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**LAW**  
**No. 8678 of May 14, 2001<sup>1</sup>**  
**(as amended by Law no. 9112 of July 24, 2003)**

**ON**  
**THE ORGANISATION AND FUNCTIONING OF**  
**THE MINISTRY OF JUSTICE**

In reliance on articles 78, 83, paragraph 1 of the Constitution, on the proposal of the Council of Ministers,

**THE ASSEMBLY**  
**OF THE REPUBLIC OF ALBANIA**

**D E C I D E D:**

**CHAPTER I**  
**GENERAL PROVISIONS**

Article 1  
**Object of the law**

This law specifies the rules of organisation and functioning and the fields of activity of the Ministry of Justice.

Article 2

**The legal basis of the organisation and functioning of the Ministry of Justice**

The Ministry of Justice is organised and functions in compliance with the Constitution of the Republic of Albania, Law No. 8549 of November 11, 1999 “On the status of the civil servant”, the legal provisions on the organisation and functioning of the Council of Ministers, and other legal provisions that set out the rules of organisation, the functioning and the powers of the Ministry of Justice.

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<sup>1</sup> Translator’s note: Law no. 8678 was originally passed by Parliament on November 2, 2000, but was returned by Parliament and re-passed with numerous minor but no substantive changes.

Article 3  
**Subordinate legal acts on the organisation and functioning of  
the Ministry of Justice**

This law provides for the most important issues of the structure, organisation and functioning of the Ministry of Justice, while the detailed regulation of these issues is defined in the rules of the Ministry of Justice and the orders and instructions of the Minister of Justice.

Article 4  
**Status of political functionaries and civil servants**

1. The political functionaries of the Ministry of Justice enjoy the rights and fulfil the obligations foreseen for them in the respective legal provisions.

2. The civil servants of the Ministry of Justice enjoy the rights and fulfil the obligations set out in Law No. 8549 of November 11, 1999 “On the status of the civil servant”, while the Labour Code applies for the other employees.

3. Judges and prosecutors may be accepted and may serve as legal advisers at the management or executive levels of legal-professional structures of the Ministry of Justice.<sup>2</sup>

4. The acceptance and appointment of judges or prosecutors is carried out following the consent, respectively, of the High Council of Justice or the General Prosecutor, according to the request of the Minister of Justice. For vacancies at the management and executive levels of the legal-professional structures of the Ministry of Justice, the acceptance and appointment are performed without competition.

5. The period of exercising either the political or the civil service function at the structures referred to in point 3 of this article is recognised as a period of seniority at work as a judge or prosecutor for the purpose of the requirements of the professional career provided in the legal provisions on the organisation of the judicial power, the High Court, the Constitutional Court and the prosecutor’s office.

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<sup>2</sup> Paragraph 3 was slightly amended by law no. 9112.

6. Judges or prosecutors who serve in the structures referred to in point 3 of this article are re-appointed judges or prosecutors without a competition, at their request.

## **CHAPTER II FIELD OF ACTIVITY**

### Article 5

#### **Mission of the Ministry of Justice**

1. In compliance with the Constitution and the laws, the Ministry of Justice exercises the functions of, and has in its competence, drafting and following policies, preparing legal acts and subordinate legal acts, and performing necessary services related to the judicial system, the system of execution of criminal and civil decisions, the system of free legal-professional services, international co-operation in the civil and criminal field, other fields of justice and of its competence according to law, as well as co-ordinating, harmonising and reforming Albanian legislation as a whole.

2. In the performance of its activity, the Ministry of Justice has the purpose of seeking respect for the Constitution and the laws, the realisation and protection of dignity, fundamental human rights and freedoms and of contributing to the prevention of violations of law, in conformity with and in the service of the requirements of the democratic development and European integration of the Republic of Albania.

3. In compliance with law, the Ministry of Justice supports, co-operates and co-ordinates its activity with that of the organs of the judicial power and with the prosecutor's office, respecting the principle of the separation of powers and the independence of the judicial power and the prosecutor's office.

### Article 6

#### **Fields of Activity**

The Ministry of Justice exercises its activity in the following fields.<sup>3</sup>

1. It follows and renders account for the accomplishment of overall state policy in the field of justice.
2. It prepare drafts of legal and subordinate legal acts in the field of justice.

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<sup>3</sup> As amended by law no. 9112. Previously, this introductory sentence provided that the MOJ exercises its activity "in conformity with the principal directions of general state policy and with the programme of the Government...in the following fields:"

3. It gives a specialised opinion on drafts of legal acts and normative subordinate legal acts of the Council of Ministers, the ministers and the directors of other central institutions, as well as on the realisation of the reform of legislation in general.
4. It gives a specialised opinion about the content of draft international agreements entered into in the name of the Republic of Albania or the Council of Ministers.
5. It prepares and follows the implementation of unified Albanian methodology for the legislative process and the drafting of normative acts and legal terminology.
6. It follows and realises policies and activities related to adaptation and integration of the system of justice with the respective international structures and initiatives as well as co-ordinating work with other institutions in the service of approximating Albanian legislation with that of the European Community and its Member States.<sup>4</sup>
7. It attends to the organisation and functioning of the services related to the judicial system and to justice in general.<sup>5</sup>
8. It attends to and supervises the activity of the judicial administration.<sup>6</sup>
9. It carries out inspections and does disciplinary proceedings of judges of the courts of the first instance and courts of appeal according to law.
10. It controls the prosecutor's office and reports to the President of the Republic and to the Assembly.
11. It supports and participates, according to law, in accomplishing the functions of the High Council of Justice of Justice.
12. It directs the pre-trial detention system and the execution of criminal decisions.

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<sup>4</sup> Paragraph 6 was amended by law no. 9112.

<sup>5</sup> Paragraph 7 was amended by law no. 9112. Previously, it merely said "Attend the functioning and organisation of the judicial power."

<sup>6</sup> Paragraph 8 was slightly amended by law no. 9112.

13. It directs the system of execution of civil decisions and executive titles.
14. It directs the activity of the Centre of Official Publications.
15. It directs the unified statistical service in the field of justice.
16. It keep the register of judicial status and issue certificates based on the registration.
17. It attends to, direct and checks, according to law, the legal-administrative services related to or carried out in the justice system.<sup>7</sup>
18. It attends to and supports, according to law, the exercising, organisation and functioning of the professions of advocate, notary, arbitrator, mediator, bankruptcy administrator and other free professions related to the justice system.<sup>8</sup>
19. It supports and takes part in the co-ordination of activities with state bodies, courts and the prosecutor's office in connection with the recognition and study of criminality and violations of law, as well as measures for preventing and fighting them.
20. It attends to the realisation and co-ordination of activities for juveniles in the field of justice, the protection of their lawful rights and interests, legal education and the prevention of violations of law by them, and the conduct of services for juveniles by the respective structures of the justice system.<sup>9</sup>
21. It directs the service of legal expertise.
22. It carries out the methodical direction of the civil status services.
23. It carries out the methodical direction of the services and registration of immovable property.
24. It carries out the methodical direction of the legal offices of the ministries and other central institutions.
25. It attends to and supports activities for professional preparation, qualification and specialisation of judges, prosecutors, advocates, notaries and public administration lawyers.

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<sup>7</sup> Paragraph 17 was amended by law no. 9112.

<sup>8</sup> Paragraph 18 was amended by law no. 9112.

<sup>9</sup> Paragraph 20 was amended by law no. 9112.

26. It attends to and supports scientific activities in the field of justice and the dissemination of legal education.

27. It attends to the following and coordination of relations with civil society in the field of justice.

28. It pursues international cooperation in the criminal and civil field and, in conformity with international agreements to which the Albanian state is a party, to the realisation of jurisdictional relationships with competent authorities of other countries as well as with international bodies.

29. It carries out other functions in conformity with international agreements to which the Albanian state is a party.

30. It performs other functions and activities in conformity with law.

### **CHAPTER III ORGANISATION OF THE MINISTRY OF JUSTICE**

#### **Article 7 Political functionaries**

1. The Minister of Justice has in his competence and directs under his responsibility all fields of activity of the Ministry of Justice.

2. The Minister of Justice issues orders and instructions in the exercise of his competences.

3. The Minister of Justice is assisted by the deputy ministers in the exercise of his competences.

4. The Minister of Justice is supported by the Cabinet of the Minister in the exercise of his competences.

#### **Article 8 Civil service**

In conformity with the fields of activity, the civil services of the Ministry of Justice are conducted by:

1. The General Secretary
2. General Directorates
3. Directorates
4. Sectors
5. Offices

### **Article 9**

#### **Relations among the structures of the Ministry of Justice**

1. The rights, obligations and relations between the Minister, a deputy minister, the Cabinet of the Minister, the General Secretary and other structures of the civil service of the Ministry of Justice are organised and function in conformity with the legal provisions and other normative acts in the field of the civil service and on the organisation and functioning of the Council of Ministers.

2. In conformity with law and the normative acts of the Council of Ministers, in order to fulfil the activities in his competence, the Minister of Justice designates or proposes for approval detailed rules on the organisation, functioning, structure and organic chart of the Ministry of Justice, related to the division and accomplishment of the duties among political functionaries and civil servants at the management and executive levels, on the particular criteria for employment in the structures of the Ministry, on discipline and internal regulation in the institution, as well as on the management and daily administration of the activity of the Ministry.

### **Article 10**

#### **General Directorate of Codification**

1. The General Directorate of Codification exercises functions and duties related to the fields of activity of the Ministry of Justice set out in article 6, points 2, 3, 4, 5, 6, 16, 17, 20, 23, 24, 26, 27, 29 and 30 of this law. In order to accomplish its functions, according to the respective fields, the following directorates are established and function:

- a) the Directorate of Legislation and Legal Aid;
- b) the Directorate of Integration and the Development of International Relations;

c) the Directorate of Justice for Juveniles and of Legal-Administrative Services.<sup>10</sup>

2. The Directorate of Legislation and Legal Aid exercises the following activities:

a) it prepares draft laws and subordinate legal acts in the field of justice or in the competence of the Ministry of Justice;

b) it organises and follows the activity of special working groups for the preparation of draft acts;

c) it follows the process of examination, approval and publication of legal and normative subordinate legal acts;

ç) it gives legal thoughts and opinions in the cases and in the manner specified by law and in international agreements;

d) it directs and methodologically guides services and activities according to the competence set by law;

dh) it prepares legal opinions about draft laws and other normative draft acts of the Council of Ministers, the ministers and the central institutions, as well as international agreements entered into in the name of the Republic of Albania and of the Council of Ministers;

e) it organises and makes scientific studies about the field of justice and legislation, the strategy of legislative reforms and the legislative process, the methodology of preparing draft acts, unified legal terminology, the generalisation of the practice for the implementation of legislation and the rendering of justice, and also supports, in general, scientific activity in the field of justice.

3. The Directorate of Integration and the Development of International Relations exercises the following activities:

a) it prepares, follows and co-ordinates work for the accomplishment of the policies, programmes and reporting on the integration of the justice system with the respective international structures and initiatives, as well as for the development of international relations in the field of justice;

b) it attends to and co-ordinates work with other institutions for accomplishing the approximation of Albanian legislation with that of the European Community and its Member States in the field of justice;

c) it prepares comparative studies and materials about developments in the field of international law and Albanian law;

ç) it follows and realises the process of studying, negotiating, signing, approving and implementing international agreements pertaining to the field of competence of the Minister of Justice;

d) it attends to the establishment of international relations and contacts of the Ministry of Justice with international institutions, analogous institutions of

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<sup>10</sup> Paragraph 1 was amended by law no. 9112.

other states, foreign judicial authorities, and other foreign public or private organisations;

dh) it attends to and takes measures for the organisation, participation and realisation of the necessary services for international activities in the field of justice, within or outside the state.<sup>11</sup>

4. The Directorate of Justice for Juveniles and of Legal-Administrative Services exercises the following activities:

a) it prepares, follows and co-ordinates the realisation of the policies, programs and activities that are related to the field of justice for juveniles, legal education, the fight against and the prevention of violations of law and criminality by juveniles;

b) it attends to and co-ordinates the work with the institutions charged with legal duties for accomplishing and defending the rights and lawful interests of juveniles in the field of justice, especially in connection with their adoption and guardianship;

c) it attends to the development and implementation of legislation assigned by the Ministry of Justice and, in the entirety, the organs of justice, in fulfilling various legal-administrative services.<sup>12</sup>

### **Article 11** **General Directorate of Justice Issues**

1. The General Directorate of Justice Issues exercises functions and duties related to the fields of activity of the Ministry of Justice set out in article 6, points 7, 8, 9, 10, 11, 15, 18, 19, 21, 25, 28 and 30 of this law. In order to accomplish its functions, according to the respective fields, the following directorates are established and function;

- The Directorate of Judicial Organisation;
- The Directorate of Inspection;
- The Directorate of Free Professions.

2. The Directorate of Judicial Organisation exercises the following activities:

a) it prepares recommendations related to legal and organisational measures for the functioning of the judicial power, the number of courts, their location and territorial competence, the sections of the courts, the personnel structure and the number of their judges and other questions of judicial organisation;

b) it prepares recommendations related to legal and organisational measures for the functioning of the judicial administration, the organic chart and the number of personnel of the judicial administration;

<sup>11</sup> Paragraph 3 was amended by law no. 9112.

<sup>12</sup> Paragraph 4 was amended by law no. 9112.

c) it supports, co-operates with and co-ordinates its work with the Faculty of Law, the Magistrates' School and other institutions, local and foreign, related to questions of professional preparation, qualification and specialisation of judges, prosecutors, advocates, notaries and public administration lawyers, as well as personnel of the judicial administration;

ç) it attends to the collection, processing and maintenance of unified procedural, administrative, investigative and judicial statistical data as well as the methodology and manner of keeping criminal and civil judicial statistics;

d) it attends to the accomplishment of the services of information technology related to the collection, processing, maintenance and exchange of data in the fields of activity of the Ministry of Justice.

3. The Directorate of Inspection exercises the following activities:

a) it carries out inspections in courts of the first instance and courts of appeal related to the organisation and work of judicial services and the judicial administration in general and prepares recommendations for the Minister of Justice related to the taking of necessary measures for the resolution of problems and for the violations identified;

b) it carries out inspections of particular judges and courts according to law and also prepares recommendations for the Minister of Justice related to the taking of necessary measures for the resolution of problems and for the violations identified;

c) it controls<sup>13</sup> the prosecutor's office and prepares recommendations for the Minister of Justice related to the issues that are the object of control;

ç) it carries out inspections in the institutions for the execution of civil and criminal decisions, as well as other institutions under the Ministry of Justice or which exercise activity in its competence, and also prepares recommendations for the Minister of Justice related to the taking of necessary measures for the resolution of problems and for the violations identified.

4. The Directorate of Free Professions exercises the following activities:

a) it attends to and supports, according to law, the exercise of the profession of advocate, notary, arbitrator, mediator, bankruptcy administrator and other free professions related to the justice system as well as the organisation and functioning of such professions;

b) it attends to and supports the functioning of the activity and the services of legal expertise, as well as following other issues, in conformity with the respective provisions of the legal acts regulating their activity;

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<sup>13</sup> Translator's note: when "control" is found in the translation, it is usually translating the Albanian verb "kontrolloj," which has the sense of audit, supervise, oversee, or search. See, for example, article 13.

c) it attends to the collection, processing and maintenance of the file folders and the register of judicial status, as well as issuing the respective certificates based on this register.<sup>14</sup>

## **Article 12** **Directorate of International Judicial Cooperation**<sup>15</sup>

The Directorate of International Agreements and Jurisdictional Relations exercises the following activities:

a) it realises and follows the relations of the Ministry of Justice with bodies of the system of justice, in the service of meeting the obligations that derive from the instruments of international judicial cooperation;<sup>16</sup>

b) in conformity with law and international agreements, it follows and realises the exercise of the competences of the Minister of Justice related to the development and realisation of jurisdictional relations and other procedures of international cooperation in the criminal and civil field;

c) it provides and realises official translations, from the Albanian language into foreign languages and vice versa, of Albanian legislation, the legislation of other states and acts of international law,

ç) it provides translations of documents and other official documents in the cases and the manner provided by law, international agreements and the respective generally recognised practices;

d) it also provide the service of official translation, as well as the translation of the drafts of laws and normative acts that are officially forwarded to other states and international institutions.

The Minister of Justice and the Minister of Finance set criteria and rules for the selection of freelance translators, their compensation tariffs and the cases and compensation tariffs that third parties should pay, according to letters “c,” “ç,” and “d” of point 1 of this article.<sup>17</sup>

## **Article 13** **Directorate of Economic and Financial Control**<sup>18</sup>

The Directorate of Economic and Financial Control exercises the following activities:

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<sup>14</sup> Paragraph 4 was amended by law no. 9112.

<sup>15</sup> The title was changed by law no. 9112. However, the old name of this directorate remains in the first paragraph.

<sup>16</sup> Letter a) was amended by law no. 9112.

<sup>17</sup> This last unnumbered paragraph was amended by law no. 9112.

<sup>18</sup> The title and all of article 13 were amended by law no. 9112.

a) it realises economic and financial control of the structures of the Ministry of Justice and the dependent institutions;

b) it recommends legal and institutional measures for the improvement of the situation and the economic and financial practices of the activity of the Ministry of Justice and the dependent institutions;

c) it conducts audits of the activity of the structures of the judicial administration for the fulfilment of the legal duties concerning which the law charges the Ministry of Justice with responsibility;

ç) it proposes, according to law, the taking of disciplinary measures against persons responsible for a violation of the legal provisions related to economic and financial discipline;

d) it coordinates activity with other specialised structures of the executive in the field of internal administrative and economic-financial audit.

#### **Article 14**

#### **Directorate of Personnel, Organisation and Services**

The Directorate of Personnel, Organisation and Services exercises the following activities:

a) it studies and takes measures for meeting the needs of the Ministry related to human resources and for the selection and professional qualification of the specialists and ordinary employees of the Ministry and administers personnel documentation;

b) it controls respect for the law and the rules of internal functioning of the Ministry, and follows the procedures related to the taking of disciplinary measures against civil servants and employees in the competence of the Minister;

c) it attends to the administration, inventorying and maintenance of movable and immovable property of the Ministry;

ç) it attends to the planning and implementation of the annual programme for investments and for furnishing the Ministry with equipment and materials of every kind for the maintenance of inventories and the administration of the warehouse;

d) it attends to the functioning of the means of communication, the distribution and movement of vehicles, cleanliness and order in the work environment, and to preserving and securing them, and also provides other services necessary for the activity of the structures of the Ministry;

dh) it follows and realises all activities related to the incoming and outgoing correspondence of the Ministry, the archives, the protocols, the typing and the reproduction of written documents and forms;

e) it attends to the maintenance, protection and use of the archives of the system of justice in conformity with the respective legal and subordinate legal acts,

[ë) it attends to and supports the cooperation of the Ministry of Justice with analogous institutions and judicial authorities of other states, bodies and international institutions, and other foreign public and private institutions, as regards participation in and organisation of international activities, within and outside the state];<sup>19</sup>

f) it follow and take measures for the means of communication and relations with the public, for the clarification, explanation and simplification of actions and administrative written documents of the Ministry, as well as for the receipt, informing and correct examination of complaints and requests of the public;

g) it follows and takes measures for research, processing, maintenance, use and exchange of information within and outside the Ministry, and also for communication and exchange of information with press entities and the mass media;

gj) it follows and performs actions involving bookkeeping, books of account and the treasury.

### **Article 15 Economic Directorate**

The Economic Directorate exercises the following activities:

a) it follows and co-ordinates the activities of studying and fulfilling procedures for the preparation of the budgetary requests of the Ministry of Justice and the dependent institutions;

b) it takes measures, follows and reports, according to law, on the planning, provision and implementation of the approved budget, for the realisation of the financial funds and investments in the fields of activity of the Ministry of Justice and the dependent institutions.<sup>20</sup>

### **Article 16 General Directorate of Prisons**

1. The General Directorate of Prisons is an institution under the Ministry of Justice that, according to law, follows and realises the organisation and functioning of the pre-trial detention system, the execution of criminal decisions, the serving of punishment and the treatment of persons who are detained, arrested or sentenced to imprisonment.

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<sup>19</sup> Letter “ë” was repealed by law no. 9112.

<sup>20</sup> The text of both lettered subparagraphs of this article was amended by article no. 9112.

**Article 17**  
**General Directorate of the Bailiff's Service**

The General Directorate of the Bailiff's Office is an institution under the Ministry of Justice that, according to law, follows and realises the organisation and functioning of the system of execution of civil decisions and executive titles.

**Article 18**  
**Centre of Official Publications**

The Centre of Official Publications is an institution under the Ministry of Justice that, according to law, exercises the activities of official legal publications and printings, legal-professional texts and other activity for the publication of the legislation and information about it.

**Article 18/1**  
**Albanian Adoption Committee<sup>21</sup>**

The Albanian Adoption Committee is an institution under the Ministry of Justice that, according to law, follows and realises the organisation and functioning of activities related to adoptions, for the lawful interest in protection of the rights of juveniles.

**CHAPTER IV**  
**FINAL PROVISIONS**

**Article 19**

Law no. 7381 of May 8, 1990 "On the establishment of the Ministry of Justice," with its later amendments, and any provision conflicting with this law, is repealed.

**Article 20**

This law enters into force 15 days after publication in the Official Journal.<sup>22</sup>

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<sup>21</sup> This article was added by law no. 9112.

<sup>22</sup> Translator's note: this issue of the Official Journal came from the press on June 5, 2001, so the effective date was June 20.