

The principle of legality in criminal law in the Republic of Albania

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Abstract

The criminal law of every democratic state is based on several principles which constitute the pillars of its existence, because they serve as a guarantee for the protection and guarantee of rights and freedoms. One of these principles is the principle of legality, known in Latin with the term "Nullum crimen, nulla poena sine lege".

The recognition and prediction of this fundamental principle of criminal law is one of the basic requirements for the criminal legislation of a state, to be considered as democratic and contemporary. But we must consider the other fact that is formal prediction of this principle in criminal law or in the Constitution of a State and the other thing is its effective implementation in practice. This second requirement relates to real and effective implementation of the principle of legality and represents a great importance for countries like Albania, where the implementation of legislation in general and the rule of law still has problems. It is no coincidence that one of the requirements that the European Union has imposed to Albania, but also to other countries aspiring to integrate in this organization, is the implementation of effective law and real guarantee of the rights and fundamental freedoms. The principle of legality is a multi-dimensional principle. It has at the same time national and international character, legal and constitutional, and consists of several sub principles or elements. The dimensions of this principle would be the scientific purpose of this article, which will be reflected in the conclusions and references based in this article.

Keywords: the principle of legality, European integration, human rights and fundamental freedoms, the prohibition of analogy, legal security.

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Academic Journal of Business, Administration, Law and Social Sciences ISSN 2410-3918 (print)

ISSN 2410-8693 (online)

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