

PRIVATE PROPERTY LAW IN ALBANIA, ACCORDING TO NATIONAL AND INTERNATIONAL ACTS

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Abstract

Private property Law is one of the fundamental human rights and freedoms. For Albania, this right presents an even more special significance. This is because, in our country, the right of private property, for over half a century, was limited and was later fully denied by the communist regime. With the establishment of democracy in the 90s of last century, in Albania, was recognized private property right. However, not surprisingly, the reminiscences of the past influence the present day, regarding the guarantee of private property right. The purpose of this paper is to present a critical review and practical recognition of the right of private property in Albania. In the paper will be treated not only constitutional and legal norms which recognize the right of private property in Albania, but will be paid great attention to the practical implementation of these norms by the Albanian state. The paper will consist of two main issues. In the first issue will be dealt with constitutional and legal framework, which deals with the right of private property. In this issue will be handled in a summary of some of the laws, which according to my opinion, are problematic and lead to unfair infringement of private property rights. Also, the practical implementation of laws and court decisions particularly recognize the right of private propriety, will be part of the treatment of this issue. In the second case will be handled the most important international acts ratified by Albania, which recognize the right of private property. Special attention will be paid to this issue, the European Convention of Human Rights, which recognizes and guarantees the right to private property and takes an important place in the legal system in Albania. Also in the paper will be presented a number of decisions of the European Court of Human Rights, in recent years, which is found in violation of the right of private property from Albania. The main hypothesis to be raised in this paper is: Are the guarantees, effectively, the right to private property Albania today? The answer provided in connection with this question is that Albania, formally and based on the legal framework recognizes and guarantees the right to private property. But, in practical terms, and the concrete implementation of this right, Albania still needs work to really and effectively recognize the right of private property. In the paper, just like any other work, will be given conclusions and bibliography on which this paper is based.

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