ESI Preprints **Not Peer-reviewed**

The War Against Corruption in Albania

Alesia Tema
European University of Tirana, Albania

Doi: 10.19044/esipreprint.6.2023.p455

Approved: 17 June 2023
Posted: 20 June 2023

Cite As:
Tema A. (2023). *The War Against Corruption in Albania*. ESI Preprints.
https://doi.org/10.19044/esipreprint.6.2023.p455

Abstract

Corruption is a challenge faced by the whole world, but the fight against it becomes even more emergent in certain regions, such as Southeast Europe, due to a high presence of organized crime, combined with mass spread poverty and low democratic tradition. Given that the countries of the region have already gotten the green light for EU candidacy status, corruption stands as one of the main conditions for this membership. Looking at the fight against corruption throughout the region, and placing Albania in a special perspective, this study aims to bring a comprehensive picture of the legal aspects of the fight against corruption in Albania, looking at the development of relevant legislation and its effects on implementation, as well as the way this establishes the country's journey towards being part of the EU. From an additional element with adverse effects, corruption has become one of the mechanisms that put the system to work, and it is almost impossible to remodel this system if corruption still exists within it. Therefore, the "open war" against corruption has become a basic need and the central fight during the long recovery process of various countries that have gone through difficult transitional periods.

Keywords: Corruption, juridical system, policies, justice reform

1. Introduction

Corruption is one of the most crucial challenges which emerges as a solid opponent to the universal rule of the law (Shleifer & Vishny, 1993). This challenge has been and remains evident throughout the globe, but is even more pronounced in Southeast Europe, destroying the authority of the

justice system and the flow of public funds from productive use to the financing of criminal activities and thus creating significant obstacles to the economic and individual development of the general population (Jain, 2001). Thus, essential elements such as the reforming of the justice system and returning assets from persons who have exercised corruption for profit are essential to the development of the country have become essential in countries where corruption has reached the highest levels of the governing and justice system, thus protecting the rule of law, citizens' rights and the development of the legitimate economy, while preventing that of criminal activities (Glynn, Amukele, & Vian, 2021).

On the other hand, one of the most critical factors that has influenced the identification of the major problems of the countries of Southeast Europe, including Albania, is precisely the conditionality that emerged concerning this problem in terms of EU membership. It is precisely the EU enlargement process, which has recently been oriented exclusively towards the Western Balkans, that has awakened a war that for many years was thought to be lost when it comes to corruption, which has been normalized for years, not only in politics and state institutions, but also in society, given the lack of action by the courts, which in themselves were caught up in corruption, and operated solely based on political and criminal agendas (Agbota, n.d.).

Considering the Copenhagen Criteria, which is the document responsible for setting the criteria for the enlargement of the union, two specific chapters aim to specify a set of fundamental criteria for the candidate countries, such as justice, the implementation of fundamental rights, public safety, as well as the active fight against corruption and organized crime. In essence, the EU's approach to the Western Balkans itself is closely linked to the union's expectations of justice reform. Unfortunately, however, the high presence of corruption even in the most absurd spheres, such as the justice system, and the lack of action taken against it, hanged the EU back for many years, being that one of its core values is the rule of law.

From 2015-2016, official reports published by EU institutions, as well as other independent analyses, often paid attention to the high presence of corruption in Albania, especially when it came to that within the justice system, thus making Albanian courts vulnerable to corruption, bribery, political intimidation and interference by organized crime. Although these reports were, in fact, familiar to the Albanians themselves, it was the first time that a genuine political initiative to fight corruption emerged. This process, which is of particular importance, started precisely in 2016 when, with the conduct of the EU, the majority of the Albanian Parliament voted to launch the justice reformation, and since then, the EU has invested 81 million euros on Albanian reforms (Zaimi, 2018).

Although the justice reform is what we can call the common element among the countries of the region, in terms of EU candidacy, the case of Albania deserves special attention, taking into account all the great efforts and the achievements that have been made in such a short time. In a region that has prolonged this essential process of the fight against corruption for many years, starting from the highest spheres where it has reached, it can be seen that in the 2020 EU candidacy progress report, Albania has finally achieved a small victory for itself and the whole region, regarding corruption fighting made possible by the implementation of the justice reform. However, it is important to analyze the progress of this process, and the concrete results of the legal reform both in the legislation and in the justice system as a whole, which can only be seen by comparatively reviewing the legislation, its changes and impact it has had over the years in terms of the fight against corruption, which remains in essence and the main purpose of this paper.

2. Overview of the war against corruption in the region

As we mentioned before, corruption is spread all over the globe, but it is more evident in certain regions, such as Southeastern Europe, where many countries previously ruled by communist and dictatorial regimes, have carried out privatization programs and decentralization policies and have downsized the civil services. These reforms have enhanced the degree of openness and accountability of the public sector (Kirya, 2020). However, certain patterns of organization and behavior within public institutions, specifically in developing countries, tend to spread systemic corrupt practices at all levels of government (Mauro, 1995). State institutions and agencies themselves provide internal incentives which, when combined with the element of corruption, pave the way for systematic corruption.

When minimizing corruption becomes an integral part of public sector reform programs, identifying the causes that lead to and promote the development of general corrupt behavior in state institutions and those of the justice system becomes an essential need so that the situation can be prevented in the future. There is a high perception throughout the region that corruption exists to a large extent in several state institutions, including the justice system. The general perception also highlights corruption as one of the most important, if not the most important, factors on the current problems of their country. However, the media remains one of the factors that help the most in informing and raising the citizens' awareness on corruption and ways of reporting, given that the concrete legal procedures for reporting are complicated, moreover, not trustworthy. After all, corruption has been and continues to be a large issue for countries around the world. Various elements such as social, economic, political, and institutional development

and social norms specific to each culture are among the factors that influence different forms of corruption in different settings (Haque, 2007). However, corruption remains essentially a wound in the development process from which no state can escape (Klitgaard, 1988).

However, the light of the EU agenda and its aim to make the countries of Southeastern Europe, and in particular those of the Western Balkans part of the union, significant and radical political changes in recent decades have created a challenging situation that is ineffective in implementing practical and functional anti-corruption policies (Shashkova, 2018) in all the countries of the peninsula. Both the Council of Europe Civil Law and Criminal Law Conventions on Corruption have also been ratified. On a national level, anti-corruption programs and action plans have been established throughout the region, relevant legislation has been adopted, and measures have been implemented to strengthen the prevention and criminalization of corruption.

Inefficiency and systematic corruption have caused a decline in the quality of services provided by public agencies in many countries (Buscaglia, 2000), including Albania. From an additional element with adverse effects, corruption has become one of the mechanisms that put the system to work, and it is almost impossible to remodel this system if corruption still exists within it (Rotberg, 2020). Therefore, the open war against corruption has become a basic need and the central fight during the long recovery process of various countries that have gone through difficult transitional periods. Moreover, in such cases when corruption develops this high in the hierarchy of the state, this corruption tends to be discriminatory against the lower social strata and thereby increase the cost and time of economic and social development.

Taking the example of Croatia, which frequently in comparative analysis emerges as a country that serves as a benchmark for the development of other countries in a number of respects, the legal framework for the fight against corruption has been incorporated and has become part of the legislation. In this way, the capacity of relevant state bodies to investigate and prosecute persons involved in corruption scandals has been strengthened, creating USKOK, a relevant state agency that fights corruption and organized crime (Grmuša, 2010). Although labeled one of the most corrupt countries on the eve of EU accession, Croatia managed to produce satisfactory results in its fight against corruption. As a young state, Croatia has fought corruption for many years after its independence in 1991 and the post-war period since 1995. The rest of the Western Balkan countries waiting to integrate into the European Union must view Croatia as a model to learn about meeting EU requirements. However, one case that broke the ice for Croatia's effective fight against corruption was their ability to handle high-

profile cases of state officials involved in corruption, such as indictments by USKOK and the sentencing of former Prime Minister Ivo Sanader, and other officials. In Kosovo, high-profile corruption cases remain the same level as some other legally accused political figures, but often coming from opposition parties. In contrast, the ruling party continues to guarantee immunity for the most powerful political figures in the country. Political pressure or maintaining political stability has often been cited as the leading cause of the low number of indictments.

Continuing in other countries in the region, Northern Macedonia, just like Serbia, has adopted the law on the Conflict of Interest and the Law on Public Procurement in accordance with the standards set by the EU and the European Commission. Bosnia and Herzegovina, has passed the Conflict of Interest law as an attempt to prevent the emergence of corruption (Azarenkova, Buriachenko, & Zhyber, 2020). Moreover, in Kosovo, the law amending and supplementing the Law on Preventing Conflicts of Interest in Exercising Public Functions has been adopted. Among all laws and policies, the country continues to rank high when it comes to the level of corruption (Transparency International, n.d.). The Government of Kosovo continues to rhetorically state that law enforcement is among the top priorities (Top Chanel, 2012). In addition, some disturbing data have been reported in the 2013 Global Corruption Barometer conducted by Transparency International (TI) year after year. Despite the high presence of corruption, the reaction from Kosovo institutions has been low compared to the high levels of corruption.

3. A legal framework of the anti-corruption fight in Albania over the years

Albania has had a very difficult and diverse political and legal history, starting from a dictatorial past where the justice system was totally politically dependent and the issue of corruption was unknown and strictly banned by the regime. Then, with the advent of democracy in the country, and the problems encountered in adaptation, the deep legal shortcomings and the mentality participating in wrongdoings with the sole excuse of the newfound freedom, corruption turned into a tradition that would be deeply rooted in the culture of the country for decades (Smith, 2011).

The Constitution of Albania, which was adopted in 1998, has undergone several fundamental changes over the years. However, all these changes have not had the positive impact they were expected to have on the organization and functioning of the government and justice system (Rothstein & Teorell, 2008). It is therefore essential that the changes, specifically the constitutional ones, be practical, strategic, and sustainable, creating a coherent legal system that responds to the country's legal tradition,

needs, level of development, and the need to enable the development of an economically and socially sustainable future. One of the main problems of the Constitution has been the lack of surety of an independent and accountable judicial system (Korany, 2014). For this reason, the constitutional amendments adopted in 2016 aimed to undertake a profound reform in the organization, governance, and control of the justice system's integrity.

Albania's judicial system is a civil legal system created relying heavily on French and Italian legislation. After all the above changes, the present Constitution itself was created with the help and guidance of the EU, thus aligning all legislation with the European legislation to be in compliance with the European Convention on Human Rights (Schabas, & Schabas, 2015) and the Charter of Fundamental Rights of the European Union (Yumpu.com, n.d.). Despite the great importance of the justice reform, we must recognize that the prevention and fight against corruption is not an exclusive task of the system and the judiciary but also relies heavily on the design of adequate policies and the efficiency of state bodies and institutions (Cavatorto & La Spina, 2020).

The anti-corruption legislation is disclosed in the Criminal Code of the Republic of Albania, based on some main articles such as 244 (Criminal Code of the Republic of Albania, Article 244) which defines the measures taken against active corruption of persons exercising public functions, an article amended several times respectively in 2004 and 2013. Subsequently, Article 245 (Criminal Code of the Republic of Albania, Article 245) which sets out the measures taken against the active corruption of senior state officials or local elected officials, was also amended in 2004 and 2013. Article 245/1 (Criminal Code of the Republic of Albania, Article 245/1) of the Criminal Code which defines the exercise of influence illegal to persons exercising public or bribery functions, there have been changes in 2012 and 2013. However, we can say with full conviction that over the years this legislation has not been effective, not only due to its drafting itself, but mostly due to the lack of implementation in a politically dependent justice system, but also to organized crime.

In the framework of anti-corruption measures, the approach of Albanian legislation to international standards is one of the essential aspects. The increase in commitments at the international level has led to a legal reform in the field of criminal legislation in order to crack down on corruption in all its forms. Of particular importance are the recent additions and changes to the Criminal Code. The wording for corruption is already based mainly on international legal acts. Provisions have been improved in terms of their content and detail, and sentencing measures have been tightened. The system of criminal sanctions has been adapted, which in

addition to the sentence of deprivation of liberty, also provides for a fine. Also, in order to fight corruption, the circle of provisions has been expanded in accordance with the economic, political, and social reality, which imposes new forms of manifestation of corrupt practices.

Thus, new provisions are included in the Criminal Code related to the active and passive corruption of senior state officials or local elected officials, as well as the active and passive corruption of judges, prosecutors, and other officials of the judiciary. Also, for the first time, criminal offenses against corruption in the private sector that were not foreseen in the past were discussed this time. A novelty in the Criminal Code is the provision of criminal liability not only for persons who give and receive bribes but also for that category that promises or ensures the exercise of illegal influence in the decision-making of public officials (Szakonyi, 2021). In terms of criminal liability, it extends not only to natural persons but also to legal persons. So, from the point of view of a theoretical-legal analysis, the situation looks positive.

The justice reform is the most significant reform of the last decade and one of the most crucial transition reforms in Albania (Maliqi, 2016). Its object is not only the judiciary and the legal system but also indirectly the level of good governance and the standards of functioning democracy in the country. After the writing phase of the justice reform, the process of practical implementation of the reform remains a crucial challenge. Referring to the county's political and state tradition, the difference between well-written laws and their poor implementation in practice has been decisive for the low level of implementation. Nevertheless, there is a broad public consensus within the country that through the success of this reform, significant steps forward can be made towards the rule of law, a functioning democracy, and European integration. Consequently, public expectations are much higher than the actual developments towards it, public support continues to be much greater than the potential of the new system itself to justify it. There is a widespread perception in the public that political elites have created privileged legal positions for themselves, a double standard in relation to ordinary citizens, and that the link between corrupt political elites and corrupt elites in the judiciary and the Prosecution, remains the main obstacle to the implementation of justice reform and the rule of law in Albania (Olken, 2009).

The government in Albania needs to understand, accept and move forward towards a political consensus for significant reforms, including the justice reform. The whole product of the justice reform, that is, the new legislation and the new elections at different levels and bodies, actually passes through the parliament's vote, that is, through the political will. If this goodwill remains positive, the chances for reform and concrete results are

relatively high; if it remains fragile, the chances are minimized, and the consequences of political conflict or consensus negotiations are many times greater in the institutions of justice than in the political system itself (Holmberg & Rothstein, 2011).

The main political parties, including the three main parties in government and in opposition, have voted by consensus on the 2016 constitutional changes and some of the fundamental laws of the justice reform package. The political agreement between the majority and the opposition in May 2017 included the consensus of the two parties for the voting of the vetting bodies and for other processes of justice reform. However, both in the period after the 2016 constitutional changes and after the May 2017 consensus, the parliamentary majority and minority have returned to political conflict, and as a result, a number of legal acts related to the completion or implementation of justice reform have been voted on by the majority system, without political consensus.

In addition to the political consensus, the implementation of the justice reform also requires the sustainable implementation of the administrative and procedural elements of the reform. The process of re-evaluating judges and prosecutors has not yet been closed and, moreover, has created differences in attitudes regarding evaluation deadlines and the responsibility of institutions. The process of budgeting and creating administrative structures for the new reform bodies, especially those of vetting, was accompanied by public debates and drastic cuts by the political decision-making body. Just as the delay in decision-making between June and October 2017 was avoidable, so the new decision-making still leaves open debates and may have an impact on the expected effectiveness of the work of the new evaluation and vetting institutions. Political decision-making was a critical and warning signal for the parallel agendas that politics and the judiciary have on the progress of justice reform. The phenomenon of attitudes with double public standards towards judges and prosecutors, especially from political actors, continues to be a concern and an obstacle.

Another influential element is the parallel continuation of the reform process, and periodic appeals addressed to the Constitutional Court by interest groups or factors with political support Law no.8577, dated 10.02.2000. Appealing to the Constitutional Court is a constitutional process and right, but treating justice reform as a procedural issue can lead to a loss of time, quality, and willingness of political and institutional actors in their commitment to justice reform. The solution is not to call for a halt to complaints but to expand the consultative base at the decision-making stage and increase public transparency at each stage of the process.

3.1. Legal reformation in the framework of the anti-corruption fight as a condition for EU membership

The reformation process, first launched in October of 2014, went through three main phases, constating of a*nalysis*, *strategy*, and *drafting*. It was finalized by the Constitutional amendments and the core laws that were voted by the majority of the parliament in 2016. It was one of the first times in modern Albanian politics that the government and the opposition worked together and reached a consensus (Yumpu.com, n.d.).

The reform aims to establish accountability, fight corruption, increase access to justice, ensure the separation of powers and the independence of the judiciary, promote professionalism and increase efficiency. In order to reach these ambitious goals, it emphasizes the role of the following key institutions:

- The Constitutional Court has jurisdiction over all cases that involve a point of constitutional law.
- The High Court is a court of cassation and has appellate jurisdiction in cases that include every area of law, except for constitutional and administrative law.
- The Prosecutor General is the legal party that represents the government when introducing a criminal case against individuals that have breached the law.
- The High Judicial and High Prosecutorial Councils are two self-governing bodies that are responsible for appointing, transferring and evaluating, and dismissing judges and prosecutors.
- The special anti-corruption structures consist of three organs specialized in organized crime and corruption: the special prosecution office, the national bureau of investigation, and the anti-corruption and organized crime courts.
- The Justice Appointments council is an organ created to depoliticize and reduce the discretion of the appointment process. To achieve this goal, it assists the appointing bodies by pre-screening candidates and compiling ranking lists according to the legal conditions for appointment.
- The School of Magistrates is responsible for the recruitment, the initial and ongoing training of law graduates that will become magistrates, state advocates, legal assistants, legal advisors, and chancellors.

The reform modified the functioning of each key institution in order to ensure their independence and the integrity of their members. One of the essential procedures introduced by the reform was the one on the re-

evaluation of judges and prosecutors (Yumpu.com, n.d.), known as the vetting law. The purpose of this procedure, as stated in Article 4 of the law, is to evaluate high judiciary officials based on three main criteria: asset, background, and proficiency assessment.

Another significant change worth mentioning is the appointment of high officials. Before the reform, the election of high officials of the judiciary power and that of the general prosecutor was highly politicized. The reform changed that by enabling independent institutions, such as the High Judicial and Prosecutorial Councils and the Justice Appointments councils, to take charge of appointments.

The Albanian laws relative to the above-stated reforms and the official report (Hahn, 2014) from the EU-funded project on the consolidation of the justice system in Albania lead the reader into thinking that every dysfunctional aspect of the judiciary has been tackled and adequate solutions have been found. That is, unfortunately, not the case. Hence, it is vital to put forward a number of factors that should relativize this postcard image. Albanian judges, lawyers, academics, and even high-ranking politicians claim in their official statements that the reform has been yet another failure because it paralyzed the country's highest courts; while punishing some forms of abuse of power, it opened the door for others to enter the system. On the other hand, the European Commission states in its 2020 Country report on Albania that "good progress was made through continued implementation of the justice reform and that Albania has some level of preparation on the functioning of the judiciary." (Hahn, 2014). Careful navigation through the dispositions of the reform and the consequences it had on the ground will help bring some nuance to an issue that is often presented as binary.

The outcome of the vetting procedure created numerous vacancies in almost every level of the judiciary, paralyzing the country's most important courts and tribunals for considerable periods of time. Out of nine judges of the Constitutional Court, only one passed the vetting evaluation. That left the country without a fully functioning Constitutional Court for more than two years. The importance of the de-facto existence of this Court was and continues to be paramount. Therefore, Albanian citizens could not oppose the constitutionality of acts of the government, which could violate their constitutionally protected rights, such as the demolition of the National Theatre (Koleka, 2020), which faced public controversy.

The constitutionality of the governmental decision that ordered the demolition of the National Theatre has been contested, but since the Court could not render a decision due to the vacancies, the government went forward with its decision unopposed. On the other hand, the manifestations that followed the demolition were oppressed by the police. Several activists

were arrested and detained, and some of them claimed to have been victims of disproportionate violence by the forces of order. Victims of these reprisals claimed that their freedom of speech had been severely violated, but they had no effective recourse since the Constitutional Court was not functional at the time. This is a clear example of how the non-existence of the Constitutional Court enabled arbitrary governance due to the absence of functional checks and balances.

The situation slightly changed in the first half of 2020, when three new members were appointed to the Constitutional Court, giving it the necessary quorum to decide on the admissibility of the cases. The appointments are ongoing since the Court still does not meet the necessary quorum to examine questions in plenary sessions.

Out of 17 judges, only four remained in office in the High Court as a result of the vetting procedures and a number of resignations. Since it did not meet the quorum to adjudicate on cases, the High Court did not work from June 2018 up until March 2020. Consequently, back in 2018, it had a backlog of 23 900 cases (Xhepa, 2018) that were waiting to be examined. Nevertheless, on 11 March 2020, three members were appointed for a 9- year non-renewable term at the High Court, giving it the necessary quorum to adjudicate on cases (unece.org, n.d.).

Most of the judges and prosecutors that underwent the vetting evaluation were dismissed based on the criteria of unjustified assets (unece.org, n.d.). The Constitution of the Republic of Albania and the vetting law clearly state that the three criteria need to be examined for a final decision to be rendered. The vetting bodies have considered in a number of cases that when the assessed cannot justify their assets, that alone would suffice for dismissal, and therefore, they did not examine the two remaining criteria of proficiency and background. This choice can be justified by the wish to move forward more rapidly since there have already been numerous delays regarding the reform, but it does have an impact on the overall transparency, clarity, and thoroughness of the proceedings. It would help raise the public's trust in the judiciary if the vetting bodies were to issue a complete evaluation of each subject based on the three criteria set out by the law. Again, the goal is not just cleansing the system but doing so according to the European standards of transparency and rigor.

As previously mentioned, the European Union has played a vital role in drafting, financing, and implementing the judiciary reform. To better understand the role that the European Union played in the judiciary reform, it would be interesting to closely examine the International Monitoring Operation (IMO), a project led by the European Commission, which was created to monitor and oversee the vetting process. This operation has no executive power, but it can nonetheless play an essential role by filing

findings and opinions on numerous issues relating to the re-evaluation process. Moreover, the IMO contributes to the background assessment and has the power to recommend the Public Commissioners to lead appeals against the first-instance vetting body (IQC) decisions. To illustrate the real power this operation exercises, the IMO has issued 12 recommendations for appeal, and all 12 were followed by the vetting institutions.

Back in 2014, the European Council granted Albania the status of candidate country for EU Membership. At the time, many were those who thought that a successful judiciary reform was the final stone to lay in order to finalize the accession process. How do the recent findings on the outcome of the reform affect Albania's accession to the European Union? Four years after the adoption of the reform on the judiciary, the European Union opened accession negotiations with Albania in March 2020. In an official statement, the President of the European Commission considered that "North Macedonia and Albania did what was asked for them, and they have continued making progress in the reform needed." (European Commission, n.d.). While recognizing the importance of this step in Albania's European Path, it would be hazardous to conclude, based on a general political statement only, that the judiciary reform has been successful.

Facing this analysis and with the data obtained from the corruption measurement index year after year, it is seen that only after 2016 the high numbers of corruption cases made public increase. This does not mean that the level and cases of corruption increased during this period, but that the reforming of the justice system, the fight against corruption at the highest levels as well as the legislation in line with that of the EU, made public the corruption hidden for the last three decades, and managed to bring it before justice.

Conclusion and recommendations

Given that the political culture is closely linked to corruption throughout the region of Southeast Europe, as well as the EU agenda for the membership of the Western Balkan countries specifically, the fight against corruption is an inevitable battle. As in all other countries of the Western Balkans, Albania has had a difficult political history, which as a result has profoundly influenced the juridical culture and development, both in the creation, implementation and enforcement of the law. Coming from a long period within the communist regime, where not only the justice system did not function as independent, but also corruption was not recognized as problematic as it was severely punished by the regime of the time, the emergence of corruption after the advent of democracy in the country, and all the legal shortcomings that followed Albania's journey in the following decades, caused corruption to develop at a galloping pace and reach the

highest spheres of the political system and the judiciary, thus leaving organized crime an open path for development.

However, one of the first concrete legal steps, which includes great efforts in implementation, as never before in the history of Albania, is precisely the Justice Reform. This reform brought significant changes in many aspects, be it functional in terms of policies and bodies of justice, but also in the public's perception, taking into account the cleansing that was done to a number of public and official figures. However, like all significant transitions of this nature, this transition also encountered a number of problems in its implementation, taking into account elements such as the problems that arose in the deployment of bodies that would be responsible for the transition in legal terms, such as and shortcomings in the completion of these bodies. The lack of stable efforts shown either by the executive or the legislative branch, which has the most significant responsibility in this reforming transition, is the most tremendous setback of the process.

The newly established institutions should proceed with their obligations vis-à-vis the reform by keeping in mind the obligations that arise from the European Convention on Human Rights. The right to have a fair public hearing is explicitly recognized by article 6 of the ECHR, but nevertheless. this right has been violated on numerous occasions since the cases waiting at the High Court have been piling up for years, and it will most likely take a long time to examine them all. Taking into consideration the importance of the affairs waiting to be examined, the competent authorities should do everything they can to avoid laxity from the judges and to ensure that every case will be examined rigorously. If not, Albania could be condemned by the ECHR for violating the right of the citizens to a fair hearing within a reasonable time. As the reform moves forward, Albania has to make sure that it takes careful steps in order not to violate the above-mentioned international norms.

Recommendations for addressing these shortcomings would be the following:

- The deadlines set for the reform in 2016 were not respected, to say the least. That has created critical vacancies in Albania's Supreme Courts, thus violating citizens' rights to a fair trial and allowing for arbitrary governance. The reform presented ambitious goals, but it failed to provide a safety net or an impetus for swiftness. Moving from corrupted courts to no courts at all is not an adequate solution. When creating new institutions necessary for implementation and completion of the judicial reform, the competent authorities should anticipate every possible scenario and envision a safety net in case of a vacancy.

- The right to resign for judges and prosecutors waiting for a vetting procedure should be restrained by the law, be it before or during these procedures. This particular right has been misused since many judges resigned right after the passing of the vetting law and have kept doing so to this day. The reform did not only aim at cleansing the system but also establishing accountability and giving judges and prosecutors the possibility to resign does not serve that goal.
- The logistical aspect of the new institutions that includes budget, working spaces, and staff, should explicitly be regulated by law, and it should reflect the independence that the reform wished to attribute to these institutions. This independence should not be infringeable by external political actors. The quality of the proceedings and their transparency would be improved if measures were to be taken in this area.

References:

1. Klitgaard, R. (1988). Controlling corruption. Univ of California Press.
2. Rotberg, R. I. (2020). Anticorruption. MIT Press.
3. La Spina, A. (2020). Fighting Corruption. *The Politics of Public Administration Reform in Italy*, 75.
4. A. Olken, Corruption perceptions vs. corruption reality, *Journal of Public Economics*, 93(7-8), pp. 950–964. <https://ideas.repec.org/a/eee/pubeco/v93y2009i7-8p950-964.html> [accessed 21 September 2021].
5. G. Lovorka, The Underworld and Its Forces: Croatia, the Uskoks and Their Fight for Autonomy in Against the Day, *Against the Grain*, pp. 263–289.
6. G. M. Azarenkova, A. Buriachenko, T. Zhyber, Anticorruption efficacy in public procurement, *Financial and Credit Activity: Problems of Theory and Practice*, 2(33), pp. 66–73.
7. H. Glynn, T. Amukele, T. Vian, Corruption, *American Journal of Clinical Pathology*.
8. K. Jain, Corruption: A Review, *Journal of Economic Surveys*, 15(1), pp. 71–121.
9. M. Khawaja, Fighting Corruption, *Arab Human Development in the Twenty-First Century*, pp. 105–130.
10. Maliqi, Justice Reform: Challenge or Change, *Conference: Justice System in the Crossroads of Transformation*, SHLUJ Luarasi.
11. P. Mauro, Corruption and Growth, *The Quarterly Journal of Economics*, 110(3), pp. 681–712. <https://doi.org/10.2307/2946696 [accessed 21 September 2021].

12. Szakonyi, Indecent Disclosures: Anticorruption Reforms and Political Selection, *American Journal of Political Science*.
13. Shashkova, Anticorruption Policy, *SSRN Electronic Journal*.
14. Shleifer, R. W. Vishny, Corruption, *The Quarterly Journal of Economics*, 108(3), pp.599–617.
15. T. K. Agbota, Corruption, *A Scientific Framework for Compassion and Social Justice*, pp. 74–83.
16. Z. Haque, Towards Reduction of Corruption in Anticorruption Commission, *Bangladesh Journal of Public Administration*, pp. 73–95.
17. M. T. Kirya, Promoting anti-corruption, transparency and accountability in the recruitment and promotion of health workers to safeguard health outcomes, *Global Health Action.*
18. B. Rothstein, Dying of corruption. Retrieved from CiteSeer website: <https://citeseerx.ist.psu.edu/viewdoc/summary?doi=10.1.1.467.5138 > [accessed 21 September 2021].
19. A. Graycar, Corruption: Classification and analysis. *Policy and Society*, 34(2), pp. 87–96.
20. Rothstein, J. Teorell, What Is Quality of Government? A Theory of Impartial Government Institutions. *Governance*, 21(2), pp. 165–190.
21. <https://ec.europa.eu/commission/presscorner/detail/en/IP_20_519.> [accessed 21 September 2021].
22. Corruption Perceptions Index, <https://www.transparency.org/en/cpi/2013/index/nzl.> [accessed 21 September 2021].
23. E. Buscaglia, An Economic and Jurimetric Analysis of Official Corruption in the Courts. Retrieved from papers.ssrn.com website: <https://ssrn.com/abstract=251595 > [accessed 21 September 2021].
24. E. Zaimi, Korrupsioni dhe Integriteti i Gjyqesorit. https://doi.org/10.13140/RG.2.2.15291.52001.
25. European Convention on Human Rights <https://www.echr.coe.int/documents/convention_eng.pdf> [accessed 21 September 2021].
26. European Neighbourhood Policy and Enlargement Negotiations, <https://ec.europa.eu/neighbourhood-enlargement/system/files/2020-10/albania_report_2020.pdf.> [accessed 21 September 2021].
27. J. Smith, Why Albania Matters. Retrieved from The Daily Signal website: <https://www.dailysignal.com/2011/06/29/why-albania-matters/> [accessed 21 September 2021].
28. Justice Reform Brochure, <https://euralius.eu/images/2020/JUSTICE-REFORM-BROCHURE-2020-03-30.pdf. > [accessed 21 September 2021].

29. Monitoring the vetting process of judges and prosecutors, https://ahc.org.al/wp-<content/uploads/2018/06/Draft-Raport-Monitorimi-i-procesit-te-vettingut.pdf> [accessed 21 September 2021].
30. News: Demolition of Albanian national theatre sparks angry protests, <https://www.reuters.com/article/us-health-coronavirus-albania-theatre-idUSKBN22T0FV> [accessed 21 September 2021].
31. News: High Court: 3 Judges and 28,863 Open Cases <https://exit.al/en/2019/01/09/high-court-3-judges-and-288863-open-cases/.> [accessed 21 September 2021].
32. News: Rule of law, government priority, <https://lajmeshqip.com/kosove-kuci-sundimi-i-ligjit-prioritet-i-qeverise/.> [accessed 21 September 2021].
33. Criminal Code of the Republic of Albania, Article 244, *Active corruption of persons exercising public functions.*
34. Criminal Code of the Republic of Albania, Article 245, *Active corruption of senior state officials or local elected officials.*
35. Criminal Code of the Republic of Albania, Article 245/1 *Exercising illegal influence on persons exercising public functions.*
36. Law no.8577, dated 10.02.2000 *On the organization and functioning of Constitutional Court of the Republic of Albania.*