

**Source: Life in transition, EBRD, 2010**

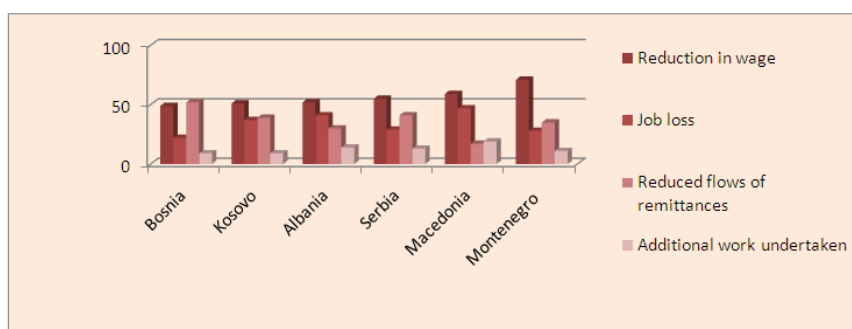
The chart above shows more specifically the level that Albanian households have been affected by the crisis. That means that Albanian economy has been affected by the economic crises on a level of 59%. Meanwhile the average of the transition region is 49%, higher of the affect on Western European average. In Albania the impact of crises

was bigger in middle and low income classes (the last three columns on the graph).

According to EBRD the main phenomena of crises are:

1. The loss of jobs
2. The reduction of wages

**Graphic 11: Main channels of crisis transmission**

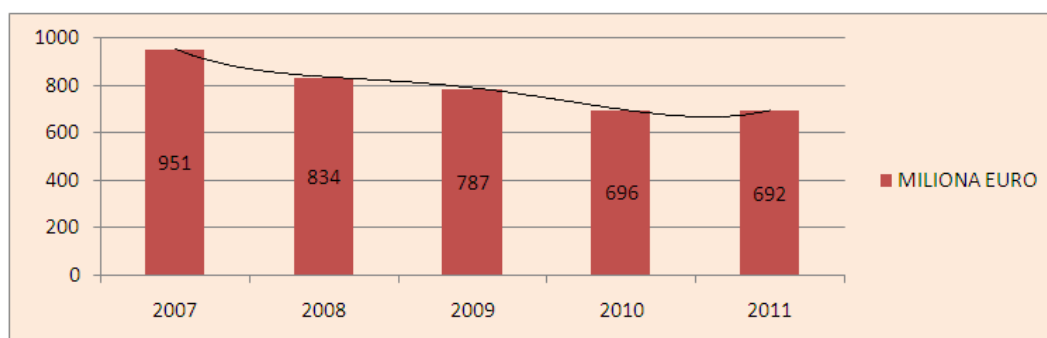


**Source: Life in transition, EBRD, 2010**

Many studies have analyzed the impact of the crisis on the countries that have a high proportion of remittances in GDP. While was continuously thought that banking system had been largely protected, this was the main channel of transmission of the crisis, as it was expected. According to the Bank of Albania 2009 approximately 65% of the

remittances are dispatched in rural areas. And as a result of World Bank 2011, 35% of the population without those remittances would live on a total poverty. Also the World Bank estimate that in 2011 remittances were about 692 mln Euro, value that shows a decreasing of 27% compared to 2007.

**Graphic 12: Trend of the level of remittances**



**Source: ACIT (2012)**

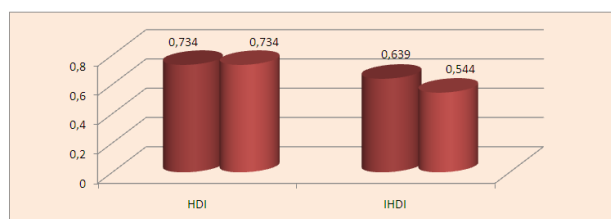
Every year since 1990, the Human Development Report (HDI) has published the Human Development Index, which was introduced as an alternative conventional measure of national development, such as level of income and economic growth rate. HDI represent a 3 dimensional definition of welfare: 1. Education, 2. Health, 3. Income. The HDI in Albania is approximately 0.74, being on the 70<sup>th</sup> position from 187 countries. According to UNDP 2012, Albanian life expectancy at birth is 79.6 years, the average

years of education is 10.4 and the value of income per capita is 7803 dollars.

IHDI - means actual level of human development

HDI- means human potential development index which can be achieved if there is not inequality in income distribution. So generally  $IHDI=HDI$ , but falls down HDI when the inequality increases.

**Graphic 13: Passing from HDI to IHDI**

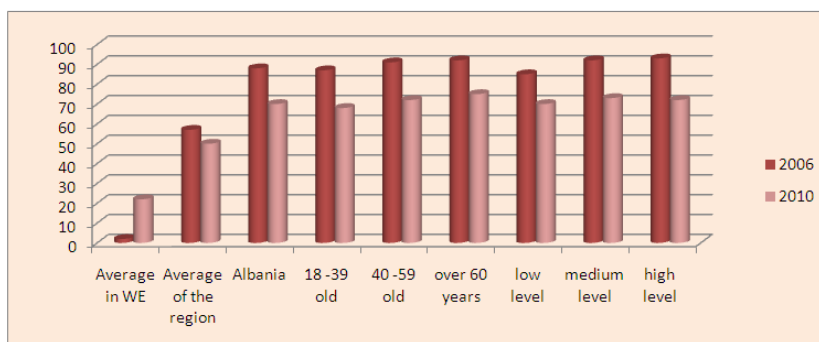


**Source: Human Development Report (2011)**

The average loss in the HDI due to inequality is 23%, which means that countries with less human development tend to have larger losses in human

development index. As a conclusion it is interesting analyzing the fact that Albanians despite all the negative impacts remains

**Graphic 14: Level of optimism before and after the crisis**



**Source: Life in transition, EBRD, 2010**

## Conclusions:

1. Inequality in income distribution has become one of the biggest problems for the wider regional economies, but especially for our economy under polarization.
2. The increase in the inequality of income distribution, observed during the analysis of the performance of the GINI index, becomes even more concern when we notice the difference in income access between 10% and 20% with higher income versus 10% or 20 % with lower incomes.
3. High levels of corruption, high levels of informality and tax evasion are some of the conditions that have favored and still are favoring unequal distribution of income.
4. The appliance of flat tax system in the economy since 2008, has contributed to the promotion of inequality.

5. The decrease in the level of remittances as a source of income for most of Albania's poorest families affected to the downward growth of the country, but also in the increase of poverty and consequently inequality in the distribution of welfare.
6. Foreign direct investment, as a contributor to economic growth in developing countries, mainly in the promotion of employment, after a relatively high decline from the last crisis, will have to focus more on sectors that influent to a large and sustainable economic development of the country.

- References

1. Life in Transition Report, EBRD (2010)
2. Life in Transition Report, EBRD (2012)
3. Human Development Report, UNDP ( 2012)
4. World Economic Developments, World Bank
5. CIESIN, Columbia University ( 2010)
6. La pauvreté, les inégalités et l' exclusion sociale, vers l' horizon, CEPE (2013)
7. Shqipëria: Një vlerësim i varfërisë, BB (2003)
8. Global Financial Integrity
9. The Flat – tax system, Agenda Institute, 2007
10. Faktoret e rritjes ekonomike ne Shqiperi, Instituti Agenda
11. Pabarazia e te ardhurave dhe varferia para dhe gjate krizes, Jurgen Faik, May 2012
12. Les inegalites des revenues, Forum de Paris, 2 May 2011
13. Toujours plus d' inegalites: pourquoi les encarts des revenues creusent, OECD
14. Plus ou moins, Finance and Developments, Branko Milanovic, 2011
15. [www.instat.gov.al](http://www.instat.gov.al)

## On the organization and functioning of administrative courts and administrative dispute

Alkelina GAZIDEDJA  
Tirana District Court Judge  
Peja, Kosovo  
[alkelina@gmail.com](mailto:alkelina@gmail.com)

### Abstract:

Law no. 49/2012 "On the organization and functioning of administrative courts and administrative disputes" represents a novelty in the justice system in the Republic of Albania. This paper will present the procedures and lawsuit time limits trial from Administrative courts through the three levels, the advantages of this judgment by the Administrative Court compared to the ordinary court judgment, the burden of proof in the trial process, by this law. Unlike the previous practice courts, the public body has to prove the lawfulness of the administrative act, administrative contract and any other administrative action issued, not at the request of the plaintiff, and the facts that it has submitted and has been at the core of the activity brought in court and in other cases, the parties have the obligation to prove the facts, which their claim is based on. Differently by the current court practices in execution of a court decision, ordnatory courts do not have an active role in the execution of the decision. While the law no. 49/2012 has provided a new way to control the execution of a final judicial decisions and the judge or the chair of the panel are charged with an active role which rendered the judgment, as set in motion at the request of the parties or bailiff, at counseling room, without the presence of the parties, orders to conduct special operations and other measures necessary, determining the terms and time schedules of the proceeding.

Keywords: administrative court, enforcement, evidence, trial schedule.

Study on the law Nr. 49/2012 "On the organization and functioning of administrative courts and administrative disputes" for the novelties in the trial procedures compared to the ordinary court judgment.

Law Nr. 49/2012 "On the organization and functioning of administrative courts and administrative disputes" has more advantages compared to the civil code procedures and ordinary courts judgments e.g trial time schedules, burden of proof in the process, execution of the court decision.

### I – Introduction

In the Republic of Albania the judicial system consists in three levels: High Court, Appeal Court and District Court. Currently there is one High Court, 6 Appeal Courts and 22 District Courts in the country.

The District Court is divided in civil and penal chambers. Civil chamber is divided in three sections: family, administrative and civil-commercial. According to the Procedural Code, trials of administrative disputes is done by the administrative section of the related local district court where the defendant is registered. The Appellate

Court review the administrative trial court judgements by specialised judges.

The disputes are hearing by civil panel in the high court.

Actually the trial of administrative dispute is regulated by provisions of Chapter II "Trial of administrative dispute articles 324 -333 of Civil Procedure Code, by administrative section at the first instance court according to the article 327 of Civil Procedure Code, and the judicial counsel of Appellate Court, which review the administrative dispute, are contended by specialised judges as set forth at article 333 of Civil Procedure Code.

Organization and function of the administrative courts are regulated by a specific law.<sup>1</sup> The right to create courts for separate fields is based on the 135/2 article of the Constitution of the Republic of Albania and article 7 of the law Nr. 9877, date 18.02.2008, "For organization of the Judicial System in the Republic of Albania".

Law Nr. 49/2012 "On the organization and functioning of administrative courts and administrative disputes" provides

---

<sup>1</sup> Article 7 of the law No. 9877, date 18.02.2008, "For organization of the Judicial System in the Republic of Albania".

the creation of the Administrative Courts in the Republic of Albania.

This law regulates:

- Organization and functionin of the administrative courts and the status of the judges serving in these courts;
- Jurisdiction and competences of the administrative courts;
- Principals and procedures of the trial, parties in the process and other persons involved;
- Administrative court decisions and their execution.<sup>2</sup>

According to this law the competent courts for the administrative disputes are Administrative Courts of the district couts, which are equal in number and territory with the civil appeal courts at the time of the law enter into force.

### Appealate Administrative Court and the Administrative College of Hight Court

<sup>3</sup>

In the administrative trials the court must apply these four base principals foressen in the law:

- To ensure through a regular judicial process and within fast and reasonable time schedule, the protection of judicial protection of the rights, freedom and constitutional interests of the parties involved, that can be affected by public administration (lack of) public services.
- Protection of public interest and the rights and legal interest of private subjects (persons).
- Public administration, as regulated, is obliged to proof that its activity and actions are based in the law and facts.
- By the nature of the case, the dispute is trialed verbally or bazed in documents in counseling room. Failure to attend does not cause the dismissal of the case.<sup>4</sup>

Judicial review of the public administration activity originates for the state phylosophy to be regulated and governed by law above all. Nowadays, rule of law can not be imagined without acess to a independent judicial system for all citizens, based on the law and capable to fullifil the

<sup>2</sup> Law No. 49/2012 "On the organization and functioning of administrative courts and judgement of administrative disputes" article 1, page 1, Official Journal No.53,

<sup>3</sup> Law No. 49/2012 "On the organization and functioning of administrative courts and judgement of administrative disputes" article 4 pag 3 Official Journal No.53,

<sup>4</sup> Law No. 49/2012 "On the organization and functioning of administrative courts and judgement of administrative disputes" article 3 pag 2 Official Journal No.53, <http://80.78.70.231/pls/kuv/f?p=201:Ligj:49/2012:03.05.2012>

demands of fair trial process. As such, the role of the administrative court overview is to protect the citizen's rights and to protect public interest and rule of law. Beside the protective role, the court control is considered as an important tool increasing the quality of public service and governing.<sup>5</sup>

II- Procedures and timeschedules of the trials from the district, appellate, high court administrative panel

According to actual articles of Civil Procedural Code for the process of the administrative disputes, the trial should end within 30 days from the case registration date in the court<sup>6</sup>. In practice, this time limit has been difficult to be met as shown by statistics of the years 2009, 2010, 2011, 2012 of Tirana district Court:

Trial times for administrative cases during year 2009

Time (months)	0-2	2-6	>6
Nr. of cases	6	60	1552

Trial times for administrative cases during year 2010

Time (months)	0-2	2-6	>6
Nr. of cases	10	71	1299

Trial times for administrative cases during year 2011

Time (months)	0-2	2-6	>6
Nr. of cases	38	113	1783

Trial times for administrative cases during year 2012

<sup>5</sup>

[http://www.justice.gov.al/UserFiles/File/Projektakte/Relacion%202\\_.pdf](http://www.justice.gov.al/UserFiles/File/Projektakte/Relacion%202_.pdf)

<sup>6</sup> Article 327 , pag 121 Civil Procedure Code April 2009

Time (months)	0-2	2-6	>6
Nr. of cases	10	141	2470

Aiming at the improvement of efficiency and the trial time limits, law Nr. 49/2012 provides time limits within which the court and parties in the process should operate as by procedures and case reviews.

Subject competency from the administrative sections in foreseen from article 324 of the Code of Civil Procedures expanded with law Nr. 49/2012

According to the law Nr. 49/2012 "On the organization and functioning of administrative courts and administrative disputes" administrative courts have subject competency for:

- Disputes derived from individual administrative acts, normative acts and public contracts, from the public administration;
- disputes cause from illegal intervention or failure to act of the public administration;
- competency disputes between different public institutions in the previewed cases from Code of Administrative Procedures;
- disputes in the employment relations, when employer is public administration;
- request from public administration of cases for which law foresees up to 30 days of imprisonment as administrative penalty for the offender;
- requests from offenders replace the sentence of 30 days of imprisonment with the fine penalty.

Administrative Court does not trial disputes:

- Related to normative acts that by Constitution are competency of Constitutional Court;
- cases that, by current legislations, are competency of another court.<sup>7</sup>

Administrative Court of the district review cases with panels of 1 up to 3 judges, depending from the case. the disputes related to public contracts and request from public administration of cases for which law foresees up to 30 days of imprisonment as administrative penalty for the offense are reviewed by a panel of 3 judges. All other disputes are reviewed by one judge only.

<sup>7</sup> Law No. 49/2012 "On the organization and functioning of administrative courts and judgement of administrative disputes" Official Journal No.53, Article 7, Article 8

Appellate Administrative Court judges with a panel of 3 judges, appeal of administrative court district decisions and with 5 judges appeals against normative acts.

High Court judges at the administrative panel with 5 judges and with 3 judges exceptionally when foreseen in the law Nr. 49/2012, as it's the case of competency which is judged from 3 judges.

This law has provided for the first time, that the Judge of the administrative court of district and appellate administrative court, in its activity is assisted by legal adviser. In the Albanian legal system only at the high court judges are helped from assistants performing their duties.

Legal assistant has the duty to assist and counsel the judge preparing the cases for judgment, and to prepare draft and procedures for the trial.

Also, requested by the judge, the assistant makes legal researches and prepares the opinions in writing on legal issues about procedures and subjects related to the trial.<sup>8</sup>

In the district and appellate courts there is not such practice. This is provided in function to the law Nr.49/2012 its self and quick procedures of judgment which will be analyzed below in this work.

This law for the first time as well, has provided the obligation that the lawsuit to be brought in the court, should be attached, with the contact means of the plaintiff or his representative as telephone number, e-mail address, if he has one, through which the court can make notifications, and declaration of receipt notices by phone or electronic mail. Plaintiff for any later change of the address, telephone number or e-mail address must notify the court. Failure of notification makes unacceptable claims for invalidity of notice.

In the Code of Civil Procedures there is not such an explicit and obligatory request, this novelty is expected to increase the efficiency in the activity of the administrative court regarding the notice to parties in trials, as being quick and with short notice times as normally makes it difficult to proceed and drag the trials.

Notices to parties or their representatives can be done by legal clerk, by the court phone as established by Court chancellor. This notice should be recorded, where telephone number, date and time of the communication, the person contacted and the reason of the notice. The record is written by legal secretary and signed by him and designated legal clerk. This record is part of the trial folder.

<sup>8</sup> Article 6 page 4  
<http://80.78.70.231/pls/kuv/f?p=201:Ligj:49/2012:03.05.2012>

Notifications of parties or their representatives can be done by legal clerk by electronic mail system, according to the legislation on electronic communications. This way documents can be sent as well, to the parties.<sup>9</sup>

Differently from the preparatory process carried by the judge in the normal court cases based on article 158/a of the Civil Procedure Code, by the law 49/2012 for the trial process, by the principle for a fair trial within quick and reasonable time limits, in the administrative court, the leading judge gets the folder in process within 7 days from the lawsuit registration and takes following actions as foreseen in the article 158/a of the Civil Procedure Code:

- Ask the plaintiff to complete the lawsuit with any missing item, leaving up to 10 days time.
- Notifies the accused for the lawsuit and related acts, giving it time up to 10 days for the noting, to deposit in the secretary office of the written disagreements, list of people to be called in the trial to testify or as experts, as other documents where administrative acts are based and reviewed the administrative appeal.
- Decides for the expertise when evaluates that specific knowledges are required for the judgment. In this decision he determines the field of expertise, the expert from the court list, specific duties, as the time limit for the expertise, which, as a rule, can not be more than 20 days.

Differently from the current Civil Procedure Code where the expert is called and put under oath in court trial and then assigned the duties<sup>10</sup> in the law Nr. 49/2012 the court after taking the decision for the expertise, asks the expert to fill and sign a personal declaration for his knowledge and his penal responsibility in case of fake expertise, and invites him to swear that will fulfill the duties trusted to him good and with honor and sole aim to tell the court only the truth. This declaration is given to the court with the expertise act. The form and the content of the declaration are approved by the Minister of Justice. The expert can be appointed from parties, within 3 days for the notice of the decision, when conditions from article 72 of Civil Procedure Code are met.

Acts of the leading judge are based in the article 25 of the law 49/2012 are intermediate decisions and are logged in the preparation registry, which is kept by the legal secretary and signed by the leading judge.

An novelty in the law 49/2012 is the consequence of the failure to participate in the court. Failure to attend in the preparation activities does not make a cause to close the case, even when parties are notified normally<sup>11</sup>, by Civil

Procedure Code if plaintiff fails to attend without any reason causes the case dismissal, when the defendant does not attend in the first 2 courts and the plaintiff does want the trial to continue in defendant absence, the judge decided to dismiss the case<sup>12</sup>.

After all preparation activities, the judge, immediately issues the order with the court date, which can not be longer than 15 days.

In the court can be brought a request for lawsuit security, in this case the court when accepts it, sets a time limit of no more than 20 days to deliver the lawsuit<sup>13</sup>, this is shorter than 15 days provided by Civil Procedure Code<sup>14</sup>.

Implementation of this time limits speeds up the trial procedures and it is expected to increase the efficiency in the administrative disputes judgments.

A amendment of the law Nr. 49/2012 consists on the time of the trial in the Appeal and High Courts. Law forecasts that the appellate court judges the case within 30 days from the date the appeal<sup>15</sup>, while the High Court judges the case within 90 days<sup>16</sup>.

Actually the Civil Procedure Code does not provide time limits for the Appeal and High Courts.

Another novelty in the law 49/2012 is the procedure of the review of the appeal and recourse for the decisions of the district and appeal courts. The appeal or recourse is reviewed in a counseling room from one judge at the district administrative court, which decides if the appeal or recourse is according to the article 46 point 1 and article 75 point 1 of law Nr. 49/2012. If the appeal or recourse is not completed as required by article 46/1, the judge notifies the party to amend accordingly within 5 days for the appeal in the Appellate Administrative Court or within 7 days for the recourse at the Administrative Panel of High Court.

When the party fails to complete the request within the time limit as set forth above, the appeal or recourse is dismissed and returned back with a decision. This decision can be specially appealed at the appellate administrative court.<sup>17</sup>

<sup>12</sup> Civil Procedure Code article 179 page 70, publication of Center of Official Publication April 2009

<sup>13</sup> Law No. 49/2012 "On the organization and functioning of administrative courts and judgement of administrative disputes" Official Journal No.53, Article 28

<sup>14</sup> Civil Procedure Code publication i Center of Official Publication April 2009 Article 204 page 79

<sup>15</sup> Law No. 49/2012 "On the organization and functioning of administrative courts and judgement of administrative disputes" Official Journal No.53, Article 48

<sup>16</sup> Law No. 49/2012 "On the organization and functioning of administrative courts and judgement of administrative disputes" Official Journal No.53, Article 60

<sup>17</sup> Law No. 49/2012 "On the organization and functioning of administrative courts and judgement of administrative disputes" Official Journal No.53, Article 46 dhe 57

<sup>9</sup> Same, articles 22, 23 pages 9, 10

<http://80.78.70.231/pls/kuv/f?p=201:Ligj:49/2012:03.05.2012>

<sup>10</sup> Civil Procedure Code article 224,225,226 page 87, 88, publication i Center of Official Publication April 2009

<sup>11</sup> article 25 page 11

<http://80.78.70.231/pls/kuv/f?p=201:Ligj:49/2012:03.05.2012>

### III- Burden of proof at the administrative juridical process.

Proofs are information that certifies or dismiss the claims or recourse of the parties in the process. Modality and collection is foreseen in the Civil Procedure Code and in the law Nr 49/2012.

According to the Civil Procedure Code the party claiming a right, it's obliged by the law to prove the facts where claim is based<sup>18</sup>.

While in the law 49/2012, differently for the general principal foreseen in the Civil Procedure Code, based in the 2 main principals of administrative judgment:

- The court, during the administrative review, through a ruled judicial process, and within close reasonable time limits, ensure the legal protection of the constitutional rights, liberties and interests of the legal subjects, whose might be bridged due to misuse of their official qualities and public functions by the public administration offices.
- The administrative court applies the principle of protection of public interest and the legal rights and interests of the private entities. Any default of bringing the proofs by the public offices, is sanctioning the third principle that, the public administration offices, by law, have the obligation to prove the legality of their actions.

This principle brings the burden of proof on public administration, as such subject of court judgment.

Proofs or evidence are submitted from parties, in any case before the first trial<sup>19</sup>. Failure to bring proof upfront makes them unacceptable<sup>20</sup> with an written motivated request from the public administration, as by letter "b" point 1 of article 25 of this law, the court determines a second time, not later than 5 days before the first trial. A second failure, the case continue with only represented documents.

Unjustified failure to bring the proof from public administration within the second scheduled time limit, causes, with written request from the party but not limited to, a penalty to the office holder from the court. The penalty is equal to 20% of minimal national pay rate for each delayed day.

<sup>18</sup> Civil Procedure Code publication of the Center of Official Publication April 2009 Article 12 pag 14

<sup>19</sup> Law No. 49/2012 "On the organization and functioning of administrative courts and judgement of administrative disputes" Official Journal No.53,Article 26

<sup>20</sup> Law No. 49/2012 "On the organization and functioning of administrative courts and judgement of administrative disputes" Official Journal No.53,Article 27

If public administration does not represent the proofs until the trial, then the court, considering other proofs and circumstances, can accept the pretensions of the other party, for which these proofs were requested.

In administrative trials, differently from ordinary judgments from the district according to the Civil Procedure Code, the plaintiff does not need to add other acts to the one complained for.

In the administrative process, burden of proof is required from public administration in 2 cases:

First: when public administration has made the administrative act, collective contract or any other administrative activity without request of the plaintiff, then is must show that is based in law for the issues and cases brought to court.

Secondly: employment issues, public administration must justify the law enabement or the employment activity from which case is arisen.

In the rest of the cases, burden of proof is on the plaintiff, to prove the facts on which bases the pretensions.

Exclusion from the general rule, even when the burden of proof is on the plaintiff, the court, even ex officio, by an interlocutory ruling, can decide to assign the public administration, when has reasonable doubts, based in documents, that show that the public administration is hiding important proof for the case judgment. This decision can be appealed with final decision.<sup>21</sup>

### IV- Administrative Court Decision Execution Procedure.

Mandatory execution can be done only by a executive title. Final judicial decision from the court and the decision to lawsuit security are executive titles.

Therefore public administration must execute the decision when

- Final decision from the court is became a final form decision,
- Decision for lawsuit security,
- executed from court bailiff request from the creditor.<sup>22</sup>

Public administration must, after that the administrative court decision is became executable, not act of take any decision that are contrary to the court decisions, but even

<sup>21</sup>Law No. 49/2012 "On the organization and functioning of administrative courts and judgement of administrative disputes" Official Journal No.53,Article 35

<sup>22</sup>Law No. 49/2012 "On the organization and functioning of administrative courts and judgement of administrative disputes" Official Journal No.53, Article 65



they are taken before the decision they became invalid and do not stop the execution of the decision<sup>23</sup>.

Procedure of the mandatory execution is forecasted in the forth part of the Civil Procedure Code from article 510 to article 617. This procedure are executable as foreseen in the law 49/2012, when the objection of bailiff execution of the decision, contrary to the court orders, and can be appealed as provided by the article 610 of Civil Procedure Code.

An novelty in the law Nr.49/2012 is the role of the judge in the execution process. So during the procedures of mandatory execution, the judge or the leading judge of the court panel, that has made the decision, by parties or bailiff request, in counseling form, without the presence of the parties, orders special instructions and necessary steps in time scale and modalities.<sup>24</sup>

Differently as foreseen from Civil Procedure Code relating to the court decision executions and became as executive title, where the role of the court is passive as only reacts when requested by interested parties, which can be the creditor, debtor or a third person, in the new law Nr. /2012 Administrative Court has an active role in the execution of the court decisions.

This role of the administrative court is depended by the object being executed and when

- the court decision for an administrative act or change of an existing administrative act, is not executed after the time limit of voluntary execution, disregard the measurement taken, by this law, the court, in counseling form, without the presence of the parties, if during the trial has verified all the facts for the administrative act, take a decision to replace it, this decision produces all the necessary juridical consequences.
- the decision from the court to public administration to make another act or to stop another administrative act, is not completed within the voluntary execution time limit, requested by the plaintiff regardless from the measurements taken, by this law, the court orders the bailiff, as by the its decision, to act or the dismiss the action.<sup>25</sup>

The bailiff, at the end of the mandatory execution determined by the judge, notifies in writing the judge for the debtor public administration.

Novelties in the law Nr 49/2012 are the sanctions for non execution of court decisions or orders. Failure to fulfill the duties, as by court decisions or orders, without justified reasons, will be sanctioned by penalties from the judge to the debtor public administration party. The penalty is equal to 20% of minimal national rate of salary for each day delay payment in execution. While if any case of default execution of decisions due to justified grounds, the judge requests disciplinary charges, and when the case, decides penal charges to the responsible persons.<sup>26</sup>

The Civil Procedure Code provides that the bailiff defines the sanctions for non acting from the debtor, which goes as a fine no more than 50000 Lek, decision that can be appealed in the court.<sup>27</sup>

Another novelty from the law Nr 49/2012 is that, the fees for the court execution decision is not prepaid from the creditor. The expenses of the execution procedures are considered as part of trial expenses, for which the court expresses in the final decision. The expenses are calculated from the bailiff and paid by the debtor.

While in the Civil Procedure Code is forecasted the tariff of execution to be prepaid represented with the request for execution and related documents from the creditor<sup>28</sup> and then allocated to the debtor at the end of execution process<sup>29</sup>.

## Conclusions

Law Nr. 49/2012 with the novelties and new specific to the administrative disputes judgments are expected to meet the aim of establishment of Administrative Court which is the guarantee of the effective protection of the subjects rights and legal interests through a regular judicial process and within limited and reasonable time limits, creating appropriate conditions for an effective judgment by protecting violated rights from administrative acts/activity from public administration, necessity of equality of the public interest from one side and the subject rights and legitimate interest of persons from the other side. In the domain of administrative relations between persons and public administration, it is aimed to enforce the active role of public administration in regard of subjects and persons rights. This law guarantees the protection of freedom of individuals by ensuring that the public administration will prove the legitimacy in the modality and contents of actions and decision and to make simpler the relative procedures

<sup>23</sup> Law No. 49/2012 "On the organization and functioning of administrative courts and judgement of administrative disputes" Official Journal No.53,Article 65

<sup>24</sup> Law No. 49/2012 "On the organization and functioning of administrative courts and judgement of administrative disputes" Official Journal No.53 article 66,

<sup>25</sup> Law No. 49/2012 "On the organization and functioning of administrative courts and judgement of administrative disputes" Official Journal No.53,article 67

<sup>26</sup> Law No. 49/2012 "On the organization and functioning of administrative courts and judgement of administrative disputes" Official Journal No.53,article 68

<sup>27</sup> Civil Procedure Code publication of Center of Official Publication April 2009 article 606 K.Pr.Civile page 224

<sup>28</sup> Civil Procedure Code publication of Center of Official Publication April 2009 article 515 page 188

<sup>29</sup> Civil Procedure Code publication of Center of Official Publication April 2009 article 525 page 194

=====

of judgments and execution of court decisions on administration and individuals and public.  
administrative disputes cases between public

### **Bibliography**

Civil Procedure Code publication of Official Publication Center April 2009

Constitution of Republic of Albania

Ligji no. 49/2012 "On the organization and functioning of administrative courts and administrative disputes" Official Journal Nr.53,

[http://www.gjykatatirana.gov.al/previewdoc.php?file\\_id=105](http://www.gjykatatirana.gov.al/previewdoc.php?file_id=105)

<http://80.78.70.231/pls/kuv/f?p=201:Ligi:9877:18.02.2008>

[http://www.justice.gov.al/UserFiles/File/Projektakte/Relacion%20\\_2\\_.pdf](http://www.justice.gov.al/UserFiles/File/Projektakte/Relacion%20_2_.pdf)