Due Process in Albanian Administrative Justice: Reasonable Time and Enforcement of Judgments

Associate professor **Paulina GULI (HOTI)**[1]

Abstract

The competencies of general jurisdiction are assigned to courts operating in specific fields, with the aim of delivering higher-quality and more efficient justice, more expeditious justice, as well as ensuring special protection for certain legal relationships. The right of every person to present claims concerning their civil and administrative rights and obligations before an independent and impartial court is exercised through fair, public, and prompt judicial proceedings. Part of this right is also considered the actual execution of the decision given. Delay or postponement in the exercise of this right results in a violation of the rights of its holder. Therefore, the recognition of a right through a judicial decision and its enforcement are intrinsically linked to the legal certainty that must be guaranteed to the individual. The analysis of the activity of the administrative courts to date enables us, on the one hand, to assess the extent to which the purpose of their establishment has been achieved and, on the other hand, to examine the overall state of compliance with human rights requirements for a legal process within reasonable legal time limits. The mission of the courts is not only to administer justice, but also to foster public confidence in the delivery of justice. Extended timeframes for the issuance of administrative judicial decisions, although attributable to objective causes, undeniably affect public trust in the justice system.

Keywords*: legal certainty, adminsitrative court, due process of law, reasonable time limit.*

JEL Classification: K10, K38, K43

DOI: 10.62768/PLPA/2026/15/3/08

Please cite this article as:	**Article History**
Guli (Hoti), Paulina, „Due Process in Albanian Administrative Justice: Reasonable Time and Enforcement of Judgments", *Perspectives of Law and Public Administration* 15, no. 3 (October 2026): 510-521.	Received: 25 May 2026 Revised: 28 July 2026 Accepted: 29 September 2026

1. Introduction

The principle of legal[2] certainty, as a constituent element of the rule of law, is

[1] Paulina Guli (Hoti) - Department of Public Law, Faculty of Law, University of Shkodra "Luigj Gurakuqi," Shkodër, Albania. ORCID ID: https://orcid.org/0009-0006-5078-778X. E-mail: paulina.hoti@unishk.edu.al.

[2] Marjolaine Monot-Fouletier, "La sécurité juridique dans le contentieux administratif français : à quel prix ?" *Revue confluence* 7, no. 1 (2025): 77–94, https://doi.org/10.3917/confl.007.0077; Dominique J. M. Soulas de Russel and Philippe Raimbault, "Nature et racines du principe de sécurité juridique : une mise au point," *Revue internationale de droit comparé* 55, no. 1 (2003): 85–103, https://doi.org/10.3406/ridc.2003.5561.

characterized by formal criteria such as clarity, comprehensibility, and consistency of the entire legal order within a given state[3]. The protection of acquired rights and legitimate expectations guaranteed by acts in force is considered an essential criterion of the principle of legal certainty, from which citizens' trust in the state itself must be created and the stability of the legal order ensured. On the other hand, the infringement of acquired rights through unlawful means, for example through an act of an administrative body, besides creating a situation of legal uncertainty, also produces a lack of confidence in the legal[4] order itself.

Some important elements of the principle of legal certainty are the non-retroactive effect of legal norms that provide for penalties or obligations for the individual, except for norms of a favorable nature; the obligation for the enforcement of final judicial decisions; and the reasoning of judicial decisions. Furthermore, the failure to adjudicate judicial cases within a reasonable time constitutes a violation of the constitutional right to due process of law and consequently an infringement individual[5] rights. The guarantee and observance of these elements through the stability of the legal order are of particular importance for the protection of the rights and interests of the individual.

Our study is focused on the activity of one of the special courts operating in Albania, namely the administrative courts, in relation to the requirements of due process of law and on the analysis of the issues identified during the period of their functioning. Therefore, we propose first to address the purpose of the existence of special courts according to the requirements of due process of law, followed by an analysis of the activity of the administrative courts in relation to human rights in judicial proceedings.

2. The Purpose and Role of Special Courts

The competencies of general jurisdiction are attributed to courts in specific

[3] Constitutional Court of Albania, Decision no. 17/2005, https://www.gjykatakushtetuese.gov.al/wp-content/uploads/2024/12/Vendimi_nr_17_2005.doc; Constitutional Court of Albania, Decision no. 34 of December 20, 2005, https://www.gjykatakushtetuese.gov.al/wp-content/uploads/ 2024/12/Vendimi_nr_34_2005.doc; Constitutional Court of Albania, Decision no. 10 of March 19, 2008, https://www.gjykatakushtetuese.gov.al/wp-content/uploads/2024/12/Vendimi_nr.10.doc: "Legal certainty, as a constitutional concept, (…) includes the clarity, comprehensibility, and stability of the normative system. This principle includes, inter alia, trust in the legal system, without undertaking to guarantee every expectation for the non-alteration of a favorable legal situation".

[4] Constitutional Court of Albania, Decision no. 17 of April 23, 2010, paras. 22–23, https://www.gjykatakushtetuese.gov.al/wp-content/uploads/2024/12/vend.1710.doc: "(…) The lack of reliability in the public register gives rise to insecurity in civil circulation. The Court considers that the creation of a situation of legal uncertainty in these registers cannot be remedied by solutions imposing equally uncertain actions, such as the deletion of the register carried out by the Chief Registrar. The restoration of legality to the situation in which the property regime finds itself cannot be achieved through unlawful means. In this context, the Court considers that the deletion of the property register by an administrative structure restricts the right to property and creates insecurity for citizens, while at the same time infringing acquired rights."

[5] Constitutional Court of Albania, Decision no. 12 of March 5, 2012, https://www.gjykatakushtetuese.gov.al/wp-content/uploads/2024/12/vend_1212.doc; Constitutional Court of Albania, Decision no. 35 of July 17, 2013, https://www.gjykatakushtetuese.gov.al/wp-content/uploads/2024/12/vend_3513.doc.

fields for a particular purpose, which is related to the need to provide a higher-quality, more efficient and more expeditious justice, as well as to ensure special protection of certain legal[6] relationships. Thus, in accordance with its constitutional competence, the Assembly has established by law courts for special[7] fields: the special courts against organized crime and corruption[8], in order to provide a response as adequate as possible to organized crime and corruption; administrative courts[9] with the aim of expediting judicial procedures for the examination of administrative disputes and providing higher-quality administrative justice.

In every legal system, the organization of justice determines the other elements of law, such as the fundamental principles, powers, procedures, and competences. For this reason, the structure of every judicial system varies according to the need that arises for more specific protection of certain legal relationships or because of the particular nature of disputes, conflicts, or criminal offenses, specifically according to the needs for their special and specialized adjudication. In cases where the need arises for the specialization of judicial bodies, we observe that the judicial system may be characterized by: the existence of judicial branches; the division of the ordinary judicial branch into the criminal and civil fields; or the division of courts within each branch into ordinary courts and special[10] courts.

Each of these courts, in accordance with the constitutional provisions, must fulfill the requirements of independence and impartiality. According to Article 42/2 of the Constitution "*everyone, for the protection of his constitutional and legal rights, freedoms, and interests, or in the case of charges brought against him, has the right to a fair and public hearing within a reasonable time by an independent and impartial court established by law*". The Constitution further provides in Article 145/1 that "*Judges are independent and subject only to the Constitution and the laws*". Such a provision, according to the interpretation made by the Constitutional Court of Albania, implies that: - no other power may function as a court and exercise the duty of a judge; - no one may interfere with the delivery of justice or the decision on certain matters; -

---

[6] Francis Kernaleguen, *Institutions judiciaires*, 6th ed. (LexisNexis, 2015), 87 ff., https://www.sudoc.fr/185969216; Paulina Hoti, "La spécialisation des juridictions en France et en Albanie" (PhD diss., Université de Nantes, 2008), § 74 ff., https://theses.fr/2008NANT4031.

[7] Constitution of the Republic of Albania, art. 135(2), https://www.wipo.int/wipolex/en/legislation/details/21584: "The Assembly may establish by law special courts, but in no case extraordinary courts."

[8] Established by the constitutional amendments of 2016, the special courts commenced their activity on December 19, 2019, pursuant to High Judicial Council of Albania, Decision no. 286 of December 18, 2019, "On the Commencement of the Functioning of the Special Courts against Corruption and Organized Crime," https://gjykata.gov.al/media/5190/020304_vendim_nr286_18122019_4695.pdf. Previously, the courts for serious crimes had been established by Albania, Law no. 9110 of July 24, 2003, "On the Organization and Functioning of Courts for Serious Crimes," https://euralius.eu/index.php/sq/biblioteke/legjislacioni-shqiptar?catid=62&id=21&m=0&task=download.send.

[9] Albania, Law no. 49/2012 of May 3, 2012, "On the Organization and Functioning of Administrative Courts and the Adjudication of Administrative Disputes," as amended, https://komentarielektronik.magjistratura.edu.al/sq/eli/fz/2012/49.

[10] Roger Perrot, *Institutions judiciaires*, 16th ed., ed. Bernard Beignier and Lionel Miniato (LGDJ, 2017), https://catalogue.bnf.fr/ark:/12148/cb453793720; Kernaleguen, *Institutions judiciaires*, 87 ff.; Hoti, "La spécialisation des juridictions."

no one is permitted to challenge the recognition and validity of decisions or to refuse their enforcement once they have become final[11] .

Meanwhile, according to the jurisprudence of the European Court of Human Rights, a court is considered independent in the light of Article 6§1when three elements are fulfilled: a) the method of appointment and the term of office of judges; b) the existence of protection against external pressures; c) the existence or non-existence of objective[12] appearance of independence.

These obligations are also binding upon the administrative courts, which, during the adjudication of an administrative dispute, must be independent and impartial. Constitutional jurisprudence interprets that, for every judge "*when circumstances exist that justify a legitimate doubt as to impartiality during the adjudication, his duty is to withdraw from the adjudication, so as not to infringe the regularity of the judicial process*"[13]. Moreover, the Constitutional Court of Albania has emphasized the fact that when, in the exercise of an administrative function, a judge "*has manifested his conviction within the same proceedings and, as representative of the property interests of the state, has defended interests contrary to those of the claimant (...) (he has) cast doubt upon his impartiality*". The European Court of Human Rights also considers that a judge who has dealt with issues analogous to those that he will subsequently examine as part of the adjudicating panel, "*will examine them while burdening the court with a legitimate suspicion of partiality*"[14].

Being a specialized court and having a specific role in the act of its establishment, the administrative court is subject to specific procedural rules for the judicial examination of administrative disputes. Thus, particular importance has been attached to regulations concerning time limits for adjudication, the burden of proof, communication of acts to the parties, notification of court orders, the possibility of adjudication even in the absence of the parties on the basis of documentary evidence, the manner in which the court disposes in relation to acts or administrative activity of public bodies, limitation periods for filing claims, jurisdiction, competence, etc. According to the nature of the case, the administrative court examines the matter orally in a judicial hearing or on the basis of written documents in chambers, while the non-appearance of the parties does not constitute grounds for termination of the adjudication. On the other hand, the protection of the lawful rights and interests of private persons has led the legislator to provide for the obligation of public bodies to prove the legal and factual grounds of the actions undertaken or the acts issued by them.

---

[11] Constitutional Court of Albania, Decision no. 11 of May 27, 2004, https://www.gjykatakushtetuese.gov.al/wp-content/uploads/2024/12/Vendimi_nr_11_2004.doc.

[12] European Court of Human Rights, *Findlay v. the United Kingdom*, application no. 22107/93, judgment of February 25, 1997, § 73, https://hudoc.echr.coe.int/eng?i=001-58016; European Court of Human Rights, *Brudnicka and Others v. Poland*, application no. 54723/00, judgment of March 3, 2005, § 38, https://hudoc.echr.coe.int/eng?i=001-78989.

[13] Constitutional Court of Albania, Decision no. 25 of June 11, 2013, paras. 15–17, https://www.gjykatakushtetuese.gov.al/wp-content/uploads/2024/12/vend_2513.doc.

[14] Constitutional Court, decision of October 24, 1989 [court and decision number unidentified]; European Court of Human Rights, *Morel v. France*, application no. 34130/96, judgment of June 6, 2000, §§ 45–50, https://hudoc.echr.coe.int/eng?i=001-58598.

The procedures and time limits for adjudication before the Court of Appeal and the Supreme Court have likewise been designed so as to enable the fulfillment of the purpose of their establishment. Proceedings before these courts may not only be conducted solely on the basis of documentation and without the presence of the parties, but it is also provided that the final decision-making may take place in deliberation chambers.

The right to due process of law includes, as an integral part of the proceedings, the phase of enforcement of a final judicial decision[15]. Within this framework, it is provided that the enforcement of final or interim decisions shall be carried out without the need for the issuance of an enforcement order. Moreover, the court also assumes an active role during the enforcement phase, since, upon the request of a party or even *ex officio*, it may intervene by decision in order to expedite enforcement and compel the party to carry out enforcement. In certain cases, it may even assume the role and competence of the administrative body by issuing the administrative act for the implementation of the judicial decision.

3. The Realization of Individual Rights in Administrative Judicial Proceedings

As set forth above, guaranteeing effective protection of the individual's constitutional and legal rights, freedoms, and interests in judicial proceedings in which the administration is a party has legitimized the establishment of administrative courts. Subjecting the activity of public bodies under constant judical[16] control is done precisely in order to guarantee the rule of law, according to which the individual must enjoy all procedural guarantees for the restoration of his rights[17].

From an analysis conducted on the activity of the administrative courts to date, it was observed that elements related to legal certainty, such as the reasonable legal time limit and the realization of rights through the enforcement of a final and binding judgment, present a concerning issue, even though the law on administrative courts has provided specific time limits for adjudication at all three levels of jurisdiction[18].

Adjudication within a reasonable time means that courts must ensure the participation of the parties while avoiding any unnecesary[19] delays. In those cases where the prescribed time limit is very short, the interested parties must be given the opportunity to comply within the time limit, whereas when the adjudication period is excessively long, serious doubts may inevitably arise concerning the infringement of

[15] Guillaume Payan, "La jurisprudence européenne" (paper presented at the First Global Forum on Enforcement, Council of Europe, Strasbourg, December 10, 2014), https://rm.coe.int/-la-jurisprudence-europeenne-version-orale-de-la-communication-lorsdu/16807849a1.
[16] Ermir Dobjani et al., *E drejta administrative: Kontrolli mbi administratën publike* (Emal, 2013), 59 ff., https://eis.epoka.edu.al/curricula/syllabus/15746/1/122; Sokol Sadushi, *E drejta administrative procedurale* (Botimet Toena, 2017), https://biblioteka.umb.edu.al/book/312.
[17] Hoti, "La spécialisation des juridictions."
[18] Albania, Law no. 49/2012, arts. 25, 27, and 42.
[19] Constitutional Court of Albania, Decision no. 12/2012.

legal certainty with regard to the enjoyment of fundamental rights and freedoms.

Nevertheless, in addressing the reasonable legal time limit, all aspects of the case must be taken into consideration, such as the subject matter of the case, the contested facts, and the volume of documentary evidence, in order to assess the complexity of the case and determine the reasonable time limit. Jurisprudence has acknowledged that there are cases where the complexity of the matter may justify a considerable[20] duration of proceedings always in relation to the principle of ensuring the proper administration of justice. In any event, the assessment of cases concerning the reasonable legal time limits must be conducted in the light of the criteria established in the jurisprudence of the European Court of Human Rights, which requires consideration of the particular circumstances of the case, especially its complexity, the conduct of the applicant, the conduct of the authorities, as well as the prejudice caused to the applicant by such prolongation[21].

In its jurisprudence, the Constitutional Court of Albania has had the opportunity to establish violations of the principle of due process of law as a result of failure to adjudicate within a reasonable legal time limit. n the specific case, the matter concerned a dispute of an administrative [22] nature, he adjudication of which is provided for and regulated by Law No. 49/2012 "On the Organization and Functioning of Administrative Courts and the Adjudication of Administrative Disputes."

The specific case examined by the Constitutional Court of Albania did not present particular or complex circumstances capable of justifying a delay in its examination, moreover according to its previous jurisprudence, courts are under the obligation to avoid any unnecessary delay in judical proceedings[23] in order to comply with the standards of due process of law and thereby guarantee the rights and freedoms of the individual The Constitutional Court reasons that "*to the extent that the legislator has established specific time limits, this means that it has considered them not only as reasonable time limits, but also as mandatory for implementation by administrative courts of all levels of jurisdiction. Possible objective obstacles must find a solution through the regulation to be undertaken by the legislator*"[24]. The failure to observe these legal time limits by the administrative court of first instance resulted in the failure to adjudicate the judicial case within a reasonable time and infringed the applicant's right to due process of law[25].

---

[20] Constitutional Court of Albania, Decision no. 14 of April 15, 2010, https://www.gjykatakushtetuese.gov.al/wp-content/uploads/2024/12/vend.1410.doc; Constitutional Court of Albania, Decision no. 9 of February 27, 2014, para. 19, https://www.gjykatakushtetuese.gov.al/wp-content/uploads/2024/12/vend_09_14.doc.

[21] Constitutional Court of Albania, Decision no. 14 of March 10, 2016, paras. 10–13, https://www.gjykatakushtetuese.gov.al/wp-content/uploads/2024/12/vend_14_16.doc.

[22] The obligation of the defendant party to compensate the claimant party, the annulment of the administrative sanction imposed unlawfully, etc.

[23] Constitutional Court of Albania, Decision no. 12/2012.

[24] Constitutional Court of Albania, Decision no. 14/2016, paras. 21–23.

[25] For the dissenting opinions, see Constitutional Court of Albania, Decision no. 14/2016, dissenting opinions, paras. 2 and 9. Although, according to the dissenting opinion, the majority opinion is merely declaratory and confirmatory, emphasizing the need to achieve concrete results for the applicant with regard

The reasonable time requirement has been affected, also, by the 2023 judicial map reform in Albania. The reduction of first-instance administrative courts from six to two courts inevitably creates difficulties in the effective exercise of rights within a reasonable time.

The situation in the Administrative Court of Appeal is presented even more complex. The volume of cases before the administrative appellate court has rendered the court unable to cope with a pronounced overload of its capacities and to guarantee the effective realization of the rights of the litigating parties. The overload was also affected by the disputes of competence (positive and negative) between courts of general jurisdiction and administrative courts.The excessive increase in the number of cases at the beginning of its activity, due to the declaration of lack of jurisdiction by the civil courts over administrative matters pursuant to the unifying decision of the Supreme Court of Albania[26], also resulted in an objective impossibility to adjudicate cases within the legally prescribed time limits. Many administrative cases have been awaiting review on appeal[27] for several years, a period which is considered beyond any reasonable legal time limit and far from achieving the purpose for which the court was established. Such a prolonged duration not only infringes the right to due process of law as a result of the failure to examine the case within a reasonable time, but also delays the realization or restoration of the rights of the parties.

Although time limits serve as one of the indicators for measuring judicial activity, both in terms of the professional and ethical evaluation of judges and in terms of identifying the disciplinary liability of judges in cases of intentional delay and its consequences for judicial proceedings, the causes of the delays observed thus far, according to one study[28] appear to be the limited number of judges, the failure to

---

to the restoration of his violated right. According to the jurisprudence of the European Court of Human Rights, within the meaning of Article 13 of the Convention, the remedies available to a litigant for submitting a complaint concerning the length of proceedings are "effective", if they "prevent the alleged violation, prevent its continuation, or provide adequate redress for any violation that has already occurred". See European Court of Human Rights, *Scordino v. Italy (No. 1)* [GC], application no. 36813/97, judgment of March 29, 2006, §§ 183 and 186, https://hudoc.echr.coe.int/eng?i=001-72925, cited in European Court of Human Rights, *Gjonbocari and Others v. Albania*, application no. 10508/02, judgment of October 23, 2007, §§ 75–76, https://hudoc.echr.coe.int/eng?i=001-82863.

[26] Supreme Court of Albania, Joint Benches, Unifying Decision no. 3 of December 6, 2013, para. 19, https://gjykata-media.s3.eu-central-1.amazonaws.com/3_kb_civil_unif_3_pak_1265_d3f0e1af82.docx: The Administrative Courts of First Instance, the Administrative Court of Appeal, and the Administrative Chamber of the Supreme Court, established by Law No. 49, dated 03.05.2012 "On the Organization and Functioning of Administrative Courts and the Adjudication of Administrative Disputes", have jurisdiction to examine all cases which, pursuant to Article 7 of this law, constitute administrative disputes, irrespective of the status, stage, or level of adjudication. These courts shall also have jurisdiction over administrative cases in which the claim, appeal, or recourse was filed before 04.11.2013 respectively before the courts of first instance, the courts of appeal, or the Supreme Court, and for which, by that date, the examination before those courts had not yet been concluded.

[27] Albania, Ministry of Justice, *Vjetari statistikor 2025* (Ministry of Justice, 2026), https://www.drejtesia.gov.al/wp-content/uploads/2026/08/Vjetari-Statistikor-2025.pdf.

[28] OSCE Presence in Albania, *Monitoring of Administrative Trials 2015: At the First Instance Administrative Courts and Administrative Court of Appeal* (OSCE, 2017), 39–41, https://albania.osce.org/sites/default/files/f/documents/3/3/301211.pdf

complete the judicial staffing structure in the administrative courts, and the delayed appointment of legal assistants. Nevertheless, irrespective of the objective reasons, the litigating party must be guaranteed the realization of rights or the restoration of the violated right. Failure to realize rights in a timely manner not only calls into question and raises public doubts regarding the judicial process, but may also gives rise to a situation of legal uncertainty and diminished trust in the legal order.

4. International Perspectives on Due Process

Placing Albania within comparative administrative justice highlights that due process depends on the whole route from challenging official action to obtaining an effective outcome. The Oxford Handbook edited by Hertogh and colleagues examines public decision-making and mechanisms of redress within a broad interdisciplinary framework.[29] The comparative study edited by della Cananea and Andenas also shows how procedural fairness can be analysed across different institutional models of judicial review.[30] For the present study, this means that judicial specialisation should be assessed together with access to justice, independence, timeliness and the enforceability of the result.

The Armenian experience offers a particularly relevant comparison with the Albanian appellate backlog. Badalyan's 2024 study identifies prolonged waiting times and examines procedural simplification and appeal filters as responses to excessive workload.[31] His analysis cautions that increasing the number of judges may not, by itself, resolve persistent congestion. Any use of appeal filters should therefore be considered together with the litigant's practical opportunity to obtain judicial protection. For Albania, the comparative lesson is to identify the causes of delay at each level of jurisdiction before selecting reform measures.

Portugal provides a complementary example focused on remedies for delay. Pedro examines how national judges, drawing on ECtHR case law, have developed State liability for breaches of the reasonable-time requirement and compensation for resulting harm.[32] This addresses a different question from the statutory deadline for deciding the underlying dispute: what remedy remains available once delay has already injured a litigant? In our view, the Albanian analysis should distinguish measures that prevent or end delay from compensation for harm already caused, while also considering how quickly the remedial procedure itself operates.

---

[29] Marc Hertogh et al., eds., *The Oxford Handbook of Administrative Justice* (Oxford University Press, 2022), https://doi.org/10.1093/oxfordhb/9780190903084.001.0001.

[30] Giacinto della Cananea and Mads Andenas, eds., *Judicial Review of Administration in Europe: Procedural Fairness and Propriety* (Oxford University Press, 2021), https://doi.org/10.1093/oso/9780198867609.001.0001.

[31] Sayad Badalyan, "The Issue of Ensuring Reasonable Period for Appellate Proceedings in Administrative Trials," *Bulletin of Yerevan University C: Jurisprudence* 15, no. 1 (2024): 70–78, https://doi.org/10.46 991/BYSU:C/2024.15.1.070.

[32] Ricardo Pedro, "The Portuguese Legal Framework of State Liability for Delayed Justice: The Relevance of ECtHR Case-Law," *International Journal for Court Administration* 15, no. 2 (2024): art. 6, https://doi.org/10.36745/ijca.486.

The connection between procedure and public trust also has a broader international dimension. Tomlinson's 2025 article examines how perceived fairness in encounters with public administration can affect people's attitudes and behaviour.[33] Although his argument concerns administrative processes more broadly than court proceedings, it helps frame the present article's concern with confidence in justice. Applied to administrative litigation, this suggests that comprehensible reasons, reliable communication, opportunities to participate and predictable procedural progress should be considered alongside the final outcome.

These comparisons support evaluating Albanian administrative justice through three connected stages: access to an independent tribunal, fair adjudication within a reasonable time, and effective implementation of the judgment. Court statistics should therefore be read together with the practical availability of remedies and the ability of individuals to secure compliance by public bodies. Judicial specialisation and court reorganisation can contribute to those objectives, but their success should be demonstrated through the protection actually delivered. This connects legal certainty to the experience of litigants throughout the proceedings and enforcement.

5. Conclusions

Human rights are closely linked to the principle of legal certainty as a constituent element of the principle of the rule of law. The protection of acquired rights and legitimate expectations guaranteed by acts in force is considered an essential criterion of the principle of legal certainty, which must establish citizens' trust in the state itself and ensure the stability of the legal order.

Although the establishment of a specialized judicial structure composed of administrative judges responds to the requirements for expeditious and high-quality administrative justice, it remains difficult to provide a definitive assessment regarding the fulfillment of their role during the initial years of their activity. Nevertheless, the objective difficulties encountered during the initial phase of operation cannot justify, in the eyes of the litigating party, delays in the resolution of its dispute.

The violation of established rights through unlawful means, particularly in cases where the violation results from an administrative body's action, may give rise to a situation of legal uncertainty and diminished trust in the legal system. As confirmed by constitutional jurisprudence, the failure to guarantee adjudication within a reasonable time before an administrative court violates the human right to due process of law. This jurisprudence has also highlighted the difficulties faced in fulfilling the role of the administrative courts.

The analysis therefore supports assessing specialised administrative justice through the protection delivered to the individual, from access to an independent and impartial tribunal to the effective enforcement of its judgment. A favourable decision cannot fully restore legal certainty if its adoption or implementation is unduly delayed.

[33] Joe Tomlinson, "The Social Side of Fair Process," *Current Legal Problems* 78, no. 1 (2025): 103–26, https://doi.org/10.1093/clp/cuaf005.

The reasonable-time requirement must consequently be considered across the proceedings as a whole, with particular attention to the practical consequences of delay for the litigant.

These findings suggest that reform should address the causes of congestion at each level of jurisdiction. In the Albanian context, priorities include completing judicial and support staffing, improving the allocation and monitoring of pending cases, and strengthening coordination during enforcement. Monitoring should consider the age of unresolved cases and compliance with judgments, alongside the number of decisions issued. Efforts to accelerate proceedings must preserve the parties' opportunity to present their case and obtain a reasoned decision.

The international comparison also underlines the need to distinguish measures that prevent or bring delay to an end from remedies for harm already caused. Compensation can acknowledge an infringement, but the underlying dispute must still be resolved and the judgment implemented. The experiences examined provide possible directions for reform, whose suitability must be assessed within Albania's institutional context. This legal and comparative analysis does not establish the relative effectiveness of the proposed measures. Further research using court-level data and evidence on enforcement would help assess whether organisational changes improve the protection of litigants and public confidence in administrative justice.

Bibliography

I. Books and Articles

Badalyan, Sayad. "The Issue of Ensuring Reasonable Period for Appellate Proceedings in Administrative Trials." *Bulletin of Yerevan University C: Jurisprudence* 15, no. 1 (2024): 70–78. https://doi.org/10.46991/BYSU:C/2024.15.1.070.

Cananea, Giacinto della, and Mads Andenas, eds. *Judicial Review of Administration in Europe: Procedural Fairness and Propriety*. Oxford University Press, 2021. https://doi.org/10.1093/oso/9780198867609.001.0001.

Dobjani, Ermir, Erlir Puto, Elsa Toska, and Erajd Dobjani. *E drejta administrative: Kontrolli mbi administratën publike.* Emal, 2013. https://eis.epoka.edu.al/curricula/syllabus/15746/1/122.

Hertogh, Marc, Richard Kirkham, Robert Thomas, and Joe Tomlinson, eds. *The Oxford Handbook of Administrative Justice*. Oxford University Press, 2022. https://doi.org/10.1093/oxfordhb/9780190903084.001.0001.

Hoti, Paulina. "La spécialisation des juridictions en France et en Albanie." PhD diss., Université de Nantes, 2008. https://theses.fr/2008NANT4031.

Kernaleguen, Francis. *Institutions judiciaires.* 6th ed. LexisNexis, 2015. https://www.sudoc.fr/185969216.

Monot-Fouletier, Marjolaine. "La sécurité juridique dans le contentieux administratif français : à quel prix ?" *Revue confluence* 7, no. 1 (2025): 77–94. https://doi.org/10.3917/confl.007.0077.

Payan, Guillaume. "La jurisprudence européenne." Paper presented at the First Global Forum on Enforcement, Council of Europe, Strasbourg, December 10, 2014. https://rm.coe.int/-la-jurisprudence-europeenne-version-orale-de-la-communication-lorsdu/16807849a1.

Pedro, Ricardo. "The Portuguese Legal Framework of State Liability for Delayed Justice: The Relevance of ECtHR Case-Law." *International Journal for Court Administration* 15, no. 2 (2024): art. 6. https://doi.org/10.36745/ijca.486.

Perrot, Roger. *Institutions judiciaires.* 16th ed. Edited by Bernard Beignier and Lionel Miniato. LGDJ, 2017. https://catalogue.bnf.fr/ark:/12148/cb453793720.

Sadushi, Sokol. *E drejta administrative procedurale.* Botimet Toena, 2017. https://biblioteka.umb.edu.al/book/312.

Soulas de Russel, Dominique J. M., and Philippe Raimbault. "Nature et racines du principe de sécurité juridique : une mise au point." *Revue internationale de droit comparé* 55, no. 1 (2003): 85–103. https://doi.org/10.3406/ridc.2003.5561.

Tomlinson, Joe. "The Social Side of Fair Process." *Current Legal Problems* 78, no. 1 (2025): 103–26. https://doi.org/10.1093/clp/cuaf005.

II. Documents and Regulations

Albania. *Constitution of the Republic of Albania.* Adopted October 21, 1998. Consolidated version, 2022. https://www.wipo.int/wipolex/en/legislation/details/21584.

Albania. Law no. 49/2012 of May 3, 2012. "On the Organization and Functioning of Administrative Courts and the Adjudication of Administrative Disputes." As amended. https://komentarielektronik.magjistratura.edu.al/sq/eli/fz/2012/49.

Albania. Law no. 9110 of July 24, 2003. "On the Organization and Functioning of Courts for Serious Crimes." EURALIUS reproduction. https://euralius.eu/index.php/sq/bibliotheke/legjislacioni-shqiptar?catid=62&id=21&m=0&task=download.send.

Albania. Ministry of Justice. *Vjetari statistikor 2025.* Ministry of Justice, 2026. https://www.drejtesia.gov.al/wp-content/uploads/2026/08/Vjetari-Statistikor-2025.pdf.

III. Case Law

Constitutional Court of Albania. Decision no. 11 of May 27, 2004. https://www.gjykatakushtetuese.gov.al/wp-content/uploads/2024/12/Vendimi_nr_11_2004.doc.

Constitutional Court of Albania. Decision no. 17/2005. https://www.gjykatakushtetuese.gov.al/wp-content/uploads/2024/12/Vendimi_nr_17_2005.doc.

Constitutional Court of Albania. Decision no. 34 of December 20, 2005. https://www.gjykatakushtetuese.gov.al/wp-content/uploads/2024/12/Vendimi_nr_34_2005.doc.

Constitutional Court of Albania. Decision no. 10 of March 19, 2008. https://www.gjykatakushtetuese.gov.al/wp-content/uploads/2024/12/Vendimi_nr.10.doc.

Constitutional Court of Albania. Decision no. 14 of April 15, 2010. https://www.gjykatakushtetuese.gov.al/wp-content/uploads/2024/12/vend.1410.doc.

Constitutional Court of Albania. Decision no. 17 of April 23, 2010. https://www.gjykatakushtetuese.gov.al/wp-content/uploads/2024/12/vend.1710.doc.

Constitutional Court of Albania. Decision no. 12 of March 5, 2012. https://www.gjykatakushte

tuese.gov.al/wp-content/uploads/2024/12/vend_1212.doc.

Constitutional Court of Albania. Decision no. 25 of June 11, 2013. https://www.gjykatakushtetuese.gov.al/wp-content/uploads/2024/12/vend_2513.doc.

Constitutional Court of Albania. Decision no. 35 of July 17, 2013. https://www.gjykatakushtetuese.gov.al/wp-content/uploads/2024/12/vend_3513.doc.

Constitutional Court of Albania. Decision no. 9 of February 27, 2014. https://www.gjykatakushtetuese.gov.al/wp-content/uploads/2024/12/vend_09_14.doc.

Constitutional Court of Albania. Decision no. 14 of March 10, 2016. https://www.gjykatakushtetuese.gov.al/wp-content/uploads/2024/12/vend_14_16.doc.

European Court of Human Rights. *Brudnicka and Others v. Poland.* Application no. 54723/00. Judgment of March 3, 2005. https://hudoc.echr.coe.int/eng?i=001-78989.

European Court of Human Rights. *Findlay v. the United Kingdom.* Application no. 22107/93. Judgment of February 25, 1997. https://hudoc.echr.coe.int/eng?i=001-58016.

European Court of Human Rights. *Gjonbocari and Others v. Albania.* Application no. 10508/02. Judgment of October 23, 2007. https://hudoc.echr.coe.int/eng?i=001-82863.

European Court of Human Rights. *Morel v. France.* Application no. 34130/96. Judgment of June 6, 2000. https://hudoc.echr.coe.int/eng?i=001-58598.

European Court of Human Rights. *Scordino v. Italy (No. 1).* Grand Chamber. Application no. 36813/97. Judgment of March 29, 2006. https://hudoc.echr.coe.int/eng?i=001-72925.

High Judicial Council of Albania. Decision no. 286 of December 18, 2019. "On the Commencement of the Functioning of the Special Courts against Corruption and Organized Crime." https://gjykata.gov.al/media/5190/020304_vendim_nr286_18122019_4695.pdf.

Supreme Court of Albania. Joint Benches. Unifying Decision no. 3 of December 6, 2013. https://gjykata-media.s3.eu-central-1.amazonaws.com/3_kb_civil_unif_3_pak_1265_d3f0e1af82.docx