

K. Imholz translation, updated 18 July 2007 (EURALIUS II Expert)

LAW
no. 8678 of 14 May 2001¹
(as amended by law no. 9112 of 24 July 2003 and no. 9694 of 19 March 2007))

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.

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.

¹ 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 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 11 November 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.²
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.
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.

² Paragraph 3 was slightly amended by law no. 9112.

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.³

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.
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.⁴
7. It attends to the organisation and functioning of the services related to the judicial system and to justice in general.⁵
8. It attends to and supervises the activity of the judicial administration.⁶
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.

³ 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:"

⁴ Paragraph 6 was amended by law no. 9112.

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

⁶ Paragraph 8 was slightly amended by law no. 9112.

12. It directs the pre-trial detention system and the execution of criminal decisions.
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 keeps the register of judicial status and issues 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.⁷
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.⁸
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.⁹
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.
26. It attends to and supports scientific activities in the field of justice and the dissemination of legal education.

⁷ Paragraph 17 was amended by law no. 9112.

⁸ Paragraph 18 was amended by law no. 9112.

⁹ Paragraph 20 was amended by law no. 9112.

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.

29. 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

The structure and personnel chart of the Ministry of Justice are defined according to article 7 of law no. 9000 of 30.1.2003 "On the organisation and functioning of the Council of Ministers."¹⁰

Article 11
General Directorate of Justice Issues

Repealed by law no. 9694.

Article 12
Directorate of International Judicial Cooperation¹¹

Repealed by law no. 9694.

Article 13
Directorate of Economic and Financial Control¹²

Repealed by law no. 9694.

Article 14
Directorate of Personnel, Organisation and Services

Repealed by law no. 9694.

¹⁰ As amended by law no. 9694.

¹¹ The title was changed by law no. 9112. However, the old name of this directorate remains in the first paragraph.

¹² The title and all of article 13 were amended by law no. 9112.

Article 15
Economic Directorate

Repealed by law no. 9694.

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.

Article 17
General Directorate of the Bailiff's Service

The General Directorate of the Bailiff's Service 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 Committee¹³

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.¹⁴

¹³ This article was added by law no. 9112.

¹⁴ Translator's note: this issue of the Official Journal came from the press on June 5, 2001, so the effective date was June 20. Law no. 9694 was published in no. 36/2007 of the Official Journal published 2 April 2007, so its effective date was 17 April.