E-ISSN 2410-8693
ISSN 2410-3918

Academic Journal of Business, Administration Law and Social Sciences

Vol. 11 No. 3
November, 2025

INTERNATIONAL INSTITUTE FOR PRIVATE COMMERCIAL AND COMPETITION LAW (IIPCCL - AUSTRIA)

Research Article

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Interference of the executive power in the judiciary in Albania

Besmira Vishe
Prosecutor of the Republic of Albania, Albania

DOI: https://doi.org/10.2478/ajbals-2025-0023

Abstract

This paper provides a comprehensive analysis of the interference of the executive power in the functioning of the judiciary in the Republic of Albania. It examines not only concrete instances of such interference—including those exerted through the media—but also their broader impact on the rule of law and the constitutional principle of separation of powers.

The study draws upon an in-depth examination of key decisions of the Constitutional Court and the Supreme Court of Albania, which have established essential standards for safeguarding judicial independence. Particular attention is devoted to the jurisprudence of the European Court of Human Rights (ECHR), whose case law has significantly shaped the modern understanding of judicial independence and the accountability of judges and prosecutors.

Through the analysis of specific cases, the paper identifies the most common forms of executive interference, including political pressure, influence over appointments, transfers, and dismissals of magistrates, as well as the repercussions these actions have on public perceptions of judicial independence, the effective functioning of judicial institutions, and overall trust in the justice system.

In conclusion, the paper proposes concrete measures to strengthen judicial independence, such as improving the legal framework, enhancing transparency in appointment processes and judicial self-governance, and reinforcing the institutional culture of separation of powers. In doing so, the study contributes to the academic and institutional discourse on maintaining the balance of powers in a democratic state and aligning the Albanian justice system with European standards of independence and impartiality.

Keywords: Executive power, judiciary, legal analysis, Albania.

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

ISSN 2410-8693 (online)

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