

The right to protect defects in the legal rules of procedure

Dr. Adrian Leka

University "Luigj Gurakuqi", Faculty of Law

Abstract

Writing for the defender and his position during the criminal process is as attractive and difficult. It is attractive because a good advocate must be a good acquaintance with the law, have professional skills and act within the boundaries of his profession ethics, be able to communicate, recognize logic and psychology. It is difficult because it is a great enterprise to define in a topic the procedural position of the defender and his defense techniques, ethics, professionalism, criticism, and wealthy court practice. With the adoption of the Criminal Procedure Code in 1995, the Albanian criminal procedural law was channeled into the accusatory system, respecting the equality of parties in the process and conducting a controversial adjudication. So the key basis for a judgment on these principles became obviously the figure of the defense lawyer.

The defense counsel performs his duty as an assistant when the defendant he is defending is present and as a representative when the defendant is not present. The role of the defender is very important. He protects the rights and procedural safeguards of the defendant. The lawyer thus secures the real right of the defendant as one of the basic rights for a due legal process in the Constitutional and European sense. Problems in practice and not just have been made issues related to the presence and replacement of the defense counsel chosen by the defendant, the legitimization of the defender appointed or assigned mainly by the relatives of the defendant to appeal against the decision given in absentia defendants, guaranteeing effective protection by a defender designated by the proceeding body, lack of defense attorney's presence in some investigative actions and procedural inability to conduct investigations by the defender himself. But despite the great role played by the defender, his figure suffers from our criticism of the level of corruption and in a few cases of deliberate delays in court proceedings, making it a serious obstacle to these processes and to the judiciary, The Courts and the Prosecutor's Office.

Keywords: Protector, Code of Criminal Procedure, Defendant, Criminal Legislation.

Full Text: [PDF](#)



This work is licensed under [Creative Commons Attribution 3.0 License](#).

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

ISSN 2410-8693 (online)

Copyright © IIPCCCL-International Institute for Private, Commercial and Competition law