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**RIGHT TO A FAIR LEGAL PROCESS
IN THE REPUBLIC OF ALBANIA**

Conference Presentation

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Abstract

This subject is addressed due process of law, the rights and obligations of entities criminal proceedings. Originally topic addresses the emergence and historical development of human rights, their origins, from 'Manga Carta Libertatum', and to international and domestic legal provisions of today. Historical treatment is necessary and will therefore appear in any period of time after its due to make an analysis regarding the evolution of the concept of human rights was in its infancy, to be completed in days, achievements and efforts made to a due process. The regulation that makes due process, the European Convention of Human Rights, is a special part of this paper handling. Is this convention, which provides minimum standards under which the Albanian state can not come in the framework of realization of rights of the individual by ensuring a fair trial. In this regard, the interpretation of law by the court should be such as not to restrict further, predicting what the European Convention, in relation to rights and fundamental freedoms.

Keywords: *process, orderly, law, penology, Albania, procedure, trial.*

Introduction and theoretical reliance

- **The right to a fair hearing a constitutional right of individuals, through which they seek the realization of fair procedures and fair legal. On the one hand this constitutional right is presented as a guarantee for citizens against unjust actions of state authorities and, on the other hand, it is an obligation for the latter not to infringe the rights and freedoms of citizens without providing them with respect regular legal procedures.**
- **The atmosphere that surrounds the courts and formal events in court is unusual and because the courts are unique**
- **Litigation and law enforcement on the facts in individual cases should be stable and predictable**

Methodology

I used methods which are:

- **Use of official documents**
- **Method of interviewing**
- **Method of conversation,**
- **Statistical-processing method results**

The birth and development of the rule of law: historical overview

Democracy can not exist without respect for the rule of law and the latter is inconceivable without democracy. The rule of law is one of three elements functionally related to each other: the rule of law, democracy and human rights, which are the three values that make up a whole. The rule of law is guided by values, which means that basic rights and democracy as a right of the individual to self-determination, are its constituent elements. The rule of law is mainly based on respect for the Constitution. The country already has pure legality constitutionality as busy main features of the rule of law,

To recognize the rule of law are the three main requirements,

In Albania, the democratic changes ,

The Constitution is the highest law in the Republic of Albania ...

The meaning of due process under the provisions of the ECHR

Article 6 states that everyone is entitled to a fair hearing. This expression includes many aspects of due process of law, as the right of access to court for a hearing in the presence of the accused, the right not to contribute to their self-incrimination, equality of arms, the right to hearings the opposing party and a reasonable judgment. There is no express guarantee of the right of access to a court in the text of Article 6, but the European Court has held that this provision secures to everyone the right to make any claim in connection with the rights of his / her civil and obligations before a court or tribunal.

The meaning of due process under the provisions of the ECHR

The Court held in United Kingdom Golder customers that if Article 6 (1) shall be understood as concerning exclusively the conduct of an action which has been brought before a court, a Contracting State could, without acting in breach of that text must abolish courts, or take away their jurisdiction limited in making decisions for some civil actions and entrust it to organs dependent on the government. . . It would be impossible in the opinion of the Court that Article 6 (1) to describe in detail procedural guarantees afforded to parties in a pending lawsuit and should not be defending it was first possible to benefit from guarantees given, d. m. th. Excess court.

Conclusions

Right for a due process constitutes a the rights provided in our Constitution and the European Convention which relates to the guarantees offered to parties during a trial in terms of respect for those principles which constitute the essence of the process.

Standards such constitutional right to justice the right to defense, impartiality in the trial, public hearing, presumption of innocence. Constitute the main elements that the Constitutional Court has consolidated in its jurisprudence for understanding as to complete the right to a fair trial.

Right for a due process some of them are of Constitutional Rights that guarantees the right of every person protection the interests of his legitimate address the court or competent bodies.

Fair trial among them complex concept was however reduced to a judgment that held by a court of competent jurisdiction under the relevant laws. Some of them right which includes all trial as the criminal and civil cases. There may this none legitimate reason to deprive any person or any category of this right is important.

Conclusions

A series of articles in the other of the Constitution that guarantee the rights of citizens in general and the rights of individuals in criminal proceedings, directly linked to right to a fair trial (right to defend itself or through counsel legal, right for the rich time and convenience necessary to prepare the defense of their own.)

So they can be obviously subject to judgment by our Constitutional Court where the latter takes into consideration the requirements of individuals for a due process.

Right fora due process some of them are a cornerstone in the system of fundamental rights of people, so it is the duty of all bodies state and not only the Constitutional Court to pay the more attention respect to this fair. For this topic can be written more but emphasize that respect for the fair from all levels of the judge system be a guarantee enough important for all and would increase the credibility of the judicial system.

The functioning of district courts observed no significant improvement, however, needs a better management of them.

Conclusions

The principle of publicity of court hearings is generally respected in all courts observed. Despite improvements in court infrastructures, still have problems which lead to the neglect of the principles and the publicity of hearings.

The independence of the courts and remarks or allegations of corruption continue to be of concern to the Albanian justice system. It has shaken up to some extent the trust of citizens in the judiciary, which has also affected the demand for disqualification of judges.

The organization of work in courts leaves much to be desired. Delays or postponements of court are phenomena common in the courts surveyed. Delays in proceedings have been one of the reasons for seeking the disqualification of judges from the trial. They have an impact on reducing public confidence in the judicial system.

Although many citizens complain about delays and postponements unmotivated hearings, to date there appears to be taking any action against judges concerned.

Conclusions

Effective management of the judicial system depends on the functioning of links to other public administration, especially the local government. Deficiencies of information for addresses, street names, failure of the citizens are some of the causes that affect the smooth running of the judicial system.

Service Bar not always enables timely development and quality of judicial processes.

The right to inform the public at large is respected. Inform parties trial sessions displayed in visible places. Yet there is still room for further improvement.

Citizens are provided the opportunity for direct contacts with leaders and judges of the courts. Waiting times of people in general respected in all courts observed.