



THE APPLICATION OF HUMAN RIGHTS BY JUDGES IN CIVIL CASES: THE CASE OF ALBANIA

The application of human rights is one of the main variables that measure the democratic status of a country. While in the traditional literature, public law – where human rights are included – and private law were divided, in recent years, Albanian judges have also applied human rights in legal decisions related to civil cases. This is more evident in the case of Albania, where an individual constitutional complaint against the violation of human rights has been established also in the Constitution after the Constitutional reform of 2016. In other words, after the decision of the Supreme Court, citizens have direct access to the Constitutional Court, if their human rights have been violated. This paper studies the unification or modification of the judicial practice – having regard to both interlocutory and final decisions – of the Supreme Court, Civil Chamber as well as the constitutional complaints in civil law cases in Albania. The case of Albania was chosen as one of the countries previously featuring a totalitarian regime. After identifying the civil cases where human rights have been applied, this paper reviews the application of human rights in concrete cases. In the conclusions reached, the research carried out underlines that there is no clear division between public law – where human rights are included – and private law, insofar as the enjoyment of human rights is concerned.