

The Place and Role of International Law in the Albanian Legal System and Practice, the case of ECtHR decisions

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Abstract

The relationship between international law and domestic law explains the way of transposition of the international norm in the legal order of a state and of course this relationship is usually determined by its most important legal acts. This ratio, as long as it is determined by internal provisions, may have its own specific characteristics in each state depending on the legislative formulas that the state may have selected.

This paper aims that relying on the qualitative methodology based on research in the literature and the relevant legislation, to analyze the role and the place that the norms of international law dealing with human rights issues have in the Albanian legal system. The purpose of this paper is to explain the system, to which the Albanian legal order belongs, the general provisions for the position of international law and then human rights in Albanian legislation, as well as the Decisions of the ECtHR.

The expected result of this paper is the conclusion that international law has a privileged position in the Albanian legal system and that especially human rights has a constitutional status and that the decisions given by the ECtHR are mandatory to be implemented.

Keywords: international norm, system, ratio, prevalence, decision.

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