 10 years) for open-ended contracts; in Albania - 1 to 3 months, depending on seniority; in North Macedonia - from a minimum of 1 month up to a maximum of 3 months. Written notice with an explanation of the grounds is required in all three countries. Severance pay is also regulated, though the conditions vary: in Kosovo, it is mandatory in cases of collective dismissals; in North Macedonia, it applies to dismissals on economic grounds; in Albania, it is contingent on the employee's length of service. The constitutions of the respective countries guarantee the right to judicial protection, including the right to challenge dismissal in court (Constitution of the Republic of North Macedonia, 1991; Constitution of Albania, 1998; Constitution of the Republic of Kosovo, 2008).

An analysis of legal challenges and the interaction of small and medium-sized enterprises (SMEs) with the legal system reveals several core issues. Infrequent inspections amidst high informality, particularly in Albania, point to the inefficiency of state oversight. The SIGMA Report also highlights the need to enhance the effectiveness and coordination of state supervisory functions (Organisation for Economic Co-operation and Development, 2023). The most challenging aspects of labour law for SMEs (contract formalisation, overtime payment, dismissal procedures, working time records, informal wages, tax reporting) reflect key issues of law enforcement. These persist despite constitutional guarantees of the right to work, social protection, and equality before the law.

The Organisation for Economic Co-operation and Development (2020) report emphasised the importance of SME access to quality business services, including legal assistance, as a condition for sustainable growth. Constitutional provisions on economic freedom (Albania – Art. 11, North Macedonia – Art. 55) and property rights (Kosovo – Art. 46, Albania – Art. 41, North Macedonia – Art. 30) provide a framework for SME operation. However, as shown by international reports and enforcement practices, compliance with labour and tax legislation remains complex, creating significant barriers to the practical realisation of these constitutional principles.

Analysis of judicial practice in labour disputes. Albania's judicial practice in the field of labour relations demonstrates proactive protection of workers' rights in cases of unlawful dismissals, particularly when collective dismissal procedures are violated. As illustrated by the case of Alba Call, courts deemed the dismissal of 188 employees unlawful due to failure to follow the procedure stipulated in the Labour Code and ordered substantial compensation (Zylfijaj & Shaqiri, 2023; Kryeziu, 2025). This underscores the importance of procedural justice and the courts' willingness

to hold employers financially accountable. Another notable example is the case of the former Governor of the Bank of Albania, Adrian Fullani, in which the courts found his dismissal following arrest (despite subsequent acquittal) to be unlawful and ordered the payment of his salary for the remainder of his term (Judgement of the European Court of Human Rights No. 4586/18, 2022). This ruling highlights the protection of labour rights for high-ranking officials and the necessity of a final court decision before dismissal based on alleged misconduct. Meanwhile, the case law of Albania's Supreme Court draws a clear distinction in legal regulation: relationships between company administrators and companies themselves are not subject to labour law and are instead governed by civil and commercial legislation (Qirushi & Adrianov, 2023). This establishes an important precedent for the classification of legal relations in corporate governance.

In North Macedonia, judicial practice – particularly decisions of the Constitutional Court – plays a major role in shaping labour law and securing constitutional rights, especially in the public sector. In 2021, the Constitutional Court ruled that provisions establishing a special procedure for dismissing civil servants due to “service necessity” were unconstitutional, citing violations of equality and legal certainty. The decision aimed to harmonise grounds for termination and prevent potential abuse. Another significant ruling involved the temporary suspension of the “Balancer” mechanism, which introduced ethnic quotas for public sector employment (Constitutional Court of the Republic of North Macedonia, 2004). The court responded to the State Anti-Corruption Commission's concerns over the constitutionality of requiring candidates to declare their ethnic background, demonstrating the judiciary's active role in preventing discrimination in recruitment. A further illustrative case involved a worker dismissed by the company Feni for a Facebook post

(Najcevska *et al.*, 2019). The court in Kavadarci ruled the dismissal unlawful, setting a precedent for protecting freedom of expression and limiting employer discretion over off-duty conduct on social media.

In Kosovo, the Constitutional Court has emphasised the safeguarding of fundamental labour rights, including the right to a fair trial and access to justice. In the case of Ramiz Isaku, who was denied compensation for unpaid wages for 2003-2004, the Court found that lower courts had violated his right to a fair hearing and ordered a retrial (Judgment in Case No. KI190/22, 2024). Similarly, in Judgment of the Supreme Court of the Republic of Kosovo in Case No. KI38/23 (2024),

where Flamur Dullhasi was denied a hearing on his claim of unlawful termination on the basis of missing the deadline, the Constitutional Court ruled that the Supreme Court had violated his right of access to justice. These cases underscore the importance of a flexible and fair approach to procedural deadlines in employment disputes. A landmark collective case involved more than 1,000 employees of the Kosovo Energy Corporation (KEK) (Over 1,000 workers..., 2022), who successfully sued for unpaid weekend work. The ruling, confirmed by the Supreme Court, highlights the effectiveness of collective protection of labour rights and the importance of employer compliance with wage laws (Table 2).

Table 2. Key aspects of judicial practice in labour disputes

Country	Type of Dispute/Issue	Decision
Albania	Collective dismissals	Dismissal deemed unlawful due to procedural violations; employer ordered to pay compensation (6 months' salary).
	Unlawful dismissal	Dismissal declared unlawful; employer ordered to pay salary for remainder of term.
	Classification of relations with company administrators	Such relations not covered by the Labour Code; governed by Civil and Commercial Codes.
North Macedonia	Termination in the public sector	Law provisions on "service necessity" termination declared unconstitutional (violation of equality and legal certainty).
	Ethnic quotas in public employment	"Balancer" mechanism temporarily suspended.
	Dismissal over Facebook post	Dismissal ruled unlawful; precedent set for protection of employee expression rights.
Kosovo	Unpaid wage compensation	Violation of right to a fair trial recognised; case returned for retrial.
	Access to justice in dismissal Cases	Procedural rejection ruled a violation of access to justice.
	Compensation for weekend work	Over 1,000 workers awarded compensation; decision upheld by Supreme Court.

Source: compiled by the author based on M. Najcevska *et al.* (2019), Over 1,000 workers win the contest for additional wages for weekend work in KEK (2022), Judgement of the European Court of Human Rights No. 4586/18 (2022), K. Qirushi and S. Adrianov (2023), Constitutional Court of the Republic of North Macedonia (2024), Judgment of the Supreme Court of the Republic of Kosovo in Case No. KI190/22 (2024), Judgment of the Supreme Court of the Republic of Kosovo in Case No. KI38/23 (2024), E. Kryeziu (2025)

The analysis of digital transformation in legislative processes in the studied countries became essential in light of the identified problem of low legal awareness among SME managers, as confirmed by international reports (Organisation for Economic Co-operation and Development, 2020). The development of digital platforms for

legislative access is a necessary state initiative aimed at increasing the transparency and accessibility of legal information, which directly affects SMEs' ability to manage human resources. These initiatives, part of broader strategies for digital transformation and European integration (Organisation for Economic Co-operation and

Development, 2022), offer potential to bridge the gap between formal legislation and actual practice in SMEs by simplifying access to up-to-date labour law provisions.

In Kosovo, the key tool supporting SME managers in HRM matters is the online platform “Official Gazette of the Republic of Kosovo”. This resource enables users to promptly verify current provisions of the Law of the Republic of Kosovo No. 03/L-212 (2010), such as the maximum duration of probation periods or maternity leave regulations. It reduces the risk of unintentional legislative violations caused by outdated information. The operation of such public resources complies with constitutional principles of transparency in public institutions (Constitution of the Republic of Kosovo, 2008). In Albania, the authorities have developed the “Electronic Registry for Public Notices and Consultations” (2025), a platform enabling SMEs and their associations to participate in consultations on labour-related legislative proposals, such as amendments to the Labour Code of the Republic of Albania (1995). This allows

entrepreneurs to provide feedback on regulations concerning overtime pay or dismissal procedures.

The “Official Publications Center” (2025) serves as a core repository of published laws required for daily HR activities, contributing to the realisation of the right to information (Constitution of Albania, 1998). North Macedonia presents a systematic approach through the “Enerunique National Electronic Register of Regulations of the Republic of North Macedonia” (ENER) (2025). For SME managers, this system is essential as it not only provides the Labour Relations Law (2025) text but also all related bylaws and clarifications. For instance, a manager planning staff reductions can use ENER to study all procedural requirements for collective dismissals and thus avoid litigation. The integration of regulatory impact assessment tools allows business leaders to better understand the rationale behind legislative changes, aligning with the rule of law principle (Constitution of the Republic of North Macedonia, 1991). Table 3 presents the summarised data on digital tools available to SMEs.

Table 3. Comparative analysis of digital legislative tools for SMEs

Aspect	Kosovo	Albania	North Macedonia
Main platform for accessing legislation	Official Gazette of the Republic of Kosova (online)	Electronic Registry for Public Notices and Consultations (online)	Enerunique National Electronic Register of Regulations of the Republic of North Macedonia (ENER) (online)
SME participation in law-making	Limited; no centralised platform for consultations.	Electronic register of notifications and public consultations.	ENER includes integrated modules for public consultations.
Practical benefit for HRM	Verification of the validity of laws and by-laws.	Access to legislation; possibility to comment on draft laws.	Centralised access to all labour legislation and tracking of amendments.
Internal parliamentary automation	Limited; implementation at initial stages.	Selective elements being implemented.	Fully functioning “E-Parliament” system for procedural automation.

Sources: compiled by the author based on Organisation for Economic Co-operation and Development (2022), Official Gazette of the Republic of Kosova (2025), Official Publications Center (2025), Enerunique National Electronic Register of Regulations of the Republic of North Macedonia (2025), Electronic Registry for Public Notices and Consultations (2025)

Although the countries under study are developing digital tools that could significantly facilitate compliance with labour legislation by SMEs,

their practical impact remains limited. The main findings of the study indicate that access to information does not automatically solve the problem

of its application (Regional Cooperation Council, 2021). Thus, digitalisation is a necessary but insufficient condition for overcoming challenges in the field of HRM (Hasanova & Najafova, 2025). The study of the legal regulation of human resource management in Kosovo, Albania, and North Macedonia reveals a complex landscape in which legislation formally harmonised with international standards faces significant challenges at the implementation stage. Key issues include the low level of legal awareness among SME employers, particularly in Albania, which contributes to the spread of informal labour practices and violations of workers' rights, despite constitutional guarantees. Comparative analysis of labour legislation shows both common approaches to the regulation of employment contract types, working hours, wages, and dismissal procedures, and national specificities, for example, in the requirements for the form of contracts or probationary periods. At the same time, analysis of case law demonstrates the active role of the judiciary, including constitutional courts, in protecting workers' rights to a fair hearing, adequate compensation, and access to justice, and in setting precedents on unfair dismissal, discrimination, and freedom of expression. Nevertheless, SMEs continue to face legal challenges related to the complexity of compliance, ineffective state oversight, and limited access to quality legal assistance, which hinders the full realisation of constitutional labour principles.

Discussion

This study identifies a significant gap between formal labour legislation and its practical implementation in small and medium-sized enterprises (SMEs) in the countries examined. The low level of formalisation of labour relations and insufficient legal awareness among employers most clearly manifest this gap. The results of this study are consistent with the long-run patterns documented by A. Asllani *et al.* (2025), who trace the

informal economy in the Balkans from 1996 to 2021 and demonstrate that, despite gradual declines, informality remains persistent and highly responsive to institutional and macroeconomic pressures. At the SME level, compliance challenges thus reflect the same macro-institutional environment in which informality functions as a stable structural feature rather than an exception.

Building on this institutional perspective, the findings also align with the logic advanced by C. Barra and A. Papaccio (2024), who link regulatory quality and governance effectiveness to reductions in the shadow economy. The evidence indicates that where oversight bodies are weak, sanctions lack credibility, and access to practical legal support is limited, SMEs tend to internalise non-compliance as a low-risk strategy, particularly under conditions of economic instability. This interpretation is reinforced by I. Geovani *et al.* (2021), who identify ineffective legal protection as a consequence of weak law enforcement agencies. In the context of the Balkans, the results indicate the necessity to enhance state oversight functions and to improve coordination among pertinent institutions. Low activity and limited effectiveness of labour inspections, combined with weak sanctions, create conditions in which SMEs are likely to disregard formal requirements, especially during periods of economic stress (Khamzina *et al.*, 2020). The constitutional judgment in Case No. KO27/21 in Kosovo illustrates these challenges clearly, as issues of jurisdictional separation between labour inspectors and courts escalated to constitutional review, underscoring systemic institutional fragmentation (Judgment of the Supreme Court of the Republic of Kosovo in Case No. KO27/2, 2022). Furthermore, the absence of effective preventive measures, such as accessible informational support, targeted educational programmes for SMEs, and consulting services on labour law, contributes to the persistence of high violation rates.

From a cross-country perspective, the finding that Albania relies more heavily on oral or weakly documented employment arrangements, thereby increasing disputes and weakening social protection, closely mirrors developments addressed in EU labour law. D. Georgiou (2022) notes that Directive (EU) 2019/1152 aims to strengthen worker protection by ensuring written information on essential employment terms, particularly in non-standard employment. Against this background, the persistent difficulty of SMEs in providing written contracts and complete employment information points to a “paper gap”: although formal rules exist, SMEs often lack the administrative capacity, incentives, or legal awareness needed for effective implementation. This gap has broader implications for legal harmonisation. Formal alignment with EU standards may remain largely symbolic unless accompanied by targeted, SME-oriented implementation measures. Kosovo’s constitutional case law, as referenced in this study, indicates that even where judicial protection exists, the costs, delays, and complexity of *ex post* dispute resolution cannot replace preventive formalisation. Jurisdictional and procedural fragmentation in Kosovo (Judgment of the Supreme Court of the Republic of Kosovo in Case No. K027/2, 2022) illustrates how institutional complexity can undermine the practical enforcement of transparency obligations despite clear substantive rights.

Judicial practice in the examined countries shows that courts can partially compensate for weak administrative enforcement by clarifying standards related to dismissal, access to justice, and unpaid wages. However, judicial protection remains structurally limited as a compliance mechanism for SMEs. Litigation is reactive, case-specific, and often inaccessible to precarious workers. This limitation aligns with M. Lasek-Markey’s (2024) analysis of post-ing-of-workers enforcement, which stresses that

formal rights require robust operational infrastructures, inspection capacity, information flows, and credible sanctions, to become effective. Consequently, litigation cannot substitute for routine enforcement in the SME context. EU-wide debates further demonstrate how cross-border mobility and complex supply chains exacerbate enforcement challenges. N. Lillie *et al.* (2025) conceptualise labour-standards enforcement as an “arms race” between institutional alignment and regulatory arbitrage. Although this study focuses on the Western Balkans, similar mechanisms apply: fragmented mandates, limited inspectorate resources, and weak coordination incentivise informal practices. Strengthening labour inspectorates therefore requires clearer mandates, improved coordination with courts, and, where relevant, cross-border cooperation.

Despite improved digital access to legislation in Kosovo, Albania, and North Macedonia, SMEs continue to exhibit low legal awareness (Rexhepi, 2023). This confirms that digital availability alone is insufficient. P.N.N.-H. Khorsand and T. Peráček (2023) show that digital working-time recording systems enhance transparency only when embedded in daily routines and supported by training and incentives. In the Western Balkans, working-time recording remains a major compliance weakness, suggesting the need for low-burden tools combined with guidance and inspections.

Finally, although the empirical focus of this study is on SMEs’ compliance with “classic” labour-law obligations, such as contracts, wages, working time, and termination, the broader European regulatory trajectory suggests that non-standard and digitally mediated forms of work will place additional strain on enforcement systems. E. Alogogianni and M. Virvou (2023) demonstrate that machine-learning methods can improve detection of undeclared work under capacity constraints. S. Fredman *et al.* (2025) and

L. Di Cataldo (2024) interpret the EU Platform Work Directive as a response to misclassification risks and algorithmic control, signalling stronger presumptions and transparency obligations. J.L. Polo (2025) adds that a universal regulatory mandate for platform work must account for divergent national contexts and implementation capacities. This perspective is particularly relevant for the Western Balkans, where institutional capacity constraints mean that ambitious legal transplants may fail to produce tangible outcomes without phased implementation, administrative support, and context-sensitive enforcement strategies. In this sense, the findings concerning the limits of formal harmonisation anticipate challenges similar to those identified at the international level: ambitious norms require institutional fit and feasible enforcement mechanisms to become effective.

The findings demonstrate that persistent labour-law non-compliance among SMEs in the Western Balkans is driven less by the absence of formal legal standards than by structural weaknesses in enforcement, institutional coordination, and preventive support. While judicial mechanisms can partially mitigate these gaps, they remain reactive and insufficient as primary compliance tools. Effective implementation therefore requires a shift toward integrated enforcement strategies that combine credible inspections, accessible legal guidance, and practical, low-burden compliance instruments tailored to SME capacities. Without such measures, formal harmonisation with European labour standards is likely to remain largely symbolic, with limited impact on everyday employment practices.

Conclusions

The conducted study on the legal aspects of HRM in SMEs in Kosovo, Albania, and North Macedonia has achieved its objectives by analysing national legal frameworks, international reports, and

judicial practice. The findings reveal that despite the general trend of harmonising national labour laws with ILO standards and EU norms, there exists a significant gap between formal legal requirements and their practical implementation in SMEs across the region. This gap manifests in various areas, including the conclusion and documentation of employment contracts, working time recording, remuneration, and termination procedures. At the same time, all three countries have made progress in developing digital tools for accessing legislation, offering potential for improved compliance. International reports indicate that low levels of legal awareness among SME managers, particularly in Albania, combined with systemic challenges in rule of law and governance, contribute to the persistence of informal practices and non-compliance with labour norms.

The judicial practice in all three countries reflects the efforts of courts to protect workers' rights (e.g., in cases of unlawful dismissal, compensation claims, or access to justice), while simultaneously revealing the complexities of law enforcement and gaps in legal regulation or its interpretation, which require further attention. Key problematic areas identified through the analysis include insufficient formalisation of employment relationships, such as the use of civil contracts to conceal employment; difficulties in securing adequate compensation for overtime; incomplete wage declarations; and the failure to follow due procedures during dismissals. Weak institutional oversight and limited access to qualified legal support for SMEs further aggravate these issues.

Based on the obtained results, several practical recommendations can be proposed to improve the situation: development and implementation of targeted awareness-raising and educational programmes for SME owners and managers on key labour law norms, the importance of formalising employment relations, proper documentation

practices, and the use of available public digital registers and legal tools; exploring opportunities to simplify selected administrative procedures related to HRM, without compromising the protection of employee rights; strengthening the capacity and efficiency of labour inspectorates and other supervisory authorities to ensure effective monitoring of labour law compliance, with clear delineation of responsibilities between administrative and judicial bodies; creating mechanisms to facilitate SME access to qualified legal and HR consultancy services; encouraging social dialogue and the dissemination of best HRM practices among SMEs.

At the same time, several limitations of this study should be acknowledged. Firstly, the analysis relied on available legislative texts, published international reports, and a limited body of judicial decisions, which may not fully capture the complexity and diversity of law enforcement

practices at the SME level in each country. Secondly, the availability of detailed case law specific to SMEs is limited, and published decisions from higher courts do not always represent the full spectrum of labour disputes. Promising directions for future research include an in-depth comparative analysis of the effectiveness of various enforcement mechanisms, such as labour inspections, court proceedings, and mediation, in resolving labour disputes in SMEs across the studied countries.

Acknowledgements

None.

Funding

The study was not funded.

Conflict of Interest

None.

References

- [1] Alogogianni, E., & Virvou, M. (2023). Handling class imbalance and class overlap in machine learning applications for undeclared work prediction. *Electronics*, 12(4), article number 913. [doi: 10.3390/electronics12040913](https://doi.org/10.3390/electronics12040913).
- [2] Asllani, A., Tzivanakis, N., & Schneider, F. (2025). Unveiling the shadows: Tracing the informal economy in the Balkans from 1996 to 2021. *Post-Communist Economies*, 37(8), 1093-1124. [doi: 10.1080/14631377.2025.2566418](https://doi.org/10.1080/14631377.2025.2566418).
- [3] Barra, C., & Papaccio, A. (2024). Does regulatory quality reduce informal economy? A theoretical and empirical framework. *Social Indicators Research*, 172, 543-567. [doi: 10.1007/s11205-024-03319-6](https://doi.org/10.1007/s11205-024-03319-6).
- [4] Binaku, M., & Ismajli, S. (2024). The respect for the rights of employees in the private and public sectors: Evidence from a developing economy. *Corporate Law & Governance Review*, 6(1), 77-84. [doi: 10.22495/clgrv6i1p8](https://doi.org/10.22495/clgrv6i1p8).
- [5] Cera, E., & Subashi, R. (2024). How do commitment-based HRM practices and a developmental culture interact to foster open innovation in SMEs? *Problems and Perspectives in Management*, 22(1), 231-243. [doi: 10.21511/ppm.22\(1\).2024.20](https://doi.org/10.21511/ppm.22(1).2024.20).
- [6] Clibborn, S., & Hanna-Osborne, S. (2023). The employer perspective on wage law non-compliance: State of the field and a framework for new understanding. *Industrial Relations: A Journal of Economy and Society*, 62(4), 411-438. [doi: 10.1111/irel.12333](https://doi.org/10.1111/irel.12333).
- [7] Constitution of Albania. (1998, November). Retrieved from <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC072561/>.

- [8] Constitution of the Republic of Kosovo. (2008, April). Retrieved from <https://surl.lt/vrslkl>.
- [9] Constitution of the Republic of North Macedonia. (1991, September). Retrieved from https://www.sobranie.mk/the-constitution-of-the-republic-of-macedonia-ns_article-constitution-of-the-republic-of-north-macedonia.nspx.
- [10] Constitutional Court of the Republic of North Macedonia. (2004). *Most important case-law (summary decisions)*. Retrieved from <https://ustavensud.mk/archives/12437>.
- [11] Di Cataldo, L. (2024). Improving working conditions in platform work. A comment about the agreement reached on the European directive. *Italian Labour Law E-Journal*, 17(1), 131-152. doi: 10.6092/issn.1561-8048/19793.
- [12] Directive of the European Parliament and of the Council No. 2003/88/EC "Concerning Certain Aspects of the Organisation of Working Time". (2003, November). Retrieved from <https://eur-lex.europa.eu/eli/dir/2003/88/oj/eng>.
- [13] Directive of the European Parliament and of the Council No. 2019/1152 "On Transparent and Predictable Working Conditions in the European Union". (2019, July). Retrieved from <https://eur-lex.europa.eu/eli/dir/2019/1152/oj/eng>.
- [14] Electronic Registry for Public Notices and Consultations. (2025). *List of reports for all institutions*. Retrieved from <https://www.konsultimipublik.gov.al/Konsultime/ListaeRaporteve>.
- [15] Enerunique National Electronic Register of Regulations of the Republic of North Macedonia. (2025). *Regulations*. Retrieved from <https://ener.gov.mk/Default.aspx>.
- [16] European Charter of Local Self-Government. (1985, October). Retrieved from <https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatyid=122>.
- [17] European Commission. (2024). *Kosovo 2024 report*. Retrieved from <https://surl.li/pzbrpj>.
- [18] Fredman, S., Du Toit, D., Bertolini, A., Valente, J., & Graham, M. (2025). Fair work for platform workers: Lessons from the EU Directive and beyond. *Industrial Law Journal*, 54(3), 425-457. doi: 10.1093/indlaw/dwaf018.
- [19] Georgiou, D. (2022). The new EU Directive on Transparent and Predictable Working Conditions in the context of new forms of employment. *European Journal of Industrial Relations*, 28(2), 193-210. doi: 10.1177/09596801211043717.
- [20] Geovani, I., Nurkhotijah, S., Kurniawan, H., Milanie, F., & Nur Ilham, R. (2021). Juridical analysis of victims of the economic exploitation of children under the age to realize legal protection from human rights aspects (Research study at the office of social and community empowerment in Batam city). *International Journal of Educational Review, Law and Social Sciences*, 1(1), 45-52. doi: 10.54443/ijerlas.v1i1.10.
- [21] Hasanova, J., & Najafova, K. (2025). Digitization, automation problems and solutions in small business on the example of Azerbaijan. *WSEAS Transactions on Business and Economics*, 22, 1358-1369. doi: 10.37394/23207.2025.22.110.
- [22] Institute of Statistics. (2023). *Statistics on small and medium enterprises, 2023*. Retrieved from <https://www.instat.gov.al/media/ikyjfhyyp/results-on-sme-2023.pdf>.
- [23] International Labor Organization. (1962). *R116 – Reduction of Hours of Work Recommendation No. 116*. Retrieved from <https://surl.lu/iketwa>.
- [24] International Labor Organization. (1970). *C132 – Holidays with Pay Convention (revised), No. 132*. Retrieved from <https://surl.lu/jhrjgt>.

- [25] International Labor Organization. (1982). *C158 – Termination of Employment Convention (No. 158)*. Retrieved from <https://surl.li/hhapjb>.
- [26] International Labor Organization. (2000). *C183 – Maternity Protection Convention (No. 183)*. Retrieved from <https://surl.li/ebmkzr>.
- [27] International Labour Organization. (2025). *International labour standards*. Retrieved from <https://www.ilo.org/international-labour-standards>.
- [28] Judgement of the European Court of Human Rights No. 4586/18 “Adrian Fullani v. Albania”. (2022, September). Retrieved from <https://surl.li/ieoyr>.
- [29] Judgment of the Special Chamber of the Supreme Court in Case No. KI190/22 “Ramiz Isaku”. (2022, August). Retrieved from https://gjk-ks.org/wp-content/uploads/2024/09/ki_190_22_agj_ang.pdf.
- [30] Judgment of the Supreme Court of the Republic of Kosovo in Case No. KI38/23 “Flamur Dylhasi”. (2022, October). Retrieved from <https://surl.li/wbgegc>.
- [31] Judgment of the Supreme Court of the Republic of Kosovo in Case No. KO27/2. (2022, December). Retrieved from https://gjk-ks.org/wp-content/uploads/2022/12/ko_27_21_agj_ang.pdf.
- [32] Kalamatiev, T., & Murdzev, N. (2022). [The notion of digital labour platforms and the european incentive for improvement of the working conditions of the platform workers](#). *HARMONIUS: Journal of Legal and Social Studies in South East Europe*.
- [33] Karma, E., & Pinto, V. (2021). Explaining the undeclared work in Albania. An empirical research in Durres and Tirana. *Euro-Balkan Law and Economics Review*, 1. doi: 10.15162/2612-6583/1228.
- [34] Khamzina, Z., Buribayev, Y., Yermukanov, Y., & Alshurazova, A. (2020). Is it possible to achieve gender equality in Kazakhstan: Focus on employment and social protection. *International Journal of Discrimination and the Law*, 20(1), 5-20. doi: 10.1177/1358229120927904.
- [35] Khorsand, P.N.N.-H., & Peráček, T. (2023). Implementation of a working time recording system as a digital management tool in public administration. *Administrative Sciences*, 13(12), article number 253. doi: 10.3390/admsci13120253.
- [36] Kryeziu, E. (2025). *Another employee wins in court against collective vacations in the call center*. Retrieved from <https://surl.lt/adcien>.
- [37] Labor Code of the Republic of Albania. (1995, July). Retrieved from <https://surl.lt/rbvdkn>.
- [38] Labour Relations Law of the Republic of Macedonia. (2025). Retrieved from <https://natlex.ilo.org/dyn/natlex2/natlex2/files/download/71332/MKD71332%20Eng.pdf>.
- [39] Lasek-Markey, M. (2024). Effective enforcement of the EU framework on the posting of workers: Empirical evidence. *European Labour Law Journal*, 15(4), 740-754. doi: 10.1177/20319525241255601.
- [40] Law of Republic of Kosovo No. 03/L-212 “On Labour”. (2010, December). Retrieved from <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2735&langid=2>.
- [41] Lillie, N., Brzozowska, A., Kall, K., Salamońska, J., & Matuszczyk, K. (2025). Transgovernmental labour standards enforcement in a Pan-European labour market: An arms race between institutional alignment and regulatory arbitrage. *JCMS: Journal of Common Market Studies*, 63(3), 804-820. doi: 10.1111/jcms.13650.
- [42] Ministry of Economy and Labour of the Republic of North Macedonia. (2025). *Strategy for small and medium enterprises 2025-2030 of the Republic of North Macedonia*. Retrieved from <https://portal.mdt.gov.mk/post-body-files/strategii-met-file-kk4G.pdf>.

- [43] Najcevska, M., Cekikj, A., Blazeva, A., Shishovski, J., & Stojadinovic, S. (2019). *Analysis of workers' rights standards and their application in the Republic of North Macedonia*. Skopje: Helsinki committee for human rights of the Republic of Macedonia.
- [44] Official Gazette of the Republic of Kosovo. (2025). *Statistics*. Retrieved from <https://gzk.rks-gov.net/analyticreporting.aspx?index=14>.
- [45] Official Publications Center. (2025). *Acts archive*. Retrieved from <https://qbz.gov.al/eli/akte>.
- [46] Organisation for Economic Co-operation and Development. (2020). *Government at a glance: Western Balkans*. doi: 10.1787/a8c72f1b-en.
- [47] Organisation for Economic Co-operation and Development. (2022). *SME policy index: Western Balkans and Turkey 2022: Assessing the implementation of the Small Business Act for Europe*. doi: 10.1787/b47d15f0-en.
- [48] Organisation for Economic Co-operation and Development. (2023). *Subnational government in the Western Balkans*. Retrieved from [https://one.oecd.org/document/GOV/SIGMA\(2023\)1/en/pdf](https://one.oecd.org/document/GOV/SIGMA(2023)1/en/pdf).
- [49] Over 1,000 workers win the contest for additional wages for weekend work in KEK. (2022). Retrieved from <https://telegrafi.com/en/over-1-thousand-female-workers-win-the-contest-for-additional-wages-for-working-hours-during-the-weekend-in-Kek/>.
- [50] Piperkova, I., Djambaska, E., & Lozanoska, A. (2023). *Human resource practices in small businesses in Republic of North Macedonia*. *Economic Development / Ekonomiski Razvoj*, 25(1-2), 20-36.
- [51] Polo, J.L. (2025). Adopting a universal mandate on platform work: Balancing contrasting realities. *Tilburg Law Review*, 30(2), 65-95. doi: 10.5334/tilr.416.
- [52] Porkodi, S., Ahmad, A., & Tabash, B.K.H. (2024). Employee experience management and its critical impact on the sustainable development of an enterprise-a systematic literature survey with meta-analysis. *Journal of Sustainability Science and Management*, 19(4), 203-237. doi: 10.46754/jssm.2024.04.015.
- [53] Qirushi, K., & Adrianov, S. (2023). *Classification challenges: Analyzing the administrator – company relationship in the context of Albanian legislation*. Retrieved from https://www.ey.com/en_al/newsroom/classification-challenges-the-administrator-company-relationship.
- [54] Regional Cooperation Council. (2021). *Regional overview of Western Balkan economies regarding the European Pillar of Social Rights 2021*. Retrieved from <https://www.rcc.int/pubs/128/regional-overview-of-western-balkan-economies-regarding-the-european-pillar-of-social-rights-2021>.
- [55] Rexhepi, B.R. (2023). Impact of remittances on Kosovo's economic development and poverty reduction. *Quality – Access to Success*, 24(195), 347-359. doi: 10.47750/QAS/24.195.41.
- [56] Ristovski, A. (2023). *The 'gray' area between employment and self-employment: Legal approaches to formalizing informal work and reducing precariousness in the context of Macedonian labour law*. *Iustinianus Primus Law Review*, 14(1).
- [57] The European Pillar of Social Rights in 20 Principles. (2025). Retrieved from https://employment-social-affairs.ec.europa.eu/european-pillar-social-rights-20-principles_en.
- [58] Williams, C.C., & Gashi, A. (2022). Formal institutional failings and informal employment: Evidence from the Western Balkans. *The South East European Journal of Economics and Business*, 17(2), 83-95. doi: 10.2478/jeb-2022-0016.
- [59] Zylfijaj, K., & Shaqiri, M. (2023). *The role of vocational education and training in bridging the skills gap in the labour market*. *UBT International Conference*, 11.

Правові аспекти управління людськими ресурсами в малих і середніх підприємствах

Ментор Шакірі

Доктор наук з господарського права та економічних наук, доцент
УБТ коледж
10000, вул. Рексхеп Краснікі, 56, м. Приштина, Республіка Косово
<https://orcid.org/0000-0002-4656-2450>

Анотація

Метою цього дослідження було виявлення правових викликів та оцінка відповідності практик управління людськими ресурсами в малих і середніх підприємствах міжнародним стандартам з метою обґрунтування шляхів удосконалення правозастосування. Методологія дослідження ґрунтувалася на порівняльному аналізі чинного трудового законодавства обраних країн, вивченні відповідних міжнародних трудових стандартів, аналізі вторинних даних міжнародних звітів, а також дослідженні наявної судової практики у сфері трудових спорів. Міжнародні опитування та судові рішення засвідчили значний розрив між офіційним трудовим законодавством розглянутих держав, яке загалом відповідає міжнародним принципам, і його практичним застосуванням у малих і середніх підприємствах. Попри створення цифрових правових реєстрів з метою підвищення прозорості, їхній потенціал щодо підвищення рівня правової обізнаності малих і середніх підприємств залишається недостатньо дослідженим. Усі три країни мають розвинене законодавство у сфері трудових відносин, однак його реалізація є проблематичною. Трудові спори та міжнародні огляди свідчать, що неформальні практики, особливо в Албанії, ускладнюють документальне оформлення трудових договорів, виплату офіційної заробітної плати та дотримання процедур звільнення. Міжнародні звіти також вказують на низький рівень правової обізнаності роботодавців і інституційні недоліки у сфері нагляду та правозастосування як ключові чинники недотримання законодавства. Дослідженням обґрунтовано необхідність розроблення та впровадження комплексних заходів, спрямованих на підвищення правової культури роботодавців малих і середніх підприємств, посилення інституційної спроможності регуляторних органів і покращення доступу до кваліфікованої правової допомоги в Косові, Албанії та Північній Македонії з метою подолання розриву між законодавством і практикою

Ключові слова: трудове право; правове дотримання; неформальна зайнятість; трудове регулювання; управління людськими ресурсами