

“ POSITION OF THE LAWYER IN A CRIMINAL COURT PROCESS”

Dorina SAJA

PhD candidate, University of Tirana, Faculty of Law, e-mail: dorinasaja89@hotmail.com

Abstract

This paper deals specifically with the position of the defense in criminal trials. One of the basic principles of national and international criminal law, is precisely the protection of human rights and the guarantee of the right to a fair legal process. A process is totally void if are not implemented one of the fundamental rights and principles stipulated in the Constitution of Albanian, criminal low course and in major international organizations as are, D.NJ. EC States, the American Declaration of Rights and Obligations of Citizens etc.

Especially the position of the defense is handled and the evolution of the right to qualified legal protection in the Albanian state, starting from the period of 1990 until today. Also there are handled specific cases from criminal court practice in the Republic of Albania as well as International Court of Human Rights Cells as the Strasbourg Court. Once the main goal is not only the punishment of the defendants and their submission to justice as soon as possible.

Finally, there are the expressed conclusions on how to apply more cases of foreign practices by adjusting the Albanian courts in order to have a more democratic system where individual be guaranteed the right to have a qualified legal defense fruitful for the development of national criminal law.

Keywords: *criminal low, jurisprudenc of the Strasburg Court, the position of the lawyer.*