

Judicial civil procedure dragging out in Kosovo

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Abstract

This article tends to deal with one of the most worrying issues in the judicial system of Kosovo-the problem of judicial civil procedure dragging out. The article analyses the reasons of these dragging outs of the judicial civil procedure focusing on the context of one of the basic procedural principles in civil procedure-the principle of economy or efficiency in the courts. Dragging out of civil procedure in Kosovo has put in question not only the basic principles of civil procedure, but it also challenges the general principles related to human rights and freedoms sanctioned not only by the highest legal act of the country, but also with international treaties.

The article tends to give a reflection to the most important reasons that effect and influence in these dragging outs of civil procedure, as well as, at the same time aims to give the necessary alternatives to pass through them by identifying dilemmas within the judicial practice.

As a result, the motives of this scientific paper are exactly focused at the same time on identifying the dilemmas, as well as presenting ideas, to overstep them, including the judicial practice of the European Court of Human Rights on Article 6 of the European Convention on Human Rights, by which it is given the possibility to offering people efficient and within a reasonable time legal protection of their rights before national courts. For these reasons, the paper elaborates this issue based on both, the legal theory and judicial practice.

Keywords: Civil procedure, principle of efficiency, reasonable time, European Convention.

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