

THE DUE LEGAL PROCESS AS A WARRANTY FOR HUMAN RIGHTS APPLICATION

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Abstract

The judicial system and law enforcement agencies, as the pillars of democracy in the country, are functional and effective, when state actions are based on the principles of the rule of law, which brings about the active conviction and confidence to citizens. Hence it raises the trust of the taxpayers and their cooperation becomes increasingly effective in the fight against crime, increasing the preventive force against government authority. Each body, with regards to due process in its everyday duty, should refer to Article 6 of the European Convention of Human Rights in which it is set that: "Every person has the right to have a case of a fair and public hearing within a reasonable time by an independent, impartial, and legally created court, which will decide over the disputes over rights and obligations of a civilian character, either on the merits of any accusation of a criminal nature which are alleged against him." Despite the achievements of the Albanian legal system, from the start of the criminal proceedings until the execution of a final verdict, there are still flaws and gaps in the delivery of justice; on the implementation of a fair trial with respect to the human rights, provided in Chapter II of the Constitution of the Republic of Albania. These deficiencies were found obvious by our own legal system, the Constitutional Court and international organizations that monitor us in the process of integration of our country. The standard of a democratic country will be achieved by reforming the legislation which is constantly being improved and adapted with the aim of realizing a regular legal process which respects the human rights, guaranteed by the internal and international legislature.

Keywords: *The judicial system, law enforcement agencies, Constitution, Constitutional Court*