

REPUBLIC OF ALBANIA

(REPUBLIKA E SHQIPËISË)



BACKGROUND AND LEGAL SYSTEM

LEGAL SYSTEM	Civil law system.
POLITICAL SYSTEM	Parliamentary Republic.
HEAD OF STATE	President, elected by a three-fifths majority vote of all Assembly members. The President serves a term of 5 years with right to one re-election.
HEAD OF GOVERNMENT	Prime Minister, appointed by the President and approved by a simple majority of all members of the Assembly.
SUBNATIONAL ENTITIES	As of 2000, Albania is divided into 12 prefectures (<i>qark</i>), and subdivided into 36 districts (<i>rrethe</i>). The capital is Tirana.
SUBLOCAL ENTITIES	There are 65 municipalities and 309 communes.
TRANSLITERATION SYSTEM	None.
LANGUAGES	Albanian (Tosk is the official dialect), Greek.

NOTE ON
ALBANIAN LEGAL
PUBLICATIONS

Publications of legislation and information on Albania's legal system are sparse. Compilations of active legislation are cursory and reflect only a small portion of legislative activity in Albania. The official gazette, which possesses laws, regulations, international agreements, and the decisions of the Constitutional Court and the Supreme Court, is incomplete.

CONSTITUTION

OFFICIAL NAME Kushtetuta E Republikës Se Shqipëisë.

ENACTMENT Adopted by popular referendum November 28, 1998.

CITATION FORMAT KUSHTETUTA E REPUBLIKËS SE SHQIPËISË [Constitution] art.
<article number> (Alb.).

Example KUSHTETUTA E REPUBLIKËS SE SHQIPËISË [Constitution] art. 35
(Alb.).

STATUTES

GOVERNMENT STRUCTURE	A unicameral legislature (People's Assembly or <i>Kuvendi Popullor</i>) contains 140 seats, which are directly elected.
LEGISLATIVE PROCESS	<p>Legislation in Albania may only be passed by the People's Assembly, which meets only twice a year and has delegated legislative and governmental powers to the Presidium, a 15-member body not related to the People's Assembly. The Presidium has the power to make laws, abrogate, amend and otherwise control legislation made by the People's Assembly (which is ostensibly supreme to the Presidium) and the local People's Councils. The Council of Ministers and its Presidium are responsible for day-to-day governing and administration.</p> <p>The hierarchy of Albanian legislation is as follow: Laws (<i>ligji</i>) can only be passed by the People's Assembly. Between the Assembly's limited meetings, the Presidium issues decrees (<i>dekrets</i>), which may implement, regulate, amend, or replace laws. The Presidium and Assembly both issue <i>vendime</i>, which are similar to regulations or resolutions, which are considered inferior to laws and decrees, but have independent authority.</p>
REPORTER	<p><i>Fletorja zyrtare</i> (1922-1942).</p> <p><i>Gazeta zyrtare e RPS të Shqipërisë</i> (1944-1991).</p> <p><i>Fletorja zyrtare Republikës të Shqipërisë</i> (1991-).</p>
CITATION FORMAT	<English translation>, <name of law>, <name of reporter>, No. <law number>, <date of passage>, <page number>.
<i>Example</i>	For the Public and Private Radio Television in the Republic of Albania, <i>Fletorja zyrtare Republikës të Shqipërisë</i> , No. 26, Dec. 7, 1995, 1144-1148.

ADMINISTRATIVE REGULATIONS

ADMINISTRATIVE SOURCES	The Council of Ministers and its Presidium are responsible for day-to-day governing and administration. The Council of Ministers is composed of the prime minister, the deputy prime minister, and ministers and exercises every power that has not been delegated to other state and local governing bodies. Article 95 of the Albanian Constitution requires the Prime Minister to present “to the Assembly for approval, within 10 days, the policy program of the Council of Ministers together with its composition.”
REPORTER	<i>Fletorja zyrtare</i> (1922-1942). <i>Gazeta zyrtare e RPS të Shqipërisë</i> (1944-1991). <i>Fletorja zyrtare Republikës të Shqipërisë</i> (1991-).
CITATION FORMAT	<type of provision>, <name of reporter>, No. <volume number>, <date of passage>, <page number>. <English translation>, “<common name of law>.”
<i>Example</i>	<i>Dekret, Fletorja zyrtare Republikës të Shqipërisë</i> , No. 26, Dec. 7, 1995, 1144-1148.

CODES

Kodi Civil (CIVIL CODE)	In force Jan. 1, 1995. The text extends over four issues of the <i>Fletorja zyrtare</i> Nos. 11, 12, 13, and 14 of 1994.
Kodi Procedures Civil (CODE OF CIVIL PROCEDURE)	In force June 1, 1996. The text is located in <i>Fletorja zyrtare</i> Nos. 9, 10, and 11, 1996.
Kodi Treyta (COMMERCIAL CODE)	Literally translated as “law on the introductory part of a commercial code.” This general section of the yet-to-be established commercial code is located in <i>Fletorja zyrtare</i> , No. 8 (1992).
Kodi Penal (CRIMINAL CODE)	In force on June 1, 1995. Established in Ligji 7,895, <i>Fletorja zyrtare</i> , No. 2 (1995). Amended on May 31, 1995 by Ligji 7,942. Further amended by Ligji 8,175, <i>Fletorja zyrtare</i> No. 29 (1996) and Ligji 8,279 in Jan. 15 1998.
Kodi Procedura Penal (CODE OF CRIMINAL PROCEDURE)	Established by Ligji 7,905, <i>Fletorja zyrtare</i> , Nos. 5-7 (1995). Amended by Ligji 8,180, <i>Feltorja zyrtare</i> , No. 29 (1996).
CITATION FORMAT	<code> <code number>, <i>Fletorja zyrtare</i> , No. <volume number>, <page number> (<date of enactment>).
<i>Examples</i>	<i>Kodi Civil</i> art. 14, <i>Fletorja zyrtare</i> , No. 11, 617 (1994). <i>Ligji</i> 6,907, <i>Fletorja zyrtare</i> , No 6. (1995).

CASE LAW

**JUDICIAL
OVERVIEW**

The judicial system consists of a Constitutional Court, a High Court, 6 Courts of Appeal, 1 Military Court of Appeal, 29 Courts of First Instance, and 5 Military Courts of First Instance.

The Constitutional Court is comprised of nine members appointed by the Assembly for one 9 year term. The Constitutional Court interprets the Constitution, determines the constitutionality of laws, and resolves disagreements between local and federal authorities.

The High Court consists of 11 members appointed by the President with the consent of the Assembly (*Kuvendi*), and it has both original and appellate jurisdiction. Members of the High Court hold office for a single 9 year term. The High Court is organized into “colleges” separately considering civil, criminal, administrative, and commercial law.

The Military Court of Appeal has jurisdiction throughout the entire territory of Albania and hears cases on appeal from the Military Courts of First Instance.

At the sub-national level, the courts of first instance are divided into five jurisdictions: criminal, civil, commercial, administrative, and military law. Military law, in Albania, is included in the criminal justice system. There are no jury trials in the Albanian judicial system, as a panel of three judges render court verdicts.

REPORTER

Fletorja zyrtare.

**CITATION FORMAT
CONSTITUTIONAL COURT**

<court name>, n. <decision number>, *Fletorja zyrtare*, No. <volume number>, <page number> (<date of decision>).

Example

Alb. Const. Ct., n. 8, *Fletorja zyrtare*, No. 33, 1301 (1999).

**CITATION FORMAT
HIGH COURT**

<court name>, n. <decision number>, *Fletorja zyrtare*, No. <volume number>, <page number> (<date of decision>).

Example

Alb. High Ct., n. 12, *Fletorja zyrtare*, No. 33, 1485 (2000).

SOURCES

The CIA Factbook:

<http://www.cia.gov/cia/publications/factbook/geos/al.html>

The State Department Background Note: Albania

<http://www.state.gov/r/pa/ei/bgn/3235.htm>

FOREIGN LAW: CURRENT SOURCES OF CODES AND LEGISLATION IN JURISDICTIONS OF THE WORLD, THOMAS REYNOLDS & ARTURO FLORES, 1-39, 2004.

I LEGAL SYSTEMS OF THE WORLD: A POLITICAL, SOCIAL & CULTURAL ENCYCLOPEDIA 25-31 (Herbert M. Kritzer, ed., 2002).

Department of Information for the Republic of Albania—Official Website,

<http://www.keshilliministrave.al/english/Government/position.asp>

Albanian Constitution, Albanian Parliament Website,

<http://www.parlament.al/english/dis-kus.html>

SPECIAL THANKS

Matthew T. Nagel – ICM Coordinator. Oct. 2006.