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Advanced Albanian Constitutional Reform, Judicial Autonomy, and European Integration

An Exhaustive Critical Analysis of the 2016 Justice Reform, Vetting Mechanics, Constitutional Adjudication, and Public Law Modernization

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Abstract

*This comprehensive research paper provides an exhaustive critical evaluation of modern Albanian public law, constitutional reform, and judicial integrity frameworks. Focusing on the 1998 Constitution of the Republic of Albania (Kushtetuta e Republikës së Shqipërisë) and the transformative 2016 Justice Reform, this study analyzes the judicial vetting process (Vettingu), the Constitutional Court of Albania (Gjykata Kushtetuese), and specialized anticorruption structures (SPAK). Furthermore, it examines administrative law modernization, Code of Administrative Procedures implementation, local government decentralization, and Albania's rigorous legislative alignment with European Union *acquis communautaire* under Western Balkan stabilization agreements.*

1. Introduction: Evolution of Albanian Legal Traditions and Constitutional Modernization

The legal system of the Republic of Albania has undergone a profound structural and normative evolution, transitioning from post-socialist legal reorganization to comprehensive European constitutional modernization. Centred around the historic Faculty of Law at the University of Tirana (Fakulteti i Drejtësisë, Universiteti i Tiranës), Albanian legal scholarship has played an indispensable role in shaping modern public governance, constitutional adjudication, and Rule of Law enforcement in Southeastern Europe.

The adoption of the 1998 Constitution of Albania established a democratic parliamentary framework designed to protect fundamental rights, regulate state organs, and guarantee judicial independence. However, persistent challenges concerning judicial corruption, executive overreach, and enforcement gaps necessitated the landmark 2016 constitutional amendments.

This research paper undertakes an exhaustive inquiry into contemporary Albanian public law, evaluating vetting mechanisms, constitutional court jurisprudence, anti-corruption prosecution structures, administrative law reforms, and European integration benchmarks.

2. Constitutional Architecture and the Separation of Powers in Albania

The Albanian constitutional order is built upon a parliamentary democratic model characterized by the separation of legislative, executive, and judicial powers under the supreme authority of the 1998 Constitution. The unicameral parliament (*Kuvendi i Shqipërisë*) exercises legislative sovereignty, approves the national budget, and oversees government administration.

Constitutional scholars at the University of Tirana examine the delicate equilibrium between executive authority—exercised by the Prime Minister (*Kryeministri*) and the Council of Ministers (*Këshilli i Ministrave*)—and parliamentary oversight instruments, including interpellations, parliamentary inquiries, and confidence votes.

Judicial independence forms a distinct pillar of the constitutional architecture, protected by constitutional guarantees that shield judicial actors from political interference while establishing strict mechanisms of accountability and professional evaluation.

3. The Judicial Vetting Process (Vettingu) and Institutional Integrity

The 2016 Justice Reform introduced an unprecedented, rigorous judicial vetting process (*Vettingu*) enshrined under Annex Q of the Albanian Constitution. Designed to purge corruption and restore public trust in the judiciary, the vetting

evaluates all active judges and prosecutors across three mandatory pillars: asset re-assessment, background checks for organizational ties, and professional proficiency evaluations.

Scholars analyze the institutional functioning of the Independent Qualification Commission (*Komisioni i Pavarur i Kualifikimit - KPK*) as the primary first-instance vetting body, and the Special Appeal Chamber (*Kolegji i Posaçëm i Apelimit - KPA*) as the constitutional appellate body.

Legal evaluations confirm that while the vetting process caused temporary judicial backlogs due to staff reductions, it established an invaluable international benchmark for transitional justice, systemic anti-corruption enforcement, and judicial integrity.

4. Constitutional Adjudication and Jurisprudence of the Gjykata Kushtetuese

The Constitutional Court of Albania (*Gjykata Kushtetuese*) exercises supreme constitutional jurisdiction, ensuring that all statutory enactments, administrative regulations, and judicial decisions strictly conform to the 1998 Constitution.

Under Articles 131 and 134 of the Constitution, the Court adjudicates abstract and concrete norm control, institutional jurisdictional conflicts (*mosmarrwthnie kompetencash*), municipal autonomy disputes, and individual constitutional complaints (*Ankesa Kushtetuese*).

Constitutional jurists highlight landmark rulings regarding property restitution rights, electoral transparency, executive emergency decree limits, and human rights protections under the European Convention on Human Rights (ECHR), which holds direct domestic application under Article 17 of the Constitution.

5. Specialized Anti-Corruption Governance: SPAK and the Special Courts

To combat systemic high-level corruption and organized crime, the 2016 constitutional reforms established the Special Structure Against Corruption and Organized Crime (*SPAK*), comprising the Special Prosecution Office and specialized anti-corruption courts.

Legal researchers analyze the statutory independence, specialized investigative powers, financial autonomy, and enhanced security guarantees surrounding SPAK's operations under Articles 148/dh and 148/ë of the Constitution.

SPAK has transformed the Albanian criminal justice landscape by successfully prosecuting high-ranking public officials, magistrates, and organized crime figures, thereby demonstrating the tangible efficacy of institutional anti-corruption reform.

6. Administrative Procedure Reform and Public Administration Digitalization

Modernization of Albanian administrative law is anchored in the Code of Administrative Procedures (*Kodi i Procedurave Administrative*), which governs administrative decision-making, citizen participation, transparency, and administrative appeal rights.

Administrative law scholars evaluate ongoing digitalization initiatives, electronic public registries, and e-government portals designed to streamline bureaucratic procedures, eliminate administrative bottlenecks, and enhance procedural fairness.

These statutory reforms guarantee that administrative authorities operate transparently, efficiently, and in strict compliance with the principle of legality (*Parimi i ligjshmërisë*).

7. Local Government Decentralization and Territorial Autonomy

Territorial organization in Albania is structured around municipalities (*Bashki*) operating under the principles of local self-government (*Vetëqeverisja vendore*) and administrative decentralization.

Legal researchers examine the division of municipal competences, local budgetary autonomy, property management, and intergovernmental fiscal transfers under the Law on Local Self-Government.

Constitutional protections ensure that local authorities retain independent decision-making powers over community affairs, subject to lawful administrative oversight by central government prefects.

8. European Union Integration and Legislative Harmonization (*Acquis*)

As an official candidate country actively negotiating EU accession, Albania continues to align its domestic statutory framework with the *acquis communautaire*, particularly focusing on Fundamental Chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom, and Security).

European law scholars evaluate the harmonization of criminal procedure codes, anti-money laundering regulations, public procurement standards, and environmental protection directives.

This continuous legislative alignment facilitates seamless integration into European administrative, legal, and economic frameworks.

9. Future Trajectories in Albanian Public Law and Regional Stability

As Albania navigates complex regional dynamics, European integration milestones, and digital transformations, legal scholarship focuses on institutional resilience, judicial education, and legislative adaptability.

Albanian academic institutions continue to lead legal reform dialogues in the Western Balkans, contributing robust comparative frameworks for transitional constitutionalism.

These forward-looking developments ensure that the Albanian legal order remains a dynamic, stable anchor of regional rule of law.

10. Conclusion: The Albanian Constitutional Model in Comparative Legal Studies

The study of Albanian public law and constitutional reform demonstrates a transformative legal paradigm defined by deep institutional restructuring, judicial accountability, and unwavering commitment to European integration.

By combining rigorous judicial vetting, active constitutional adjudication by the Gjykata Kushtetuese, specialized anti-corruption enforcement through SPAK, and administrative modernization, Albania's legal framework provides essential insights for comparative constitutionalism.

Ultimately, the Albanian paradigm proves that constitutional democracy and judicial legitimacy thrive through rigorous institutional reform, transparency, and adherence to global Rule of Law principles.

References

- Anastasi, A. (2021). E Drejta Kushtetuese e Republikës së Shqipërisë (3bot.). Pegi.
- Elezi, I. (2019). Zhvillimi i E Drejtës Administrative në Shqipëri dhe Standardet Evropiane. Onufri.
- Hoxha, A. (2025). Reformimi i Sistemit të Drejtësisë, Vettingu dhe Jurisprudenca Kushtetuese në Shqipëri. Revista Juridike Shqiptare, 45(2), 115-170.
- Sadushi, S. (2020). E Drejta Kushtetuese: Kontrolli Kushtetues dhe Gjykata Kushtetuese në Shqipërinë Moderne. Toena.
- Zaganjori, Xh. (2022). Shqipëria, Karta Evropiane dhe Konventa Evropiane për të Drejtat e Njeriut. Mediaprint.
- Zulali, A. (2023). Procesi i Vetting-ut, SPAK dhe Sfidat e Reformës në Drejtësi. Tirana University Press.