

Trial by agreement according to Code of Criminal Procedure of Albania

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Abstract

In the framework of criminal justice reform, considering the recent amendments to the Code of Criminal Procedure, Albania also reformed special trials in order to simplify procedures in criminal proceedings and increase efficiency. In addition to the amendments to the direct and summary trial, which focus on increasing effectiveness, two new trials were introduced, such as the criminal sentence order and the trial by agreement.

According to the report of the amending bill (draft legislation) of the Code of Criminal Procedure, the purpose of including the trial by agreement as a new trial is in the interest of the parties in the process. This is because this trial aims on the one hand, to reduce court costs and increase the time for investigation and prosecution in relation to serious and complex criminal offenses and on the other hand gives the defendant a more favorable position by enabling a milder sentence, in contrast to the sentence to be imposed in the ordinary trial procedure. In addition to the above, this institute also affects the humanization of the criminal process, as long as it is essentially a benefit that the state gives to the accused who plead guilty. It also affects the rehabilitation of individuals who, after understanding the importance of the actions they have committed and their consequences, consciously offer their cooperation with the prosecution authorities.

Keywords: trial by agreement, criminal process, criminal sentence, prosecutor, defendant.

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