

Representation in Court (Ad litem) in Albania

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Abstract

The representative besides judicial acts that he/she undertakes on behalf of the represented undertakes other legal acts as well. One of those acts/actions is that of representing the actions on behalf of the represented in front of the court. Court representation is one of those representations that have been recently codified in the articles 90-99 of the Civil Code.

“Thus, representation before the court (judicial representation) is defined as a relationship on whose basis a person (the representative) undertakes procedural acts on behalf of and in the interests of another person (the represented that is a party in court) exercising the procedural rights and obligations of the represented within the limits of the rights that have been granted”.

The right of intra-court/judicial parties that pursue the litigation in court via the mediation of a representative is not constrained or limited by any condition. Therefore, the court has no right to refuse the nomination of a representative by any of the intra-court litigation parties, in those cases in which the representative is a person that has the right to function as a representative. Judicial representation as one of the types of representation has these features:

The judicial and procedural acts/actions of the representative are not undertaken by the representative but on behalf of the person that is represented in civil court.

The judicial consequences of the procedural activities of the representative, which are exercised within the limits of the rights given by the represented, belong to the latter.

For example, in case the indictment that is defended in court by the representative is disqualified, the claimant has no right to present the same case in court, because this has already been decided earlier.

Keywords: Representation in Court (Ad litem), Albania, judiciary.

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