

The Influence Of The Justice Reform Of Albania Towards European Union Integration

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Abstract

The main purpose of this paper is to make a deep and a comprehensive analysis of the justice reform in the Republic of Albania. It is the most important reform that Albania has carried out during the three decades of transition from dictatorship toward a liberal democracy. As a former communist state Albania has undergone numerous reforms towards democratic consolidation and European standard. Albania is the last country in the former communist states continuing so long-lasting transition to democracy. Since the first riots against the communist regime in 1990, there was a clear vision of Albania peoples to make Albania like Europe and to integrate it into the European Union. In democratization and Europeanisation process the justice system is the capillary structure, therefor it could not be built and function properly by partial improvement or fragmented reforms. Justice system in Albania needed more and more a general vision and comprehensive approaches, based on clear goal, principles, norms, legislation, structure of governance and bodies. Especially, Albania needed the new, functional, and efficient justice system based on the impartial judges and prosecutor's bodies from political influence, with ethical integrity and high and professionalism. The reform was initiated since 2016 but the progress is still slow leading in a complicated justice situation in the Country and delaying serving justice to the citizens. Although the overall justice reform is one of the most

important and well designed it is still far away of being fully completed in terms legislation improvement, human resources, infrastructure investment, efficiency as well as the political, public opinion, media and civil societies support.

This paper will analyze the theoretical perspective of the reform, because it was a necessary foundation for the new justice system. After the theoretical framework the paper will deeply and comprehensively analyze the constitutional and legislative transformation, newly justice governing institutions established as well as the efficiency during the and implementation of the judicial reform. The principles and objectives of the reform are both, a prerequisite for democratic consolidation in Albania and the requirement of the EU membership. The paper will be approaching parallelly these two dimensions. The methodology of the paper is mix, qualitative and quantitative, mainly focused on text analysis of constitution, laws, official reports, and on the data published by the different institutions responsible on monitoring the implementation process of the justice reform in Albania. Through the qualitative and quantitative of above-mentioned texts and data the paper will analyze deeply and comprehensively the content of reform, the implementation, progress, difficulties, obstacles, perceptions, and the long-term contradictory efficiency so far.

Keywords: judicial reform, rule of law, human rights, constitution, political influence, European Union

Introduction

The justice system reform in Albania is extremely important for consolidating liberal democracy, rule of law and human rights as well as for fully integration of the Country into the European Union. Albania, since at the beginning of '90-s is fully involved in democratization and the Euro-Atlantic integration processes, both in NATO and European Union¹. These democratization and integration process initiated several domestic reforms in Albania, based on European and Euro-Atlantic values, principles, and criteria. In 2003, the Thessaloniki European Council was the historical event which initiated the status of Albania as a potential candidate country towards the membership in European Union². After five years, the country followed up with the formal application, though the Commission highlighted that Albania had to achieve the conditions so that the application could be considered, known as the 12 key priorities. The year 2012 was the year which the Commission gave the green light for Albania to be accepted as an EU candidate states.

The integration process of Albania, both in NATO and EU initiated several domestic reforms including political, security, legal, economic, and social, based strictly on NATO and EU Western values, principles, criteria, and standards. These reforms carried out for almost three decades modernized the Country and society getting closer to Western liberal democracy and socio-economic development.

After several progress reports of EU Commission on Albania and the MEP meeting on this regard the acknowledge of progress made by Albania was presented to the Council with recommendation for granting it the candidate status. Lacking the consensus for candidate status for Albania the Council

¹ Panagiotou, *Albania and the EU, from isolation to integration*, 357-374

² Council of the European Union, *Thessaloniki Summit*, 2003

postponed the decision until June 24, 2014, when the Council of EU decided to grant Albania candidate status.³

In March 2015 at the fifth 'High Level Dialogue meeting' between Albania and EU, it was notified by the EU Commissioner for Enlargement the several conditions for Albania to start date for accession negotiations. Among these conditions there were five identified areas such as public administration reform, rule of law, combating corruption and organized crime, respecting fundamental freedom and human rights.⁴ Mostly these five conditions were directly related to the justice reform. The Albanian government and Parliament were seriously committed and due to this engagement approved constitutional amendments on justice reforms on 22 July 2016.⁵ It was the beginning of justice reform adopted by parliamentary consensus. Although the initiative was profoundly based on the clear theories, basic theoretical concepts and the best practices coming from the long-term experience in consolidated democracies, the fact is that this reform design and later-on its implementation seemed to be very complex. The justice reform is a foundation for consolidation of liberal democracy in Albania and at the same time is the prerequisite condition in the negotiation process by European Union with the Country.⁶

The paper is focused on the Albanian case due to the long term transition the justice system was not impartial but politically motivated, unable to enforce rule of law, to respect human rights, to combat corruption and organized crime, and suffering by unprofessionalism and lack of ethics - negative phenomenon that led to an almost failed system. That was why

³ Council of the European Union, *Conclusions on Albania*, 2014

⁴ European Union Facility, *Instrument for Pre-Accession Assistance (IPA II) 2014-2020*, 5-6.

⁵ Cooperation and Development Institute, *The justice reform in Albania as a case study*, 20-25

⁶ Parliament's Decision No. 96/2014 "On the establishment of the ad hoc parliamentary commission on the justice system reform"

the condition of re-building the better check and balance of powers, with special focus to the judicial power, with objective to enforce rule of law and human rights were seriously considered, both domestically and internationally. Therefore, the reformation of the justice system became the main criteria for the democratic consolidation and Europeanization of Albania in the process towards EU fully integration.

Albanian transition is facing a lot of challenges. It is lasting for more than three decades. The transition has been boring and painful and characterized by several and repeated crisis full of up and down, back and forth, speeding up and slowing down entire progress of the Country and society and effecting all field of the life. The main challenges of Albania are included in the German Bundestag Resolution (2019) adopted also by EU Parliament on March 2020, as well as the Albanian conditioned opening accession negotiation with the EU.⁷ Remaining challenges for Albania are meeting the political criteria for membership, adoption of the comprehensive judicial reform, continuous implementation of public administration reform, adoption of key anti-corruption legislation, full alignment with relevant EU declarations and Council conclusions. Though, the fully completed and implemented justice reform is the most serious transitional challenge that will inevitably affect the democratic consolidation of Albania and will accelerate the EU fully integration of the Country.

1. Theoretical framework and literature review

The theory of liberal democracy is developed based on the separation of powers, an independent judiciary power and a system of checks and balances among branches of government,

⁷ German Bundestag, Establishing agreement between the Bundestag and the Federal Government on the application of the Republic of Albania for accession to the European Union and on the recommendation made by the European Commission and the High Representative on 29 May 2019 that accession negotiations be opened, 2-6.

rule of law and human rights. By the time, liberal democracy is diversified dependent on the developing forms of government and the types of constitution⁸. Liberal democracy so far is the most developed all over the world.

The famously discussed rule of law, is beyond the legal analysis that is above continued. Rule of law has contributed to in the most historical events, fundamental to the development of the societies, initiated with Magna Carta in 1215 and to finish with the Convention of Human Rights⁹.

The fundamental principal rule of law is defined into the famous interpretation “None is above law”. The justice system role, implication and contribute on was in the famous theory of “separation of power” by Montesquieu¹⁰. The famous persistent analysis of Montesquieu, has led to the creation of the famous liberal constitutions such as U.S. Constitution, know as the first liberal constitutions, which paved the way to implementation of the separation of the legislative, executive, and judicial power. The existence of the judiciary cannot be based on the rule of law if the decision made are fully independent from the direct of indirect influence and consideration of the two other powers¹¹.

The universally excepted definition of liberal democracy considers that as a democratic system of government in which individual freedom and rights are officially recognized and protected and the exercise of political power is limited by the rule of law. So, liberal democracy is a form of government, in which the ability of the elected representatives to exercise decision-making power is subject to the rule of law, and usually

⁸ Bell, *Beyond Liberal Democracy*, Princeton University Press, 2009.

⁹ May, *Introduction to the Handbook on the Rule of Law*. Edward Elgar Publishing, 2018

¹⁰ Carrese, *Democracy in Moderation: Montesquieu, Tocqueville, and Sustainable Liberalism*. Cambridge University Press, 2016.

¹¹ Noonan, *Judicial Impartiality and the Judiciary Act of 1789*, Nova L. Rev. 14 (1989): 123.

moderated by a constitution that ensure the protection of the freedom and rights of individuals and which places constraints on the leaders and on the extent to which the will of the majority can be exercised against the rights of minorities¹².

Third wave democracies during the late twentieth century over 100 political regimes were transformed from autocracy to (electoral) democracy and these types of democracies resulted to be the defective ones.¹³ Although the two decades have passed by since the fall of the communist regime, the democracy in Albania is still evaluated as a defective democracy by indexes such as Freedom House and BTI which are used in the paper to reflect the realm of the Albanian country as used. A defective democracy does not mean transitional democracy, quite the opposite.¹⁴ The analysis highlights the reasons that the judicial reform is considered by European Union institutions as a main component of the consolidating process of democracy in Albania. The author Wolfgang Merkel, in his article elaborating the embedded democracy and the five partial regimes are the electoral regime, political rights, civil rights, horizontal accountability, effective power to govern¹⁵. The author Merkel discusses there are two methods of accountability, horizontal and vertical accountability. The vertical accountability is the four-year standard elections in which citizens of the country vote for the political party to be assigned in power of the executive. What happens to accountability in between the four-year period within the state powers? The horizontal accountability as

¹² Kis, *Constitutional democracy*. Central European University Press, 2003.

¹³ Merkel, Wolfgang, and Aurel Croissant. "Conclusion: Good and defective democracies." *Democratization* 11.5 (2004): 199-213.

¹⁴ Merkel, W. (2004). *Embedded and defective democracies*. *Democratization*, 11(5), 33-58.

¹⁵ Merkel, W. (2004). *Embedded and defective democracies*. *Democratization*, 11(5), 33-58.

interpreted by O'Donnel is the role of state institutions to be able to balance, somewhat check the state for abuse of power and misconduct¹⁶. An embedded democracy, as Merkel has titled the highest form of the consolidated democracy, has a strong mechanism of horizontal accountability in which powers are not perceived as separated, but the three powers which are judicial, executive, and legislative do not dominate each other. The principle of horizontal accountability contributes to a continuous balance of overpowering and preventing the overpower of any of the three main state foundations. The democratic states elections are not the indicator of which a state is a democracy or not. Analysis of the article analysis the stalling process of the judiciary reform, therefore a questionable horizontal accountability. The judicial reform was initiated to consolidate the horizontal accountability and the balance of powers of the Albanian constitutional democracy. The judicial power was reformed due to many issues emphasized by the European Commission report since 2009, such as problems with backlogs, questionable impartiality in court decisions and continuous attempts of the executive power to limit the independence of the judiciary¹⁷. Through the years, the issues have been continuously highlighted by the European Commission, though there were no initiatives from the Albania part until the judiciary reform became a prerequisite for the European Union integration in 2014.¹⁸

2. Constitutional reform in 2016, the beginning of the reform

¹⁶ O'donnell G. *Horizontal accountability in new democracies*. J. Democracy. 1998; 9:112.

¹⁷ Extract from the Communication from the Commission to the Council and the European Parliament "Enlargement Strategy and Main Challenges 2009-2010", COM(2009)533 final

¹⁸ Ngjela, I. *Lessons learned from the justice reform in Albania*, ISSN 2305-2635, Austrian Institute for International Affairs.

The constitutional reform of 2016 in Albania was a precondition to open the way for judicial reform process. It was domestic demand, public opinion request and the insistence of the EU and US that the justice reform started by adopting amendments with consensual decision of Albanian Parliament on July 2016. Justice reform was the most important reform carried out in Albania during the democratic transition. And it would also be the reform with the most important impact to increase the public trust to democracy, justice system, rule of law and human right. And in the same time it is precisely this justice reform that would be mostly considered by the EU to improve the governance of Albania, strengthening democracy and democratic institutions, enforcement of rule of law, respect for human rights - all repeated request of the EU for Albania integration processes.

One of the main principles that the justice reform intended to achieve was to strengthen the judicial system's impartiality, to increase the system's effectiveness and professionalism as well as the public trust on justice system. The above-mentioned goal has been planned to be achieved through two-phased process: re-evaluation of the existing judges and prosecutors and introducing and establishing the new self-governing judicial and anti-corruption institutions. Although the several steps taken from 1993 Major Constitutional Provision, 1998 Constitution and the amendments of 2003 and 2004, as well as the creating new structure and bodies of High Court and The Court of Serious Crime the overall system justice in Albania still suffered by political influence, lack of integrity and unprofessionalism.¹⁹

Albanian democracy began to be more and more impacted by this weakness, nonfunctional and insufficient

¹⁹ Bogdani, and Loughlin, *Albania, and the European Union: the tumultuous journey towards integration and accession*. IB Tauris, 2007.

system. The impact was present on bad governance, on lacking rule of law, on ignoring and violating human rights and destroying main principles of market economy.²⁰ The corruption of high-ranking officials, crimes and organized crime and incriminated politicians and civil servants at all levels and other weaknesses of justice system became national concern.

The presence and influence of US and EU in Albania were also very actively participated in initiating, adopting, and now implementing the justice reform in Albania. UE and US sent to the Country two specialized mission, EURALIUS from the EU and OPTAD from the US. EURALIUS started to support Albania in reforming justice system since 2005, in order to bring it closer to EU standards. There are five areas to be covered by EURALIUS together with Albanian institution such as Parliament, Ministry of Justice, High Judicial Council, High Prosecutorial Council, High Justice Inspector, Courts, Prosecutors Offices, Justice Appointment Council, School of Magistrate, Justice Monitoring Commission, National Chamber of Advocates, National Chamber of Notaries and National Chamber of Bailiffs.²¹

The distinguish and well-known corruption deep rooted in the justice system, lack of integrity, unprofessionalism, political affiliation and influence, low efficiency of system as well as the low level of trust of the citizens were the main factors that prompted the Albanian Parliament to adopt a reform of the deep and radical in the justice system. The constitutional changes regarding the justice system reform represents the transformation of justice system in Albania in two dimensions: First, the establishment of the new governance of justice system, by creating the new institutional structure that would create the foundation of ensuring and strengthening the impartiality of justice system from politics and other Powers; Second, by undertaking the measures to clean up

²⁰ European Commission, *Albania 2016 Report*.

²¹ EURALIUS, *Manual Legal Aid*, 2020.

existing judiciary and prosecutorial body from corruption, unethical behavior and unprofessionalism in justice system. Both these two dimensions intended to realize three main constitutional principles required for justice system based on Western liberal democracy standard: impartiality, integrity, and professionalism.

The above mentioned two reform dimensions, that includes new justice governance institutions and the reevaluation of existing judicial and prosecutorial body, based on three principles, impartiality, integrity, and professionalism are foreseen to start at the same time and to proceed parallelly, but with different procedures and for several reasons in the different speeds as well. But it marks a unique case in the Albanian history of reforms and an example also for other new democracies in Western Balkan countries. The reform was welcome by peoples, by all domestic actors and internationals that assisted Albania in this process. The justice reform took all media attention, civil societies, and public opinion concern.

In the transition time a lot of initiatives have been taken and attempts have been made to reform the judicial system in Albania, but all these initiatives and attempts have faced a sort of resistance from inside and outside justice system, and therefore they were not approved. By the time this deteriorating situation in justice system began to increase its negative impact on all democracy and democratic institutions in the Country. So, the increasing domestic concern and public opinion demands in one hand and the pressure from international EU and US actors on the other, the time came for the constitutional reform to carry out in order to undertake an overall justice reform based on Western liberal democracy standards.

The judicial reform designed in the new constitution lasted almost 18 months. During this period there political and technical discussions, public hearings, negotiations involving all

stakeholders, Parliament, political parties, civil society, experts, media and US Embassy and EU Delegation in Tirana and their respective mission EURALIUS, OPDAT and Venice Commission. After a long participatory processes final draft was submitted to the Parliament in July 2016. All members of parliament voted in favor of the reform by consensus.

The Parliament changed 46 articles of the constitution. The focus was justice reform. "The judicial reform package adopted by Albania's parliament on Friday is one of the most radical changes in legislation that the country has seen in 25 years. The judicial package, which is considered crucial for the fight against corruption and political influence, amended almost 1/3 of the constitution and passed several laws creating new justice institutions. The reform was hailed by party leaders as marking a new beginning that will also open the way towards closer ties to the European Union".²²

The constitutional changes regarding the justice system reform represents the overall transformation of justice system in Albania in two dimensions: First, the establishment of the new governance of justice system, by creating the new institutional structure that would create the foundation of ensuring and strengthening the impartiality of justice system from politics and other Powers; Second, by undertaking the measures to clean up existing judiciary and prosecutorial body from corruption, unethical behavior and unprofessionalism in justice system. Both these two dimensions intended to realize three main constitutional principles required for justice system based on Western liberal democracy standard: impartiality, integrity and professionalism.

3. The effect of the Justice Reform and the challenges, 2023

²² Vorpsi, *Albanian parliament approved the new constitutional reform on justice system*, 2016.

The principles of justice reform are based profoundly to vetting institutions and processes. These institution and processes are foreseen to realize through the just and transparent procedures three prerequisites for justice system in Albania: impartiality, integrity, professionalism of judges and prosecutorial bodies. The vetting institutions and process has already started and so far, almost seven years from reform began only one quarter of judges and prosecutors has faced the vetting and fifty percent of them has passed it successfully. Vetting institutional functioning and processes are facing some serious and unpredictable challenges, and from their own side they are creating a serious vacuum in establishing the new institutions and the completion of the existing one with magistrates.²³

There are five distinct bodies created by the 2016 constitution in order to complete the vetting structures: the Independent Commission of Qualification, the Public Commissioners Institution, the International Monitoring Operation, the Special Appealing College and other supporting bodies for the reevaluation process. The newly established vetting institutions in Albania started their functioning in the first phase of justice reform.²⁴ The vetting institutions were planned to accomplish their mission within two years. But the procedures seemed to take eight years to come. That is why the vetting institutional procedures of the first phase will continue parallelly and followed by major changes in the justice institutions, such as the establishment of a special court and prosecution office who will judge, investigate and prosecute high official corruption and organized crime. The new justice structures is established under the model of Croatian USCOC, which faced the same difficulties in fighting corruption in the

²³ Ministry of Justice of Albania, *Annual Report on Justice Reform*, 2021.

²⁴ Balliu, *Reform of Justice in Albania*, Beijing Law Review, 11, 709-728, 2020.

justice system against high ranking politicians and officials. (<https://www.rai-see.org/croatia-anti-corruption-institutional-framework/>). One challenge identified and is impacting negatively public opinion is that majority of judges and prosecutors did not pass the vetting, and therefore this problem has created huge vacuum in the system and as consequences it has blocked the functioning the justice system, creating a lot of untreated cases directly related to the citizens. It has created chaos in the justice system, troubles to the citizens, disappointment to public opinion and the disillusion to Albanian strategic partners involved in justice reform. No one had predicted these huge number of disqualified judges and prosecutors by the vetting process at the beginning of justice reform.

Another challenge concerning the vetting and its impact is the fact that, so far not any judges or prosecutors that did not passed the vetting, have been charged for corruption and criminal activity. Even though almost half of the judges and prosecutors have been dismissed from the justice system in the vetting process so far and based on the data provided by investigative journalists, due to the lack of the consequences in terms of facing criminal charges, none of those who have been proved as ineligible to keep their posts, the concern remains whether the process will bring the real change remain very high. The vetting processes at the first phase of its reevaluating procedures has disappointed a lot the public opinion expectancy.²⁵

Another challenge of vetting that has been identified during the first phase of vetting processes is the law speed of procedures. Based on justice reform the vetting process is foreseen to be completed in 2021. So far, it means from 2016

²⁵ Independent Qualifying Commission, Statistical Report, 2018-2023. (<https://kpk.al/wp-content/uploads/2023/04/Raport-statistikor-shkurt-2018-mars-2023.pdf>)

until 2020 only one quarter of exiting of judicial and prosecutorial body have entered the vetting processes. However, according to the statistics so far, at the current pace and speed the vetting institutions will take another eight years to end the process. Accompanied by the long-lasting procedures and a lot of delays, vetting process has also betrayed high expectations from the very beginning. The slow speed of vetting procedures has created first the huge vacancies in the existing system of justice. The crisis of human resources of magistrates is obviously damaging overall functioning the justice system in Albania. So far, the eligible magistrate human resources are not proportional with the judges and prosecutors that are leaving the system by not being able to pass the vetting or resign for several reasons. Second, the slow speed of vetting procedures has already blocked or curbed normal functioning of justice system and therefore has created the huge backlog of unjudged files of different cases. Third, the slow speed of vetting procedures has created a very serious obstacle in establishment of the new justice bodies.

Third, the vetting has also damaged the public opinion image for justice reform and slow down the process of Albania integration in the European Union. Albanian public opinion has since at the beginning being very supportive and enthusiastic regarding the justice reform. The public opinion expectations have been very high. But, because of abovementioned challenges of justice reforms in its first phase of implementation the perception of public opinion is being shaken.

4. Rule of Law in Albania promotion, failure, or success?

The article reflects on the process of the impartiality of the judicial through the years, by selecting key indexes which reflect the slow progress of the reform. The indexes of Freedom House, Transparency International, WJP Rule of Law and Bertelsmann Transformation Index have measured the progress of Albania in

the implementation process of the justice reform, reflected in the annual report. The institutional features of the concept rule of law, is reflected on the principle of check and balance and judicial impartiality. The concept of rule of law is reflected upon the absence of the corruption in the country. "Freedom House analyzes the challenges to freedom; advocate for greater political and civil liberties; and support frontline activists to defend human rights and promote democratic change."²⁶ These concepts are methodically reflected on the specific indexes that have focused their research on. The independence of the Judiciary in Albania has been reflected on the Freedom House annual report, while reflecting no progress, rather than stalling in the same scoring from 2018 which is after the reform was approved by the Albania parliament, due to the obstacles through the vetting process, the first stage became the most difficult phase to be completed, still in the process.

The Bertelsmann Transformation Index (BTI) reflects that rather than democracy as a last destination, in fact democracy is an ongoing process. "Taking democracy for granted is a danger to democracy itself."²⁷ Albania is on process of European integration and the reflection through the years mirrors the accurate progress or regress of the country through the years, focusing on the separation of powers, independent judiciary and prosecution of the office abuse, or otherwise the implementation of the justice reform by so known phenomena of corruption that had captured the system. The reflection of the justice reform starts with the year 2016 though the implementation of it has initiated in 2018. From the implementation year, until the year 2022, BTI reflects very slow progress, though the index measures do not exceed the highest

²⁶ Versteeg, *Measuring the Rule of Law*, 2017

²⁷ The Bertelsmann Transformation Index, *Transformation Index Annual Report* 2020.

evaluation in the year 2012. The process of the rule of law in Albania has still a lot of issues to resolve, by continuing the justice reform implementation strictly and professionally.

Table 1.1.

Albania	2012	2014	2016	2018	2020	2022
Separation of powers	6/10	4/10	4/10	4/10	5/10	5/10
Independent judiciary	5/10	4/10	4/10	5/10	5/10	5/10
Prosecution of the office abuse	5/10	4/10	4/10	4/10	4/10	4/10

Source: Bertelsmann Transformation Index; Albania <https://atlas.bti-project.org/>

As a precondition of reflecting the impartiality of the research, in the below table are included the most known indexes used in the research academic field, which are Freedom House, Transparency International and WJP Rule of Law. The results of the annual report from 2018, the implementation phase of the justice reform until 2021. The table 1.2. reflects the similar evaluation of the Rule of Law in Albania, after the initiation of the Justice Reform. The independent judiciary, one of the most fundamental principles of balance of power, it reflects no progress through the annual evaluations. The Corruption, as the main obstacle of the progress of justice reform reflected on the Transparency International index, by remaining consistent from 36/100 to 35/100. One of the main objectives of the justice reform was limiting the government power and influence towards the judicial power. The annual evaluation of the WJP Rule of Law, reflect neither progress nor regression. All the indexes from the year 2018 until 2021 reflect that the implementation process of the Justice Reform has not

impacted on fighting the obstacles of Albania and has not positively contributed on the Albanian integration process towards European Union.

Table 1.2.

Albania	2018	2019	2020	2021		
Independent Judiciary (Freedom House)	2/4	2/4	2/4	2/4		
Corruption (Transparency International)	36/100	35/100	36/100	35/100		
Government powers are effectively limited by the judiciary. (WJP Rule of law)	0.31/1	0.32/1	0.31/1	0.31/1		

Source: Freedom House, Transparency International, WJP Rule of Law.

European Union has been the key engine pushing Albania in the further development and implementation of the European criteria, such as Rule of Law. Though literature emphasizes on the contribution and transformation into the establishment of the rule of law, in the Albanian case it has indeed stalled through the whole justice reform through seven years of reformation. The progress and regression of the reform is reflected in the Bertelsmann rule of law index, Freedom House and Transparency International. The data builds a realistic picture in which the reform was initiated in 2016. Though de jure, the reform is incorporated through the constitutional changes and the new established judicial institutions created,

de facto the data from the above-mentioned sources reflect slow and insignificant progress though there has been seven years since firstly was initiated in 2016 with the Constitutional Reform. The reform de jure has been successfully adopted through the Constitutional Reform, reports by independent research institutions in Albania, emphasize that the implementation process is a continuing obstacle.

The study includes fifty interviewers, selected on the professional aspect, such as journalist, lawyers, politicians, and civil society. The interviews help to reflect the main patterns and perceptions emerging during the justice reform through the years. Almost all respondents agree that this reform is the most fundamental process carried out in Albania over the last decades of democratic transition. Twenty-three respondents clearly said 'yes' to the question and some of them further elaborated why it is needed. Data collected suggests that in professionals' perception it is considered as one of the most significant reforms undertaken over the last 30 years that will strengthen democracy and democratic institutions in the country. Another respondent further elaborated the need of the reform saying that 'The democracy in Albania has seriously suffered of the long-term transition. It is supposed that judicial reform will end this transition by consolidating the constitutional democracy and democratic institutions. But the reform is complex and complicated, it may last long'. The reform is perceived also as crucial for the integration into the European Union. Specifically, a respondent stated 'We are late. The sooner the reform is fulfilled and implemented, the sooner Albania will be integrated into the EU'. While addressing the impact of the justice reform in the consolidation of the rule of law, in general, the respondents were at odds while responding to this question. Even though most of them clearly stated that they agree that the justice reform influences rule of law and

human rights, majority says that they are skeptical or disagree because there is a huge gap between its importance in principle and its' implementation. "Justice reform has an impact, but between the implementation, law enforcement continues to have a large gap", said one of the interviewed respondents.

Through the interviews one of the questions asked the professionals regarding the perception if the justice reform is a success, a partial success, or a failure. Data collected suggest that is partly successful due to its experimental nature, delays in the implementation, lack of concrete results in the fight against corruption as well as the vacuum it has created on human resources. Another perspective is that 'For me is a total failure... Cannot be considered a success. I do not think vetting was the right solution, the system should have its own mechanisms to punish its own'.

6. Conclusions

The first positive results of the justice reform have now been peeking through the challenges, while creating a new composition of the institutional organization as well as the legal functioning overall. Although, the success of a reform, is the long-term performance and success, approximately five years have gone by, and still there are challenges ahead. The re-evaluation of these transitional institutions, lead to creation of delays and huge backlog legal cases waiting to be concluded.

Though, many efforts on establishing the full body of Constitutional Court, the number of the judges are incomplete. The Constitutional Court has highlighted that challenges Albania as a state based on democratic foundations, aspiring to be part of EU, postponing the full establishment of the only competent court which can solve and interpret constitutional disputes. Following up with same issue above-mention, the two new institutions, The High Judicial Council and the High Prosecution Council should intensify their work to anticipate vacancy cases

and increased overloads in justice institutions, to alleviate the work of judges and prosecutors, for more efficiency and quality in the administration of justice.

Based on the progressive report and analysis of the Higher Court reflect a positive outcome although the number of the judges is incomplete still, it has contributed on minimizing the issues carried out over the years.

The anticipated institutions to fight the corruption and crime so often emphasized criteria by European Council Reports, are still in front of challenges regarding the filling the gaps related to the reluctance of judges to apply to these positions or by creating vacancies due to promotion judges of these courts. Currently carry the heaviest workload in ensuring efficiency in justice issues are faced by the Courts and Prosecutions of Appeal and First Instance, a range of challenges quite difficult to deliver justice in a timely and quality manner. Difficulties in filling vacancies, continuing backlog, and timely sampling of remained issues require intervention and improvement as soon as possible to prevent deterioration of performance these institutions in relation to citizens.

The justice reform was a detrimental conditionality by the European Union, which in principles would help the Albanian citizens to live in a state in which their rights would be fully respected and fulfilled by the judicial power. Though, many international actors have expressed that it was not anticipated such high number of corrupted judges and prosecutors and the vetting process becoming an infinite and complicated process. Leaving the country with an inexistent power, such as completed and functional justice system for five years, the justice reform in principle was and remines detrimental for Albania's journey towards European Union though, the implementation process reflects so far few and slow progress.

In meanwhile it is necessary the Albanian politics to remain consistent and persistent in supporting justice reform

and to avoid its intervention, its pressure, or other forms of influencing this process. Especially, in combating corruption and organized crime the Albanian politics should demonstrate its strong political will in favor of impartial justice system that could and should improve transparency, accountability, and overall performance of government, as a repeated prerequisite of the EU regarding Albania negotiation process to its integration.

The justice reform is very much related to the public opinion, media, and civil societies. At the beginning of the justice reform public opinion have been very enthusiastic and supportive. The people's perception was that the justice reform would be very fast, it would directly improve the democratic institutions and human rights, it would also affect rule of law and would impact the good governance and economic performance. This high public opinion expectancy turned into illusions facing the unpredictability by the way and the dynamics justice reform was implemented and its practical result in serving justice to the citizens. Public opinion turned in des-illusions also for the unsatisfied results of new justice institutions in combating high ranking official corruption and organized crime. In order to guarantee the continuing and even higher support of the public opinion the newly established justice institutions should by all way and means try to improve and to accelerate their better performance.

Media and civil societies have been strong partners in supporting the justice system reform in Albania. These two democratic institutions have been given very good and professional support. By the time their role and contribution have been pale-yellow. Some media and civil societies have been politicized and abused by political parties, some other remained constructively supportive. It is crucial the media and civil societies to remain active in their publications, analysis, and public and professional debate over the justice system reform,

to develop critical thinking and to keep watching over the problems, public perceptions, political party's role, and the efficiency of justice reform on democracy, rule of law and human rights as well as on the EU integration process of Albania.

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