

## **THE EXECUTION OF THE PROPERTY COMPENSATION DECISIONS IN ALBANIA AND THE MEASURES TO BE UNDERTAKEN**

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### **Abstract**

In a series of court decisions in a row, the European Court of Human Rights has noticed that Albania is a country with a weak system of property right protection. Starting from the Ramadhi case, following with pilot decision Manushaqe Puto and others against Albania, The European Court of Human Rights has continuously considered that the real source of the fundamental rights and freedom's violations is the content of the legislation on property restitution and compensation in place in the country. This court has permanently required from the local Albanian authorities to undertake some overall measures for putting into efficiency, legacy and functionality the internal law system. In the pilot judgement, Manushaqe Puto, the Court of Human Rights has evidenced and enlisted for the Albanian authorities the concrete measures to be undertaken and recommendations for their application in the Albanian legislative framework on property restitution and compensation. This paper deals with the impact of the overall measures proposed by the ECHR on putting into efficiency the property restitution law. This study handles such questions as: Is it possible to adopt other property compensation forms, besides the ones foreseen by the law, (such as monetary compensation, for trying to find out a more feasible solution to the problem? Is it possible to make use of the money coming from the land legalization process for compensating the expropriated owners? Is it possible to make a review of the legislative framework of the compensation scheme, the forms of compensation and the ways of calculating them, as proposed by Romania, a state conveying a similar contextual problematics to Albania. The study is based on qualitative research, the review and a comparative research into the legal framework of Albania and other neighbouring countries making use of similar restitution and compensation schemes, and an analytical interpretation of the recommendations issued by ECHR.

**Keywords:** *ECHR, property right, restitution, compensation law*