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The Role of Banks in Preventing Money Laundering in Albania and the EU

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Abstract

Banks play a central and indispensable role in the global anti-money laundering (AML) framework as primary “gatekeepers” of the financial system. By controlling access to financial services, payment infrastructures, and cross-border transactions, banks occupy a strategic position in detecting, preventing, and reporting illicit financial flows. In both the European Union (EU) and Albania, financial institutions are legally required to implement preventive compliance measures such as customer due diligence (CDD), know-your-customer (KYC) procedures, ongoing transaction monitoring, beneficial ownership verification, sanctions screening, and suspicious activity reporting (SAR) to Financial Intelligence Units (FIUs). These mechanisms aim to disrupt the integration of criminal proceeds into the legitimate economy and strengthen overall financial integrity. This paper provides a comparative analysis of the role of banks in preventing money laundering in the EU and Albania. It examines the evolution of regulatory frameworks, institutional responsibilities, and supervisory mechanisms that govern banking compliance within AML/CFT regimes. Particular attention is given to the implementation of EU AML Directives and the influence of international standards established by the Financial Action Task Force (FATF), as well as Albania’s ongoing alignment with these frameworks in the context of its European Union integration process. The study further explores operational challenges faced by banks, including increasing regulatory complexity, the expansion of digital financial services, the rise of cryptocurrencies, and the risk of “de-risking” practices that may lead to financial exclusion. In addition, it highlights structural differences between the EU and Albania in terms of institutional capacity, enforcement effectiveness, technological infrastructure, and supervisory independence.

The findings indicate that the European Union has developed a highly advanced and harmonized AML system supported by supranational coordination, strong regulatory oversight, and sophisticated compliance infrastructures within the banking sector. In contrast, Albania continues to strengthen its institutional capacity, legal framework, and enforcement mechanisms as part of its broader efforts toward EU accession. While significant progress has been made, challenges remain in ensuring full regulatory effectiveness, reducing corruption risks, and enhancing the consistency of AML enforcement in practice.

Keywords: money laundering, banks, AML, EU, Albania, compliance, KYC, FATF.

1. Introduction

Money laundering poses a serious threat to the integrity of financial systems, economic stability, and democratic governance. By enabling the conversion of illicit proceeds into apparently legitimate assets, it allows criminal organizations to infiltrate formal economic structures, distort market competition, and undermine the rule of law. Over time, money laundering has become increasingly sophisticated, often involving complex cross-border transactions, shell companies, and digital financial instruments that complicate detection and enforcement efforts (Levi & Reuter, 2006; Financial Action Task Force [FATF], 2023). Banks occupy a central position in this

process because they function as the primary intermediaries of the global financial system. They facilitate deposits, transfers, lending, and investment activities, making them the most important entry point through which illicit funds may be introduced into the legitimate economy. For this reason, banks are widely recognized as the first line of defense in preventing money laundering and terrorist financing, a role that places significant legal and ethical responsibility on financial institutions (European Commission, 2023). In both the European Union (EU) and Albania, banks operate under strict anti-money laundering and counter-terrorism financing (AML/CFT) frameworks that impose detailed compliance obligations. These obligations include customer identification and verification (Know Your Customer – KYC), ongoing customer due diligence (CDD), continuous transaction monitoring, beneficial ownership identification, sanctions screening, and mandatory reporting of suspicious transactions to Financial Intelligence Units (FIUs). Such mechanisms are designed to detect unusual financial behavior at an early stage and prevent the integration of illicit capital into the formal economy (Mitsilegas, 2014). The European Union has developed a highly advanced and harmonized AML regulatory system, primarily through successive Anti-Money Laundering Directives (AMLD4, AMLD5, and AMLD6). These frameworks establish uniform compliance standards across member states and emphasize a risk-based approach to financial supervision. In addition, the EU has strengthened institutional coordination through FIUs and is moving toward centralized supervisory mechanisms to improve enforcement consistency across jurisdictions (European Commission, 2023). In contrast, Albania has made significant progress in aligning its AML/CFT framework with international standards, particularly those established by the Financial Action Task Force (FATF), as part of its broader European integration process. However, the country continues to face challenges related to institutional capacity, enforcement consistency, and exposure to organized crime networks. The banking sector in Albania therefore operates in a transitional regulatory environment where reforms are ongoing and supervisory effectiveness is still developing (World Bank, 2017). The increasing complexity of financial crime, particularly with the rise of digital banking, fintech services, and cryptocurrencies, has further elevated the role of banks as key actors in global financial security governance. Financial institutions are now required not only to comply with regulatory obligations but also to actively participate in risk assessment and prevention strategies within a rapidly evolving technological environment (Citron & Pasquale, 2014). This paper examines the role of banks in preventing money laundering in the EU and Albania, focusing on regulatory frameworks, institutional responsibilities, and implementation challenges. It adopts a comparative approach to assess differences in legal structures, supervisory effectiveness, and operational capacity between the two systems, while also identifying broader implications for financial integrity, governance, and rule of law.

2. The Role of Banks in AML Systems

Banks function as the primary “gatekeepers” of the financial system because they control access to payment networks, cross-border transfers, credit systems, and investment services. This gatekeeping function places financial institutions at the

center of anti-money laundering (AML) and counter-terrorism financing (CFT) frameworks, as they are often the first point of contact between illicit capital and the formal economy. In practice, banks are required not only to facilitate financial activity but also to actively assess, detect, and report potential risks associated with their clients and transactions (Financial Action Task Force [FATF], 2023; Levi & Reuter, 2006).

The core responsibilities of banks within AML systems include a range of preventive and monitoring mechanisms designed to reduce financial crime risks. These include:

- Customer identification and verification (Know Your Customer – KYC): Banks must verify the identity of clients using reliable documentation and assess the legitimacy of their financial profile.
- Continuous transaction monitoring: Financial activity is monitored in real time or through automated systems to detect unusual or suspicious patterns.
- Reporting suspicious transactions (Suspicious Activity Reports – SARs): Banks are legally obligated to report potentially illicit activity to Financial Intelligence Units (FIUs), even without definitive proof of criminal conduct.
- Risk-based customer assessment: Clients are categorized according to risk levels (low, medium, high), which determines the intensity of monitoring and due diligence applied.
- Compliance with sanctions lists: Banks must ensure that individuals and entities subject to international sanctions are identified and restricted from accessing financial services (Mitsilegas, 2014).

These obligations reflect a broader shift in financial governance from reactive enforcement to preventive risk management. Instead of relying solely on criminal investigations after financial crimes occur, modern AML frameworks require banks to proactively identify and mitigate risks before illicit funds can be fully integrated into the financial system. This preventive model has significantly expanded the compliance responsibilities of banks and increased reliance on digital monitoring technologies, data analytics, and automated risk-scoring systems (Citron & Pasquale, 2014). In the European Union, banks are legally required to apply these preventive measures under successive Anti-Money Laundering Directives (AMLDs), which establish harmonized standards across member states. These directives ensure transparency, traceability of financial flows, and consistent implementation of AML/CFT obligations within the internal market. The EU framework is particularly focused on strengthening beneficial ownership transparency, improving cooperation between Financial Intelligence Units, and enhancing cross-border enforcement mechanisms (European Commission, 2023). Furthermore, the EU has progressively adopted a risk-based approach, requiring banks to adjust their compliance intensity based on the level of risk associated with customers, jurisdictions, or transaction types. This approach is intended to improve efficiency while maintaining strong safeguards against financial crime. However, it also places significant operational and regulatory burdens on banks, particularly in terms of compliance costs and technological requirements.

Overall, the role of banks within AML systems reflects a complex balance between facilitating legitimate financial activity and preventing the misuse of financial infrastructure for illicit purposes. Their effectiveness depends not only on internal compliance systems but also on the strength of national regulatory frameworks,

international cooperation, and the consistency of enforcement mechanisms (European Commission, 2023; FATF, 2023).

3. AML Framework in the European Union

The European Union has developed a highly structured and progressively harmonized anti-money laundering (AML) system based on successive legislative directives and institutional reforms designed to address the increasing complexity of financial crime. This framework represents one of the most comprehensive regulatory regimes globally, combining legal obligations for private financial actors with supranational coordination mechanisms and enforcement standards. Over time, the EU has moved from fragmented national AML systems toward a more integrated model that seeks to ensure consistency across member states while strengthening cross-border financial oversight (European Commission, 2023; Mitsilegas, 2014).

Key elements of the EU AML framework include:

- AMLD4, AMLD5, and AMLD6 directives, which progressively expanded compliance obligations and introduced stricter rules on transparency and reporting
- Strong customer due diligence (CDD) requirements, obliging banks and financial institutions to verify client identities and assess risk profiles before and during business relationships
- Beneficial ownership transparency rules, aimed at identifying the real individuals controlling companies and preventing the use of shell companies for illicit financial activity
- Cooperation between Financial Intelligence Units (FIUs) across member states, facilitating the exchange of financial intelligence and improving cross-border enforcement capacity
- Development of a centralized EU supervisory authority (AMLA), designed to strengthen oversight, ensure uniform application of AML rules, and reduce regulatory fragmentation within the internal market (European Commission, 2023; Financial Action Task Force [FATF], 2023)

These reforms reflect the EU's recognition that money laundering is a transnational phenomenon that cannot be effectively addressed through isolated national efforts. As financial networks have become increasingly globalized, criminal organizations have exploited regulatory inconsistencies between jurisdictions, making harmonization a central objective of EU policy. The introduction of enhanced beneficial ownership transparency rules, for example, directly targets the use of complex corporate structures designed to conceal illicit financial flows (Levi & Reuter, 2006). According to the European Commission (2023), banks are required to act as "obliged entities" within the AML system, meaning they bear direct legal responsibility for detecting and reporting suspicious financial activity. This obligation transforms banks into active participants in financial surveillance and enforcement, rather than passive intermediaries of financial transactions. Failure to comply with these obligations can result in significant administrative penalties, reputational damage, and in some cases criminal liability.

The EU framework also emphasizes a risk-based approach, which requires banks to

tailor their monitoring and due diligence measures according to the assessed level of risk associated with specific customers, jurisdictions, or types of transactions. High-risk clients, such as politically exposed persons (PEPs) or entities operating in high-risk jurisdictions, are subject to enhanced due diligence procedures. This approach is designed to improve the efficiency of AML systems by allocating regulatory resources proportionally to risk exposure, rather than applying uniform controls across all clients (FATF, 2023). However, the risk-based model also introduces operational challenges for financial institutions. Banks must continuously update risk assessment methodologies, invest in advanced compliance technologies, and ensure staff training to maintain regulatory compliance. Additionally, inconsistent interpretation of risk standards across jurisdictions may create compliance uncertainty, particularly for cross-border banking operations within the EU internal market (Mitsilegas, 2014). Overall, the EU AML framework represents a highly developed and evolving system that combines legal harmonization, institutional coordination, and risk-sensitive regulatory practices. While it significantly strengthens the ability of banks and regulators to detect and prevent financial crime, it also imposes substantial compliance responsibilities and requires ongoing adaptation to emerging financial technologies and criminal methodologies.

4. AML Framework in Albania

The anti-money laundering (AML) framework in Albania has undergone continuous institutional and legislative development over the past two decades, largely driven by the country's aspiration to join the European Union and its obligations under international financial governance standards. Albania has progressively aligned its AML/CFT (anti-money laundering and counter-terrorism financing) regime with the recommendations of the Financial Action Task Force (FATF) and the regulatory acquis of the European Union, aiming to strengthen financial transparency, improve enforcement capacity, and reduce exposure to organized crime and corruption-related financial flows (Financial Action Task Force [FATF], 2023; European Commission, 2023). At the institutional level, the central authority responsible for AML supervision and intelligence gathering is the Financial Intelligence Unit (FIU Albania). This institution is tasked with receiving, analyzing, and disseminating suspicious transaction reports (STRs) submitted by banks and other obliged entities. FIU Albania functions as a critical intermediary between the financial sector and law enforcement authorities, ensuring that potential money laundering cases are identified and referred for further investigation and prosecution. In addition, it plays a key role in international cooperation by exchanging financial intelligence with counterpart agencies in other jurisdictions (FIU Albania, 2024). Banks in Albania are legally required to implement preventive AML measures similar to those in the European Union. These include customer due diligence (CDD), know-your-customer (KYC) procedures, continuous transaction monitoring, risk-based customer classification, and mandatory reporting of suspicious financial activity. However, compared to EU member states, the effectiveness of implementation in Albania is influenced by institutional capacity constraints, regulatory enforcement challenges, and the ongoing need to strengthen supervisory independence and technical expertise within financial oversight bodies (World Bank, 2017). A key characteristic of Albania's AML environment is its exposure

to organized crime networks operating at both domestic and transnational levels. Sectors such as real estate, construction, and cash-intensive businesses are particularly vulnerable to money laundering activities. Illicit proceeds are often integrated into the formal economy through property investments or corporate structures that obscure beneficial ownership. These vulnerabilities highlight the importance of robust banking supervision and effective enforcement of transparency requirements within the financial sector (Levi & Reuter, 2006). Despite these challenges, Albania has made significant progress in legislative harmonization with EU standards. Reforms have strengthened reporting obligations for financial institutions, expanded the powers of supervisory authorities, and improved coordination between regulatory agencies and law enforcement bodies. The Bank of Albania also plays a supervisory role in ensuring that commercial banks comply with AML regulations and risk management requirements, particularly in relation to customer identification and transaction monitoring procedures. Nevertheless, international assessments continue to emphasize the need for further improvements in implementation effectiveness. These include enhancing investigative capacity, reducing political influence in regulatory institutions, improving inter-agency cooperation, and increasing the use of advanced financial technologies for detecting suspicious transactions. Strengthening judicial follow-up on AML cases is also essential to ensure that financial intelligence leads to effective prosecutions and deterrence outcomes (European Commission, 2023; FATF, 2023). Overall, Albania's AML framework reflects a transitional system that is evolving toward full alignment with EU standards. While significant legislative progress has been achieved, the effectiveness of AML enforcement continues to depend on institutional strengthening, judicial independence, and sustained political commitment to combating financial crime.

5. Comparative Analysis: EU vs Albania

A comparative analysis of anti-money laundering (AML) frameworks in the European Union (EU) and Albania reveals significant differences in institutional maturity, regulatory enforcement capacity, and overall system effectiveness. While both jurisdictions are aligned in principle with international AML/CFT standards established by the Financial Action Task Force (FATF), their practical implementation diverges due to differences in governance structures, economic development, and institutional strength (Financial Action Task Force [FATF], 2023; European Commission, 2023). The European Union represents one of the most advanced and harmonized AML regimes globally. Its framework is built on successive Anti-Money Laundering Directives (AMLDs), which establish uniform legal obligations across member states. These directives ensure consistent application of customer due diligence (CDD), beneficial ownership transparency, and suspicious transaction reporting (STR) requirements. In addition, the EU has strengthened institutional coordination through Financial Intelligence Units (FIUs) and is moving toward centralized supervision through the establishment of the Anti-Money Laundering Authority (AMLA). This supranational approach enhances cross-border cooperation and reduces regulatory fragmentation within the internal market (European Commission, 2023). In contrast, Albania's AML system is still in a transitional phase, characterized by ongoing institutional reforms and gradual alignment with EU *acquis* standards. Although Albania has

adopted comprehensive AML legislation that mirrors EU directives, implementation effectiveness remains uneven. Key institutions such as the Financial Intelligence Unit (FIU Albania), the Bank of Albania, and law enforcement agencies are continuously strengthening their operational capacity; however, challenges persist in areas such as inter-agency coordination, investigative efficiency, and judicial follow-up of AML cases (World Bank, 2017). A major distinction between the two systems lies in enforcement capacity. In the EU, AML enforcement benefits from highly developed supervisory institutions, advanced technological infrastructure, and strong regulatory consistency across jurisdictions. Banks operate under strict compliance regimes supported by automated monitoring systems and well-established reporting mechanisms. Conversely, in Albania, although banks are formally subject to similar obligations, enforcement outcomes are affected by limited institutional resources, varying levels of technical expertise, and exposure to corruption risks within broader governance structures (Levi & Reuter, 2006).

Another important difference relates to financial crime risk exposure. Albania is more vulnerable to money laundering risks due to factors such as a high cash-based economy, informal financial activity, and the influence of organized crime networks. The real estate and construction sectors are particularly exposed to illicit financial inflows. In comparison, the EU, while not immune to financial crime, benefits from stronger regulatory oversight, deeper financial transparency mechanisms, and more robust cross-border intelligence sharing systems (European Commission, 2023). From a governance perspective, the EU AML system reflects a mature model of supranational regulatory integration, whereas Albania represents a developing compliance system undergoing institutional strengthening as part of its European integration process. This difference highlights the broader asymmetry between established member states and candidate countries in terms of regulatory capacity and enforcement effectiveness. Despite these differences, there are also areas of convergence. Both systems increasingly rely on a risk-based approach, requiring financial institutions to adjust their monitoring intensity based on customer risk profiles. Additionally, both jurisdictions recognize the importance of beneficial ownership transparency, digital financial monitoring, and international cooperation in combating increasingly sophisticated money laundering schemes (FATF, 2023). In this sense, the comparative analysis demonstrates that while the EU provides a highly structured and effective AML framework, Albania is still in a process of institutional consolidation and alignment. Continued reforms, capacity building, and stronger enforcement mechanisms are essential for Albania to achieve full convergence with EU standards and improve the effectiveness of its AML system.

6. Conclusion

Banks play a fundamental role in preventing money laundering in both the European Union and Albania. While the EU has developed a sophisticated and harmonized anti-money laundering (AML) framework supported by strong supranational institutions, Albania is still progressively strengthening its system as part of its broader European Union integration agenda. In the EU context, AML regulation is primarily shaped through successive Anti-Money Laundering Directives (AMLDs), which require financial institutions to implement customer due diligence, beneficial

ownership transparency, and suspicious transaction reporting mechanisms (European Commission, n.d.). These measures are further reinforced by oversight bodies and cooperation frameworks that promote cross-border intelligence sharing and coordinated enforcement. In contrast, Albania has made significant progress in aligning its national AML legislation with international standards set by the Financial Action Task Force (FATF), yet challenges remain in terms of enforcement capacity, institutional coordination, and resource allocation. The role of the Financial Intelligence Unit (FIU) and the Bank of Albania is central in supervising compliance and ensuring that commercial banks implement risk-based approaches to identifying and reporting suspicious financial activity (FATF, n.d.). However, gaps in investigative follow-up and judicial efficiency can limit the overall effectiveness of AML measures. Despite these differences in institutional maturity, banks in both contexts remain the primary gatekeepers of the financial system. Their ability to detect and prevent illicit financial flows depends on robust internal compliance systems, staff training, technological monitoring tools, and a strong regulatory culture. Increasingly, the use of digital banking and cross-border transactions has also introduced new risks, requiring continuous adaptation of AML strategies and enhanced cooperation between domestic and international authorities.

In conclusion, the effectiveness of AML systems is not determined solely by legislation, but by continuous regulatory improvement, international cooperation, and consistent enforcement in practice. Strengthening banking compliance frameworks contributes not only to financial system integrity but also to broader objectives such as financial stability, the rule of law, and the protection of democratic institutions. As Albania advances toward EU membership, convergence with EU AML standards will remain a critical benchmark for institutional development and governance reform.

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Towards Neuro-inclusive English Language Classrooms: Teaching Practices and Implications

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Abstract

Neurodiversity is an increasing issue within modern education and, therefore, English as a Foreign Language (EFL) classes need to become more inclusive for all. In general, standardized education practices do not meet the needs of neurodiverse learners such as those with concentration difficulties, communication difficulties, dyslexia, sensory and emotional impairments. This article looks at neuro-inclusive teaching strategies that can help these students thrive academically and emotionally. The present study examined the studies on differentiated instruction, multisensory learning, emotional safety, adaptive assessment, and technology-supported education through thematic literature analysis. The review finds attention, motivation, engagement, and active participation to be prevalent variables in successful language acquisition. The results indicate that inclusive teaching techniques can better accessibility, build students' sense of belonging and increase involvement in EFL classrooms. Rather than considering neurodiversity as a handicap, this research encourages understanding learner differences as a natural element of classroom diversity. The findings contribute to the developing field of inclusive language education by giving a theoretical and practical understanding for teachers to construct more friendly and successful learning settings for neurodiverse learners.

Keywords: Neurodiverse learners, Inclusive Pedagogy, Differentiated Instruction, Emotional Safety, Learner Engagement, Multisensory Learning, EFL classes.

1. Introduction

With the increasing knowledge of neurodiversity, our understanding of education and inclusion in the classroom is being transformed. The neurodiversity paradigm considers neurodivergent differences as natural and valid variations in the range of human cognitive diversity instead of a problem to be solved (Kapp, 2020; Cook, 2024). This principle is of great importance for English as a foreign language (EFL) teaching. Language learning is a complicated process including cognitive, social, emotional, and communicative aspects, which may be experienced differently for individual learners. Neurodiverse learners contribute numerous skills to the EFL classroom, including creativity, visual thinking, imaginative problem-solving, and outstanding memory in specialized disciplines. But conventional educational environments usually promote sustained attentiveness, extended verbal teaching, standardized testing, and uniform participation requirements. Such expectations can generate challenges that limit the extent to which some learners can completely engage in language learning activities. This problem is especially relevant in EFL classes when successful language learning demands learners be focused, digest auditory data, regulate emotion, infer meaning, and speak in a language that is still being learned. Second-language acquisition research has repeatedly shown that successful language learning is related to learners'

engagement, willingness to speak, emotional well-being, and participation in the classroom (Mercer & Dörnyei, 2020; Hiver et al., 2021; Dewaele & Li, 2020). Recent research on attention also indicates a need for more responsiveness in teaching. According to Mark (2023), today's attention habits have been radically altered by digital technology, multitasking, and the constant state of being online. More and more learners are being distracted and interrupted and thus impacting concentration, engagement, and cognitive processing. The findings are particularly important to EFL classrooms since communication and language acquisition are mostly dependent on sustained attention and active engagement.

In a similar way, the educational research based on neuroscience highlights the relationship between attention, memory, emotion, and learning. According to Medina (2021), teaching that stimulates the emotions and uses visual clues, movement, and meaningful interaction is more likely to get learners to recall material. These notions correspond to the standards of communicative language teaching and neuro-inclusive educational approaches. Another main way to conceptualize student differences is through the notion of differentiated instruction. Successful teaching needs to be differentiated according to the readiness levels, interests, learning preferences, and cognitive profiles of the learners (Tomlinson and Moon, 2013). Differentiated instruction does not consider student diversity a problem but an essential feature of effective learning contexts.

Despite the significant increase in the amount of literature on neurodiversity, inclusive education, attention, and language learning recently, there has been little research that has brought these viewpoints together into a cohesive framework specifically for EFL classes. Much of the work on neurodiversity is presented from a general educational viewpoint and does not take proper consideration of the communicative requirements and social features of foreign-language learning. Therefore, there is a need for research that combines different viewpoints and converts theoretical discoveries into practical advice for EFL teachers. The present review examines the following thematic questions:

1. What does recent literature suggest about differentiated instruction in neuroinclusive EFL classrooms?
2. What does the literature suggest about the function of emotional safety in neurodiverse language learning?
3. What are the recommended practices of neuro-inclusive EFL teaching?

2. Methodology

The present study adopted a qualitative thematic literature review technique to investigate current perspectives on neurodiverse learning in EFL classes. The review analyzed the relationship between neurodiversity, differentiated instruction, emotional safety, multisensory learning, attention, adaptive assessment, and neuro-inclusive pedagogical methods in language-learning situations. The appropriate literature created between 2020 and 2026 was retrieved using searches of Scopus, ERIC, Google Scholar, UNESCO, OECD and peer-reviewed educational journal publications. Other key theoretical works that continue to shape modern

educational practice were also included to give conceptual footing, notably those by Gloria Mark, John Medina, Carol Ann Tomlinson, Mercer and Dörnyei, and Kapp. The following keywords were combined to perform searches:

- EFL and neurodiversity,
- inclusive language education,
- language acquisition AND differentiated instruction,
- multisensory learning in EFL,
- ADHD and language acquisition,
- learning language and autism,
- learning emotional safety,
- attentiveness, language learning,
- adaptive testing,
- technology and language acquisition.

The review granted attention to peer-reviewed and Scopus-indexed studies, new EFL research, literature on inclusive education, neuroscience-informed educational studies, and theoretical works with clear practical importance. Publications that were irrelevant to the topics of study or had minimal instructional value were excluded. A thematic analysis was conducted to determine similar themes, patterns, and relationships across the literature. Four interrelated themes emerged: differentiated and multimodal instruction; emotional safety and student involvement; attention and cognitive control; and adaptive assessment supported by technology integration. The investigation further tried to relate the theoretical findings to the realities of the EFL classroom in terms of the translation of the literature into practical EFL teaching practices.

3. Conceptual Framework

Figure 1 presents a conceptual framework that suggests neuro-inclusive teaching approaches mediate the relationship between learner brain diversity and academic achievement. The framework conceptualizes differentiated instruction, emotional safety, multisensory learning, adaptive assessment, and technology integration as interconnected pedagogical mechanisms that promote attention, engagement, and participation rather than perceiving neurodiversity as a barrier to language learning. These features in turn result in better communication, willingness to communicate, communicative competence, and language learning results.

Figure 1. Conceptual Framework for Neuro-Inclusive EFL Teaching and Language Learning Outcomes



4. Results and Discussion

4.1 Theme 1: Differentiated and Multisensory Teaching in Neuro-inclusive EFL Classrooms

What does recent literature suggest about differentiated instruction in neuro-inclusive EFL classrooms?

The current corpus of research has continuously supported the idea that differentiation is one of the most effective pedagogical strategies to accommodate neurodiverse learners in the EFL classrooms. Differentiation recognizes that learners arrive with varied levels of readiness, interest, ways of communication, learning styles, and cognitive profiles (Tomlinson & Moon, 2013). Therefore, a good instruction demands flexibility, not constancy. Research has shown that modifying the content, learning

activities, assessment systems, and classroom environment can improve engagement and involvement for different learners (Gheysens et al., 2023). Shorter instructions, scaffolded tasks, visual organizers, opportunities to learn jointly, and movement-based activities benefit neurodiverse learners. Tomlinson and Moon (2013) refer to the educational response to learner variability as differentiation; Medina (2021) explains the neuroscientific foundation of why such flexibility facilitates learning. “The more sensory pathways you stimulate, and the more you connect them to the learner’s experiences, the greater the attention and the better the memory,” Medina says. Research from multimedia learning also reveals that a mix of visual, aural, and interactive learning options improves comprehension and retention (Mayer, 2021). This study demonstrates that multimodal techniques reduce cognitive overload and improve accessibility.

Such techniques can be done in EFL classes using images, gestures, videos, graphic organizers, or realia to give vocabulary rather than textual definitions. For instance, while teaching the words related to emotions, the EFL teacher can utilize images, emojis, facial expressions, role-play games, and short films to simplify the meaning. This approach so exposes the learners to the language through various sensory channels, thereby enhancing comprehension and retention. Speaking activities can be changed similarly through pair work, collaborative projects, knowledge gap exercises, role plays, and digital storytelling. These strategies provide chances for communication for the whole class and for neurodiverse learners. The literature taken together demonstrates that diversified and multimodal education are not just accommodations but rather basic components of effective language teaching. These tactics respect the diversity of students and offer several ways to interact and communicate, resulting in more accessible, engaging, and effective EFL learning environments.

4.2 Theme 2: Emotional Safety and Learner Engagement in Neurodiverse Language Learning

What does the literature suggest about the function of emotional safety in neurodiverse language learning?

A common topic in recent studies is that emotional safety is a critical component of successful language learning. Language acquisition, unlike many academic topics, demands learners speak publicly, make mistakes, express opinions, and interact with peers in a language that they may not yet have full mastery of. And so language classrooms are essentially spaces of vulnerability and risk-taking. For neurodiverse learners, these demands might be increased by anxiety, sensory sensitivities, communication problems, previous unpleasant educational experiences, or fear of social judgment.

In a recent study, emotional safety is frequently discussed as a precondition for meaningful participation in language learning (Hamilton & Petty, 2023). Research has shown that learners are more ready to interact, take part in classroom discussions, and experiment with language if they feel that the learning environment is encouraging,

respectful, and inclusive. Therefore, emotional safety plays the role of a psychological support system and a pedagogical aspect that influences communication and language development.

The connection between emotional safety and learner engagement is particularly clear when seen through the lens of language learner psychology. Dewaele and Li (2020) claim that positive emotions such as enjoyment, confidence, curiosity, and interest have a tremendous impact on language learning motivation and communicative participation.

Similarly, Mercer (2021) notes that learner well-being and engagement are closely intertwined. These findings imply that emotional safety has a direct impact on learners' willingness to speak, which has been a well-known key predictor of second-language acquisition.

Mark's (2023) work is particularly relevant in relation to attention and cognitive overload. Hamilton and Petty (2023) look at empathetic pedagogy and teacher-student relationships, while Mark (2023) questions the cognitive effect of constant interruption, multitasking, and environmental distractions. Together these views suggest that emotional safety is not only a component of interpersonal relationships but also of the broader sensory and cognitive environment in which learning occurs. Noise in the classroom, inconsistent routines, visual clutter, and frequent interruptions can all affect concentration and the ability to manage emotions. The research also relates to the requirement for predictability of educational methods. Many neurodiverse learners thrive in a structured learning environment with clear communication of expectations, transitions, and scheduling of lessons. "Seeing lesson plans, specific directions, and the same routines in the classroom takes away the ambiguity and helps kids control their emotions," she said. These strategies are especially beneficial in EFL classes when learners are more likely to be apprehensive about speaking, listening, or performing in a foreign language.

Another component that is often overlooked is the time needed for processing. Research points to the need for extra time for neurodiverse learners to create replies, to process information, and to sequence language output. Teachers who make time for thinking before they ask for responses create more equal communication environments. This method supports neurodiverse learners and encourages deeper thinking and more engagement for all students.

For instance, an EFL teacher may provide learners with a minute of quiet preparation time and sentence openers such as "In my opinion...", "I agree because...", or "One advantage is..." before a speaking activity. This approach diminishes anxiety about communicating, facilitates language processing, and promotes participation of those learners requiring more time to generate a response.

Overall, the evidence consistently places emotional safety as a key constituent of neuro-inclusive EFL education. Emotional safety creates better communication, learner confidence, classroom participation, and readiness to communicate. Therefore, the development of supportive and emotionally safe classroom environments needs to be seen as an important part of effective language teaching, not as an additional problem.

4.2.1 Critical Synthesis

The role of positive impact in second language learning has been examined by Dewaele & Li (2020), and the wider relationship between learner well-being and engagement by Mercer (2021). In this line, Hamilton and Petty (2023) expound on this issue by demonstrating emotional safety because of empathy-based teaching, and Mark (2023) highlights the effects of cognitive overload and environmental distractions. To conclude, these views indicate that emotional safety is a psychological and cognitive fact. Thus, the effective EFL courses should offer positive teacher-student relations and learning environments that reduce too much cognitive load and promote sustained attention.

4.3 Theme 3: Neuro-inclusive Classroom Practices and Assessment

What classroom practices are recommended for neuro-inclusive EFL teaching?

The research describes a variety of classroom approaches that promote neuro-inclusive EFL teaching by removing obstacles to involvement and by providing many opportunities for engagement. Although various research recommends a range of alternative approaches, there is great consensus on a number of core elements that define good neuro-inclusive education

Multisensory learning is one of the most commonly suggested strategies. Research repeatedly shows that language teaching is more effective for learners when it is embedded with visual, aural, tactile, kinesthetic, and social components (Medina, 2021; Mayer, 2021). In practice, this approach may mean that vocabulary is presented by images, gestures, real items, movies, songs, and role-play activities rather than by verbal explanations alone.

Visual aid is another often proposed method. Learners can employ tools like graphic organizers, visual schedules, color-coding of information, mind maps, and step-by-step instructions to structure knowledge and reduce cognitive demands. Such technologies are especially useful in EFL classrooms, as students sometimes need to acquire new vocabulary, grammatical structures, and communicative tasks all at once.

It also shows that flexible grouping and collaborative learning are crucial characteristics. Learners have opportunities to practice language in safe social circumstances such as pair work, small-group chats, cooperative projects, and information-gap tasks before they move into whole-class interaction. Hiver et al. (2021) claim that such sorts of engagement lead to deeper participation and enhance the desire of learners to communicate.

Today, the integration of technology is becoming more and more vital in neuro-inclusive education. Educational technology can increase accessibility and student agency when implemented effectively (Lai and Bower, 2020). Students can access resources and demonstrate understanding in other methods such as captioned videos, speech-to-text apps, text-to-speech software, audiobooks, and interactive language learning platforms. These are very effective aids for students with problems with reading, writing, attention, and processing information.

The study also deals with the need for adaptive assessment. The standard timed

exam can penalize children for issues with processing speed, not linguistic ability. Researchers suggest flexible assessment approaches such as portfolios, project-based learning, oral interviews, visual presentations, collaborative projects, and reflective diaries (Tomlinson & Moon, 2021).

In practice, teachers may provide students with alternative ways to demonstrate learning. For example, a learner may opt to give a live oral presentation, record a video presentation, create a digital tale, or participate in a structured interview. This flexibility provides students an opportunity to display their communicative ability and negates constraints related to fear, processing speed, or sensory sensitivity. Another suggested technique involves learning tasks with movement. Students can participate in gallery walks, vocabulary stations, role plays, theater exercises, and classroom surveys that get them up and moving and interacting socially. These activities are especially helpful for students who have problems with concentration, because they allow physical activity to be part of the learning process, instead of a distraction from it.

Learner choice alternatives are also recommended in the literature. Allowing students to choose topics, styles of presentation, themes of projects, or learning tools can improve student autonomy and motivation. Choice-based learning runs simultaneously with individual education since it takes into account individual preferences, strengths, and interests.

A comprehensive review of literature reveals that certain common underlying concepts are present for different techniques. Although the terminology and the implementation vary, there is a consensus among all experts on the need to reduce cognitive overload, increase learner autonomy, improve flexibility, and encourage active participation. These ideas are in line with Universal Design for Learning (UDL) and modern learner-centered education.

A significant finding coming from the literature is that methods initially meant to benefit neurodiverse learners are often beneficial to all students. Flexible assessment, visual organizing, collaborative learning, and multimodal instruction seem to increase engagement and accessibility for all learners in diverse classrooms, rather than for some groups of learners. Therefore, neuro-inclusive pedagogy is not just a specific solution but rather a larger pedagogical philosophy for the present-day EFL classrooms.

4.3.1 Critical Synthesis

Multimedia training can improve cognitive processing (Mayer, 2021). Medina (2021) explores the neurological consequences of multimodal learning. Tomlinson and Moon (2021) underline the need for differentiation and flexible assessment. Lai and Bower (2020) discuss the contribution of technology to the advancement of accessibility and learner autonomy. Although these learning experts' methodologies are different, they come to a common conclusion that the highest performance of learners is when instruction is adaptable, exciting, accessible, and responsive to individual traits. In this view, neuro-inclusive EFL education is less a particular teaching technique and more a confluence of cognitive, technical, pedagogical, and emotional difficulties.

5. Implications for EFL Teachers

The implications of the findings of this review for current EFL teaching practice are important. Teachers need to recognize first that variation among students is a normal and expected element of language classrooms, not a rare phenomenon that requires special attention. When appropriately supported, neurodiverse learners have unique talents, perspectives, and ways of processing information that can enrich classroom experiences. Thus, the objective of neuro-inclusive pedagogy is not to create distinct learning experiences for specific students but to create adaptive environments that allow inclusive participation for all learners.

Secondly, lesson design should include more diversified and multimodal tactics. Language teachers can make learning more accessible by providing visual, aural, kinesthetic, and collaborative learning experiences in one course. Language instruction can be aided with images, gestures, graphic organizers, movies, and real-world scenarios. Visuals, physical exercises, and communicative tasks can assist grammar training and provide learners with the opportunity to relate abstract concepts to meaningful use of language. These strategies could be helpful for neurodiverse youngsters and also increase engagement with the wider student population.

Third, emotional safety should be regarded as an integral component of communicative language education. Language acquisition is a process of risk-taking and public communication, and so learners benefit from classrooms that foster respect, patience, and psychological safety. Teachers can create emotional safety by establishing predictable routines, allowing time to reflect, promoting collaborative learning, and responding to failures as growth opportunities rather than signals of failure. These approaches are effective in reducing communication anxiety and increasing learners' willingness to participate.

Assessment practices require careful consideration too. Traditional assessment systems tend to reward speed and consistency, which might disadvantage children who absorb information differently. Neuro-inclusive assessment, therefore, must provide numerous ways for learning to be demonstrated. In addition to traditional assessment methods, the use of portfolios, project-based learning, presentations, interviews, digital storytelling, and reflective journals provides a fuller picture of student development. Finally, technology could improve a lot of accessibility and involvement. Captioned films, text-to-speech and speech-to-text software, interactive language learning applications, and digital collaboration tools provide learners with multiple methods to access content and demonstrate their understanding. Technology, when used correctly, can help to promote student autonomy and reduce the barriers to engagement.

6. Limitations

This article is based on an analysis of the current literature and does not include original empirical data obtained from EFL learners or teachers. Thus, the conclusions are reliant on the extent, quality, and methodological approaches of the studies

analyzed. Though research provides useful information on neuro-inclusive teaching approaches, results should be taken with a grain of salt given the variety of educational environments in different nations, institutions, and student groups. The second constraint relates to the generality of neurodiversity itself. Neurodiverse learners are a very diversified population with a wide range of strengths, challenges, and educational requirements. It is therefore challenging to generalize findings across neurodiverse profiles.

In addition, the efficiency of neuro-inclusive practices can be influenced by class size, the expertise of the teacher, institutional support, resources, and cultural attitudes towards education and learning.

Finally, while the study is relevant to EFL situations, part of the data comes from more general educational fields and not only second language acquisition studies. Further research should continue to examine neuro-inclusive pedagogy in language-learning circumstances, particularly, and assess the impact of different approaches on communication, engagement, and language-learning outcomes over time.

7. Conclusion

The increasing recognition of neurodiversity has led educators to re-evaluate traditional assumptions about teaching, learning, and participation in EFL programs. The data discussed in this article illustrates that neuro-inclusive pedagogy provides a suitable model for addressing the multitude of cognitive, emotional, and communicative needs of learners in today's language learning environments. The results indicate that varied instruction and multimodal learning support language acquisition by providing numerous ways to acquire materials, process information, and participate in communication. Emotional safety is also important as learners can participate, take risks, and communicate effectively in a foreign language. Other studies suggest that student engagement is higher when classroom strategies reduce cognitive overload, improve autonomy, and acknowledge individual differences.

The study further explores the impact of real-life classroom practices such as the use of visual aids, collaborative learning, flexible grouping, effective use of technology, and modifications in student assessment. These tactics enable learners to communicate, interact, and develop their language skills in more open and available learning environments. It's also worth noting that the results indicate that interventions that were first demonstrated to aid neurodiverse learners tend to perform well for all kids, including making learning more flexible and responsive. One of the most important outcomes from this study is that neuro-inclusive education is not just for a small group of students. So it's not a unique method to be learner-centered. It's part of a larger concept of learner-centeredness that variation is an important part of good teaching. EFL teachers can enhance engagement and communication among diverse learners by incorporating differentiated teaching, emotional safety, multisensory learning, adaptive assessment, and accessible technology in their classrooms.

This study additionally examines the effects of real-life classroom methods such as the use of visual aids, collaborative learning, flexible grouping, assistive technology,

and changes in the way students are assessed. These strategies help students to pair, to participate, and to build their language skills in more open and available learning contexts. Importantly, the results indicate that interventions initially found to benefit neurodiverse learners tend to be successful for all students, such as enhanced flexibility and responsiveness in learning.

8. Recommendations

The findings of this review led to numerous major suggestions for educational practice. EFL teachers should increasingly apply customized and multimodal instruction that acknowledges learner variation as a regular feature of today's classrooms. Teachers should provide students with several ways to learn material, engage in activities, and demonstrate their understanding rather than relying on textbook lecture and whole-class discussion.

Schools should commit to continued professional development in neurodiversity, inclusive education, and neuroscience-informed teaching. Many teachers say they wish to support neurodiverse students but have few alternatives for specialized training. Professional learning programs that focus on practical classroom strategies can help teachers gain the confidence and abilities to construct more inclusive learning environments.

Educational leaders and governments should also support systems of assessment that recognize several ways of proving learning. The focus should shift more towards portfolios, project-based learning, oral evaluations, and other flexible ways of assessing that give a fuller picture of what learners are capable of doing. Likewise, it's important to invest in assistive technologies and inclusive educational resources to increase accessibility.

Finally, this study recommends future research to go beyond theoretical discourse and investigate how neuro-inclusive methods might be implemented in real EFL classrooms. Longitudinal studies and classroom studies with teachers and learners would give useful insights into the influence of tailored teaching, emotional safety, multisensory learning, and adaptive assessment on language learning outcomes across time. This kind of research would contribute to developing more evidence-based methods to neuro-inclusive EFL education.

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A Semiotic Reading of Fatos Arapi's Literary Work: The Case of *Deti në mes* (The Sea in Between)

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Abstract

This article examines the novel *Deti në mes* (The Sea in Between) by Fatos Arapi from a semiotic perspective, approaching the work as a system of open signs in which meaning is not fixed or predetermined but rather generated through the interaction between the text, the historical context, and the reader. Drawing on Umberto Eco's semiotic theory of the text as a "machine of interpretations", as well as on the concepts of sign, code, and cultural connotation, the study investigates how meaning is structured through the repetition of linguistic elements, discursive fragmentation, appeals for help, and the symbolism of the sea as a central polysemic sign. The analysis demonstrates that Arapi's artistic discourse is constructed of multiple semiotic layers—narrative, emotional, ideological, and symbolic—that interact in the production of a text open to diverse interpretations. In particular, the repeated invocations of "help" and "God", together with the fragmented dialogic structure, function as signs of existential and historical crisis, reflecting a condition of collective isolation and uncertainty. Within this framework, the "sea" emerges as the novel's central sign, simultaneously encapsulating the ideas of boundary, hope, freedom, and the impossibility of communication. It functions as an open symbol that generates multiple meanings, depending on the reader's interpretive horizon. The study emphasises that *The Sea in Between* is not merely a historical or artistic narrative but a complex semiotic structure in which language is transformed into a mechanism for meaning, while the reader becomes a co-creator of the text's significance.

Keywords: semiotics, sign, open text, symbol, connotation.

1. Introduction

Fatos Arapi's novel *Deti në mes* (The Sea in Between) cannot be read merely as a historical, narrative, or documentary account of the Second World War, but rather as a complex semiotic structure in which every linguistic, narrative, and symbolic element functions as a sign in the process of meaning production. From this perspective, the work is not limited to events but constructs a universe of signs that remains open to continuous interpretation. Within the semiotic approach, literature does not constitute a direct reflection of reality but rather the construction of a secondary semantic reality, which exists only through language and is actualised in the act of reading. According to Peirce, a sign does not possess a fixed or closed meaning; instead, it represents an entity that "must and can be interpreted," thereby placing the interpretive process at the centre of semiotics (Peirce, 1931–1958). In line with

this perspective, Eco conceptualises the literary text as an “interpretive mechanism,” meaning that it is not predetermined but generated through the interaction between the author and the reader. In artistic works, particularly those he defines as “open works,” the reader does not function as a passive receiver but as a co-creator of meaning. In this sense, the novel *Deti në mes* may be considered an open text, in which each act of reading produces a new level of semiosis and interpretation. In this novel, language functions not merely as a descriptive tool for representing reality but as a means of constituting it as an emotional, psychological, and ideological experience. The recurrent lexical patterns, fragmented discourse, invocations for help, and the dense symbolic charge of the sea generate a multilayered textual structure, in which each linguistic unit may be interpreted as a sign of a deeper existential condition. In this respect, the historical context of isolation and war does not operate simply as a narrative backdrop, but rather as an interpretive semiotic code that regulates and orients the reading of signs within the text. Consequently, elements such as “sea,” “boat,” “God,” “help,” and “the other” are transformed into an interrelated symbolic system that underpins the semantic architecture. Accordingly, this study aims to demonstrate that *Deti në mes* is not only a literary work grounded in historical subject matter but also an open semiotic text in which meaning emerges through the interaction of signs, with the reader assuming an active role in decoding the multiple layers of signification embedded in the work. As contemporary semiotics suggests, interpretation is inherently unbounded, since a sign invariably leads to other signs within an ongoing chain of meaning production.

2. Literature Review

The study of Fatos Arapi's novel *Deti në mes* is grounded in an interdisciplinary framework that integrates Albanian literary criticism with contemporary theories of semiotics and textual interpretation. The existing literature engaged in this study is organised along three main directions: studies of Arapi's literary oeuvre, theories of the literary text as a system of signs, and interpretative approaches to the relationship between text, reader, and context. Within Albanian literary criticism, Fatos Arapi has been recognised as one of the authors who introduced a renewed poetic and philosophical sensibility into Albanian literature during the second half of the twentieth century. Scholars such as Xhevat Abazi (1984) have emphasised the interrelation between literary production and historical reality, highlighting that Albanian literature of the socialist realist period sought alternative forms of expression beyond the dominant ideological discourse. In a similar vein, Mehmet Xhaxhiu (1980), in his analysis of Arapi's poetic individuality, underscores the use of poetic imagery, symbolism, and metaphor as key devices for expanding artistic meaning. A significant contribution to understanding the text as an open structure is Rexhep Ismajli *Shumësia e tekstit* (1980), in which he argues that meaning is not fixed within the text itself but is produced through the dynamic relationship between linguistic structure, the reader, and the cultural context. This perspective is particularly relevant for the analysis of “*Deti në mes*”, where symbolism and subtext generate multiple layers of interpretation. From a theoretical perspective, the analysis is grounded in

Umberto Eco's semiotics, particularly his concept of the "open text." According to Eco (1979), a literary text is structured to allow for a plurality of interpretations. In this sense, Arapi's novel can be understood as a semantically open structure, where the motif of the sea, the recurrent invocations for help, and the fragmentary discourse continuously generate new layers of meaning. Another key theoretical reference for this study is Roland Barthes, who conceptualises the text as a network of codes and signifying practices activated in the act of reading. Barthes (1977) argues that a text is not merely a carrier of a singular, fixed meaning, but rather a space in which multiple voices, cultural codes, and implicit significations intersect. This perspective is particularly useful for interpreting Arapi's multilayered discourse, where meaning is constructed through allusion, symbolism, and textual silence. Similarly, Julia Kristeva's theory of intertextuality posits that every text is shaped by the presence of other texts and pre-existing cultural codes (Kristeva, 1980). In the case of *Deti në mes*, this approach enables reading of the novel not only as a historical narrative, but also as a dialogue with the political, cultural, and existential discourses of its time. An important methodological approach for the semiotic analysis of the text is also provided in *Semiotica del testo* (Pozzato, 2001). Pozzato approaches the text as a complex mechanism of production, in which narrative structures, linguistic choices, and cultural codes interact dynamically. According to her view, meaning does not exist as a pre-given element within the text, but is instead actualised in the process of reading and interpretation. On the other hand, the theories of Ferdinand de Saussure and Charles Sanders Peirce constitute the fundamental basis for the conceptualisation of the sign in literary texts. Saussure defines the sign as a relationship between the signifier and the signified, whereas Peirce conceives the sign as something that "can and must be interpreted" (Peirce, 1931–1958). This perspective is essential for the analysis of symbolism in the novel, particularly the figures of the sea, the boat, and the invocation for help. From the perspective of literary theory, Milivoj Solar (2004) emphasises that the literary work is a complex structure in which form and content operate. This concept is particularly useful for understanding how Arapi employs narrative structure and symbolic language to construct meanings that extend beyond the novel's immediate subject matter. In conclusion, the theoretical and critical literature employed in this study supports the idea that *Deti në mes* should be read as a multilayered text; history, symbol, language, and cultural context are interwoven into a complex system of signs and meanings.

3. Methodology

This study adopts a qualitative research approach and focuses on the semiotic analysis of Fatos Arapi's novel *Deti në mes*, treating the literary text as an open system of signs in which meaning is constructed through the interaction between textual structure, historical context, and the act of reading. The methodological framework is primarily based on textual semiotic analysis, which aims to identify and interpret linguistic, symbolic, and narrative signs within the literary work, situating them in relation to the cultural and ideological codes that produce and render them meaningful.

3.1 Theoretical Approach

The study is grounded in both structuralist and post-structuralist semiotic theory, drawing in particular on:

- Umberto Eco – the concept of the “open text” and the infinite process of semiosis;
- Charles S. Peirce – the triadic model of the sign (sign–object–interpretant);
- Ferdinand de Saussure – the linguistic sign as the relation between signifier and signified;
- Maria Pia Pozzato – text semiotics as an analysis of meaning-production mechanisms at both discursive and narrative levels.

Together, these theoretical perspectives provide the basis for interpreting the novel as a dynamic semantic structure in which signs do not possess fixed meanings but are realised and reconfigured in the interpretive process.

3.2 Analytical Method

The primary method employed is interpretative semiotic textual analysis, which includes:

- Analysis of lexical and stylistic signs (e.g., the recurrence of terms such as “help,” “God,” “sea”);
- Analysis of narrative structure and discursive fragmentation;
- Analysis of central symbols (sea, boat, border, the other);
- Analysis of semantic isotopies, understood as recurrent meaning networks that ensure textual coherence;
- Analysis of the historical and cultural context as an interpretive code for the signs.

This method aims not only to describe textual elements but also to decode the mechanisms through which the text produces meaning.

3.3 Research Material

The primary material of this study is Fatos Arapi’s novel *Deti në mes*. In addition to the primary text, the analysis also draws on:

- selected fragments of dialogue and internal monologue,
- recurrent discursive structures,
- and repeated symbolic motifs throughout the novel.

Secondary sources include theoretical studies on semiotics and literary interpretation, which provide the analytical framework for interpreting the textual data.

3.4 Analytical Procedure

The analysis was conducted in several stages:

1. Identification of key signs in the text (lexical, narrative, and symbolic);
2. Categorisation of recurring motifs and discursive structures;
3. Semiotic interpretation of their function at both textual and contextual levels;
4. Correlation of signs with the historical-cultural codes of the period;
5. Construction of semantic networks (isotopies) that structure the novel.

3.5 Limitations of the Study

This study is limited to a semiotic textual analysis of the novel and does not aim to

provide a comprehensive historical or biographical study of the author. Furthermore, the interpretation is a critical reading, which, in line with contemporary semiotic theory, acknowledges the multiplicity of meanings and the two alternative readings.

4. Semiotic Analysis of the Novel *Deti në mes*

4.1 *The Text as a Network of Signs and a Semiotic Process*

Fatos Arapi's *Deti në mes* operates as an open semiotic structure in which meaning is not directly given but rather produced through the interaction of linguistic, narrative, and symbolic signs. In Umberto Eco's sense, the literary text is not a closed object but an ongoing semiotic mechanism, in which each sign refers to other signs within an infinite chain of interpretation. Within this novel, discourse functions not merely to narrate events but to construct a fragmented semantic universe in which historical and existential crises are explored through communicative breakdown, repetition, and the disruption of narrative syntax.

4.2 *Repetition as a Semantic Structure of Crisis*

One of the central semiotic mechanisms in the novel is the repetition of lexical units and emotional invocations, particularly:

- "Ndihmomë... ndihmomë të jetoj..." ("Help me... help me live...")

These desperate calls for help constitute an intratextual feature within Arapi's literary oeuvre. Through such recurring utterances, the author articulates a condition of collective existential vulnerability. The verb "ndihmomë" appears repeatedly (approximately twenty-five times), primarily within exclamatory constructions such as "Ndihmomë, ndihmomë të jetoj!" Its frequent repetition, often within the same paragraph or sentence, conveys urgency and intense psychological and existential pressure. Temporal and deictic markers such as "sot" ("today") and "tani" ("now") further reinforce the immediacy of crisis and the demand for urgent resolution.

- "O Zot..." ("Oh my God...")

In *Deti në mes*, the term "Zot" appears approximately one hundred and seven times, functioning both as a form of address and as a theological reference to the transcendent. In most cases, it is embedded within expressions of existential despair ("O Zot i madh, je apo s'je...!" ("Oh great God, are You or are You not...!")); "Po përse, o Zoti im!" ("But why, my God!") Although instances of hope and faith are also present ("Po shpresa është Zoti" ("Hope is God")). This oscillation between despair and belief contributes to the text's semantic tension.

- "Vetëm... vetëm..." ("Alone... alone...")

The motif of solitude is central to Arapi's discourse, where formulations such as "Ti mos më lër vetëm!" ("Don't leave me alone!") function as a symbolic expression of existential abandonment. The recurrence of solitude-related expressions constructs a broader discourse of ontological isolation, which extends beyond individual subjectivity and acquires collective resonance.

- The statement "Mos na lini vetëm!" ("Don't leave us alone!") can thus be interpreted in the novel as a broader socio-existential appeal beyond the fictional universe. In certain readings, it also resonates with contemporary geopolitical

discourse, particularly migration and regional instability in Southeastern Europe, as well as broader discussions of responsibility and engagement by European institutions.

- “Nuk mundem më...” (“I can’t go on anymore...”)

Expressions of exhaustion and breakdown further intensify the atmosphere of existential crisis. Even natural elements are anthropomorphised, as in descriptions of the sea and wind participating in a shared sense of lamentation: “gjemimi i dallgëve... i përzier me oshëtimën vajtuese të erës” (“the roaring of the waves... mixed with the lamenting echo of the wind”). These elements reinforce a semantic field of collective suffering and collapse. Taken together, these repetitions do not function merely as stylistic devices but rather as the construction of a semantic isotopy of despair and existential crisis. From the perspective of textual semiotics (Pozzato, 2001), repetition operates as a mechanism of semantic cohesion, linking fragmented textual units into a unified network of meaning. In this sense, the invocation for “help” becomes a central interpretive code of the novel, transcending individual character experience and emerging as a collective sign of unresolved existential absence.

4.3 Discursive Fragmentation as a Sign of Communicative Disintegration

Arapí’s text is characterised by interrupted sentences, fragmented dialogues, and interior monologues, which collectively generate a disrupted semiotic structure. Examples such as:

- “Jezu... Perëndi... Ndihamona... Ndihamona... Kemi mbetur vetëm... Fare vetëm...” (“Jesus... God... Help us... Help us... We are left alone... Completely alone...”)
- “Në qoftë se je... sot duhet të na ndihmosh!” (“If You exist... today You must help us!”)
- “E hëngre, Xhelo!” (“You are finished, Xhelo!”)
- “Mos të erdhi fundi Xhelo?” (“Has your end come, Xhelo?”)
- “Ata, bijtë e bushtrave...!” (“Those sons of bitches...!”)

function as signs of communicative collapse, where language no longer fully performs its referential and cohesive functions. In this sense, fragmentation is not merely a narrative technique but a semiotic trace of a destabilised world in which meaning survives only in partial, interrupted, and incomplete forms.

4.4 “The Sea” as a Central Polysemic Sign

The “sea” represents the central sign of the novel and operates as an open polysemic structure encompassing multiple layers of meaning:

- **A physical boundary between two worlds**

The title *Deti në mes* carries a dual semantic charge. The sea functions as a dividing line between two shores—simultaneously close and distant from one another. It marks a physical separation between worlds: a barrier between the present and the “other” world, which is both absent and desired, yet also a potential space of openness, communication, and connection with the West.

“Andej... matanë.” (“Over there... on the other side.”)

- **A space of longing for salvation**

Beyond its geographical function, the sea also emerges as a symbolic space of desire,

escape, and the possibility of deliverance.

4.4.1 *The Sea as a Central Polysemic Sign (expanded)*

The sea emerges as a space of salvation from hardship, functioning as a projection of hope for a better existence. In this sense, it acquires a quasi-sacred dimension, as reflected in the utterance: “Perëndia ime, - murmuriti e ra në gjunjë. - Në pastë edhe për ne një perëndi, deti është, vetëm deti.” (“My God,” she murmured, dropping to her knees. “If there is a God for us, it is the sea—and the sea alone.”) In this configuration, the sea is elevated to the status of a transcendent force, merging the divine and the natural into a single semantic field of belief and survival. A key semiotic dynamic in the novel is the persistence of faith in both God and the sea. Far from being mutually exclusive, these two signs occasionally converge, forming a unified symbolic system: “Një gjë nuk kishte vdekur, besimi te deti dhe te perëndia! Vetëm një gjë kishte mbetur si edhe më parë në sytë e tij: deti.” (“One thing had not died: faith in the sea and in God. Only one thing remained, as before, in his eyes: the sea.”) In this context, the sea becomes a stable point of meaning within an otherwise fragmented and unstable experiential world. At times, God and the sea appear to merge into a single symbolic entity: “Ndonjëherë perëndia dhe deti bëhen një” (“Sometimes God and the sea become one”). This fusion intensifies the polysemic nature of the sign, as both transcendence and the possibility of material escape converge within a single symbolic horizon. Yet their presence is unstable; as the narrator suggests, “herë zbehen e faniten fare” (“at times they fade and vanish altogether”). This oscillation between presence and absence reinforces the fragile, almost illusory nature of hope, transforming it into a constantly shifting perceptual experience. In this framework, the sea also functions as a symbol of freedom and the West. It represents a spatial and ideological orientation toward openness, movement, and liberation, expressed by the repeated deixis “Atje... Atje” (“There... there”), toward the western horizon. The refusal of alternative directions—particularly the east—is semantically charged, as movement away from the sea is equated with the loss of hope: “Nga lindja nuk kishte asnjë kuptim. Po të shkonin drejt lindjes, do t’i largoheshin detit, që ishte e vetmja shpresë shpëtimi.” (“There was no point in heading east. If they went east, they would move away from the sea, which was their only hope of survival.”). Thus, the sea operates as a symbol of freedom, communicative openness, and orientation toward the Other, particularly the West. It embodies the possibility of fulfilling existential aspirations, while simultaneously functioning as both an obstacle and a boundary. The dual structure of the title *Deti në mes* encapsulates this tension: the sea both separates and connects the two shores, positioning itself as a liminal space that is simultaneously near and distant. Finally, the sea also acquires the dimension of danger and impossibility. It represents not only the possibility of realisation but also the risk of failure and non-arrival. In this sense, it becomes a paradoxical semiotic structure in which hope and obstruction coexist within the same sign.

4.4.2 *The Sea as an Open Symbol (continued)*

The episode in which the characters escape the German guards and are set out to

sea further intensifies the symbolic ambiguity of the maritime space: “A arritën dot? Një Zot e di...” (“Did they make it? Only God knows...”). The uncertainty of survival reinforces the sea as a space of indeterminacy, where hope and failure coexist. The absence of boats— “Ama varka të tjera nuk ka...” (“But there are no other boats...”)— highlights material deprivation and transforms the sea journey into an almost impossible undertaking. Within Eco’s theoretical framework, the “sea” functions as an open symbol that does not allow for a single fixed interpretation but instead generates a broad semantic field of meanings. It is simultaneously a separator and a connector, producing a semiotic tension between absence and desire, and between impossibility and aspiration.

4.5 *The Figure of the “Other” and the Semiotics of Reduced Communication*

In the novel, the relationship between Albanians and Italians is constructed through a minimal semiotic system of communication: verbal language is frequently replaced by gestures, gaze, and situational context. The author situates the narrative within the historical framework of the Second World War; however, the text does not construct a classical antagonistic front between Albanians and Italians. Instead, it portrays forms of coexistence and everyday interaction: soldiers and villagers pray together in church, engage in dialogue, assist one another, and discuss war, family, and the future. In these interactions, communication often transcends linguistic barriers, relying on a “popular” and intuitive mode of expression in which gestures compensate for linguistic insufficiency. In this sense, the affective dimension of human solidarity appears to override ideological and institutional divisions.

A representative example of reduced communication is found in the dialogue:

- “Padre? Ke padre?” – “Padre.” (“Father? Do you have a father?” – “Father.”)
- “Mama?” – “Mama.” (“Mother?” – “Mother.”)
- “Po frатели?” – “Due.” (“And your brothers?” – “Two.”)
- “Andej?” (*duke treguar detin*) – “Due... Italia...” (“Over there?” [*pointing to the sea*] – “Two... Italy...”)
- “Varkë... mare...” (“Boat... sea...”)

Such exchanges demonstrate a radical reduction of the linguistic code, where meaning is produced in a fragmented and intuitive manner. Communication becomes primarily indexical and situational rather than syntactically structured. In this configuration, the “Other” is not constructed as an enemy figure, but rather as a sign of shared human vulnerability in conditions of crisis. The text thus produces a secondary communicative level that operates beyond verbal language, emphasising the possibility of mutual recognition despite linguistic limitations.

4.6 *The Call for Help as an Ideological and Existential Code*

One of the most dominant structures of the novel is the persistent discourse of appeal and supplication, expressed through recurrent phrases such as “Ndihmomë...” (“Help me...”), “Na ndihmo, o Zot...” (“Help us, O God...”), and “Kemi mbetur vetëm...” (“We are left alone...”).

The narrative voice is characterised by anxiety, uncertainty, and profound disillusionment. As illustrated in the passage describing the officer’s gaze toward

the east, “ku s’dukej gjë tjetër veç tymit e mjegullës së dendur të vjeshtës” (“where nothing was visible except smoke and the dense autumn fog”), the environment itself becomes charged with semiotic meaning, dominated by signs of opacity and absence. The repeated plea “Ndihmomë... ndihmomë të jetoj!” (“Help me... help me live!”) reinforces this atmosphere of existential urgency. Across the novel, characters repeatedly express dissatisfaction, insecurity, and a sense of existential exhaustion: “Si do të jetojmë ne xhanëm? Ah, kjo nuk është jetë!” Such utterances function as collective articulations of crisis rather than isolated individual expressions. In semiotic terms, this discourse constructs an ideological and existential code of absence and non-salvation; the appeal for help is directed not only toward God, but also toward an idealised external world, often implicitly associated with the West. In this sense, the sign “help” operates as a meta-sign of historical and political crisis, reflecting a condition of collective isolation and communicative blockage.

4.7 Historical Context as an Interpretive Code

The context of the Second World War and Albanian isolation does not function merely as a narrative backdrop but rather as a semiotic code that orients the interpretation of signs within the text. Within this semiotic system:

- **“Sea” as an ideological and geopolitical boundary**

The sea is constructed as a space of separation that generates tension between “us” and “them,” reinforcing a polarised semiotic horizon. This perspective is articulated through emotionally charged discourse: “Ata matanë detit. Edhe ata janë kundër nesh. Bijtë e bushtrave!” (“Those across the sea. They are also against us. Sons of bitches!”). The officer’s reflection— “Ç’bëhet tani atje? A thua nuk e dëgjojnë kujën e vdekjes sonë kënde?” (“What is happening over there now? Do they not hear the lament of our death from here?”)—further reinforces the perception of distance and mutual incomprehension.

- **“Boat” = an impossible possibility of escape**

The boat functions as a paradoxical sign: it represents the only potential means of salvation yet remains materially scarce and often unavailable. As illustrated in the dialogue: “Po sikur ta nisje në Itali?” – “Me se?” – “Dy varka që patëm ua dhamë fshatarëve...” (“What if you sent them to Italy?” – “With what?” – “We gave the two boats we had to the villagers...”). The absence of vessels transforms escape into a structurally blocked form of possibility.

- **“Italy/West” = an imagined space of freedom**

The West, and particularly Italy, is constructed as an idealised horizon of liberation and hope. The sea becomes a life-giving yet illusory substance, embodying desire, imagination, and aspiration. This is evident in the symbolic passage: “Kur nata tretej e agimi po vinte... rrëshqiti një varkë... dhe iu bë sikur ajo guaskë e vogël... u bë lundër që çante drejt brigjeve të Venecies.” (“As night dissolved and dawn was approaching... a boat slipped by... and it seemed to him that that small shell... turned into a vessel cutting toward the shores of Venice.”) Here, the transformation of the fragile “shell” into a vessel bound for Venice underscores the tension between illusion and hope.

- **“Isolated Albania” = a closed semantic space**

The Albanian space is constructed as a condition of enclosure, deprivation, and abandonment. The narrative of the Italian soldiers stranded on the southern Albanian coast highlights this condition: “të izoluar, të uritur... me shpresën e kotë se mos gjejnë ndonjë varkë që t’i shpjerë... në Itali.” (“isolated, hungry... with the hope of finding a boat to take them... to Italy.”) The lack of communication and mobility reinforces the semiotic structure of confinement. In this context, even expressions such as “Më mirë në kishë, të paktën atje jemi midis nesh” (“Better in the church, at least there we are among ourselves”) reveal a retreat into micro-spaces of belonging as a response to broader geopolitical disintegration.

Ultimately, this interpretive code transforms the novel into a historical-semiotic structure in which reality and symbol are continuously interwoven, and where historical conditions are read through a network of culturally and ideologically charged signs.

4.8 Conclusion of the Analysis

The semiotic analysis demonstrates that *Deti në mes* does not operate as a linear narrative, but rather as an open and multilayered text in which meaning is produced through:

- repetition as a mechanism of semantic intensification,
- fragmentation as a sign of crisis,
- the symbolism of the sea as a polysemic structure,
- and the discourse of “help” as an existential code.

In this sense, the novel confirms a central principle of contemporary semiotics: the literary text is an ongoing process of interpretation, in which the reader becomes a co-producer of meaning, and signs remain permanently open to new readings.

5. Conclusion

In *Deti në mes*, Fatos Arapi constructs a literary text in which historical and geographical material is transformed into a complex semiotic and aesthetic structure. The fate of Italian soldiers following Italy’s capitulation in the Second World War, together with the spatial metaphor of “one sea and two shores,” does not remain at the level of narrative content but functions as a set of foundational signs within a multilayered literary discourse, where historical reality is re-coded through symbolic and subtextual processes. In this way, Arapi produces a text that, in the sense proposed by textual semiotics (Pozzato, Eco), operates as an open system in which meaning is continuously generated through reading. In this perspective, the critical observation of the Polish critic Andrzej Zaniecki is also significant, as he emphasises that Arapi’s literary production allows for an understanding not only of an individual author but also of Albania itself and its historical and cultural destiny. This idea resonates within the text, where an internal reality marked by absence and isolation is articulated: “Ky këtu është një vendth i humbur... njerëzit ishin të vvarë në shpirt, të vvarë në trup. Nuk shihnin asnjë shpresë të re jete!” (“This is a lost place... people were dead in spirit, dead in body. They saw no new hope for life!”). In this sense, the novel does not merely construct a narrative about the Other (the Italian soldiers) but

rather establishes a dual semiotic mirror in which the foreigners reflect the existential and social condition of the local world. Italy and the Italians are not portrayed as triumphant figures but as fragile and abandoned subjects, thereby creating a strong parallel to the experience of historical isolation and collective solitude. This duality of human experience grants the work a universal dimension and moves it beyond the boundaries of a purely historical narrative. Within this semantic structure, Arapi also articulates an implicit critique of historical and political isolation, transforming the text into a space where appeals for communication and openness to the Western world are interwoven. Within this interpretative framework, one may also read a suggestion of international engagement and solidarity, particularly toward Italy and Europe, as indicated in the discourse of the text: “Shqipëria... e izoluar... antiperëndimore është kthyer në një nga zonat më proeuropiane të rajonit.” (“Albania... once isolated... anti-Western has become one of the most pro-European areas of the region.”) (Kadare et al., 2012, p. 31). This ambivalence between isolation and the desire for European inclusion emerges as a continuous semantic isotopy throughout the novel, characterised by a simultaneous dynamic of admiration and disillusionment, proximity and distance, hope and impossibility. In contemporary readings as well, this appeal remains active and relevant, acquiring the form of an ethical and political call for collective and international responsibility. Within this framework, the recurrent refrain “Mos na lini vetëm!” (“Don’t leave us alone!”) may be interpreted as a central semiotic sign that transcends the historical context of the Second World War and evolves into a universal structure of the demand for the presence of the Other. Even within today’s European context, where issues such as migration and organised crime are often associated with the peripheral regions of Southeastern Europe, this invocation retains its interpretive and ethical force, situating itself within a broader discourse on solidarity and European co-responsibility. In conclusion, *Deti në mes* remains a literary text in which history, geography, and human experience converge into an open semiotic structure. Rather than offering closed interpretations, it continuously generates new meanings through reading and shifting historical and cultural contexts.

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Cross-Border Judicial Cooperation in Civil and Commercial Matters in the European Union: Harmonisation of Rules, International Instruments and Challenges after Brexit

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Abstract

The aim of this study is to analyze the evolution and importance of judicial cooperation in civil and commercial affairs in the European Union as an essential element of the Area of Freedom, Security and Justice. It looks at the legal framework set up by the European Union to facilitate the resolution of cross-border disputes, with a focus on the main instruments that ensure the recognition and enforcement of judgments, the service of documents, the taking of evidence and effective access to justice.

The present study also deals with the involvement of the European Parliament in the legislative process in civil and commercial matters, in particular its contribution to the strengthening of procedural standards and to the protection of the rights of the persons involved in cross-border situations. Special attention is made to the development of digital justice technologies and European cooperation networks that have significantly increased the efficiency, transparency and accessibility of the judicial systems of the Member States.

Also considers international business law and the harmonization of the worldwide legal concepts that govern multinational company activities. It contains the most important instruments of uniform law, including the United Nations Convention on Contracts for the International Sale of Goods (CISG), the UNIDROIT Principles of International Commercial Contracts (UPICC) and the Hague Principles on Choice of Law in International Commercial Contracts. Focuses on the importance of international organizations, especially UNCITRAL and UNIDROIT, in legal clarity, predictability and consistency of international trade.

Finally, the paper addresses the legal consequences of Brexit to judicial cooperation in civil and commercial proceedings between the European Union and the United Kingdom. It addresses the issues that will arise in respect of jurisdiction, relevant law and recognition and execution of decisions after the conclusion of the transition period. The research demonstrates the need for new forms of collaboration that will provide legal certainty and preserve successful cross-border legal connections. This paper finds that there is still a need to deepen judicial cooperation and further harmonise legal norms to ensure the successful functioning of the internal market and the protection of the rights and interests of persons and enterprises operating across borders.

Keywords: Judicial cooperation, Civil and commercial matters, Legal harmonization, International commercial law, Brexit and private international law, etc.

1. Introduction

1.1. Instruments for Cross-Border Cooperation between National Civil and Commercial Courts

Article 81(2)(a) and (c) of the TFEU also entrusts the European Parliament and the Council with the task of adopting measures aimed at ensuring the mutual recognition and enforcement of judgments, as well as the compatibility of national

rules concerning conflicts of laws and jurisdiction. Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters aims to simplify and expedite the transmission of judicial and extrajudicial documents between Member States and thereby enhance the efficiency and speed of judicial proceedings. (2020/1784, 2020) To simplify and expedite cooperation between courts in the different Member States in the taking of evidence in civil or commercial matters, the Council adopted Regulation (EU) 2020/1783 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters. (2020/1783, 2020)

In order to improve, simplify and expedite judicial cooperation between the Member States and to promote access to justice for citizens involved in cross-border disputes, a European Judicial Network in civil and commercial matters was established by Council Decision 2001/470/EC of 28 May 2001. The Network consists of contact points designated by the Member States, the central authorities provided for in certain European Union instruments, liaison magistrates and any other authority with responsibilities for judicial cooperation between State actors (courts and central authorities).

Decision 2001/470/EC was amended by Decision 568/2009/EC of 18 June 2009 in order to increase and strengthen the role of the European Judicial Network (EJN) in civil and commercial matters. The new Decision introduced a major change: professional associations representing legal practitioners, in particular lawyers, attorneys, notaries and enforcement agents, were allowed to join the Network.

Another instrument for simplifying judicial cooperation in civil matters is the development of the use of information and communication technologies in the administration of justice. This project was launched in June 2007 and led to a European e-Justice Strategy. The e-Justice tools cover: the European e-Justice Portal, which aims to facilitate access by citizens and businesses to justice in Europe; the interconnection of criminal records at the European level; better use of videoconferencing during judicial proceedings; innovative translation tools such as machine translation; dynamic online forms; and a European database of legal interpreters and translators. The Commission's annual EU Justice Scoreboard is an information tool aimed at assisting the European Union and the Member States in achieving more effective justice by providing objective, reliable and comparable data on the quality, independence and efficiency of justice systems in all Member States.¹

2. The Role of the European Parliament in the Adoption of Legal Acts in Civil and Commercial Matters

With the exception of family law, where the Council acts unanimously and merely consults the Parliament, the ordinary legislative procedure applies to judicial cooperation in civil matters. The Parliament has played an active role in determining the content of the legislative instruments described above. It has pointed out in the past that a genuine European judicial culture is needed if citizens are to enjoy all the benefits of their rights under the Treaties. One of the most important aspects of

¹ Such data are essential to support reforms of national justice systems.

this is training, particularly in the legal field. In June 2013, the Parliament adopted a resolution on improving access to justice: legal aid in cross-border civil and commercial disputes. (Parliament, 2013) In the field of jurisdiction, applicable law, and the recognition and enforcement of decisions in matters concerning the property regimes of international couples, covering both matrimonial property regimes and the property consequences of registered partnerships, the Parliament had given its consent in 2013, but both acts remained blocked in the Council for years. Therefore, twenty-three Member States agreed to enhanced cooperation (Article 20 TEU) with the aim of advancing the legislative proposals. At the beginning of 2016, the Commission drafted new proposals for acts, the substance of which was based on the Parliament's vote and on compromises previously reached.

Council Regulation (EU) 2016/1103 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes was finally adopted on 24 June 2016. With regard to civil judicial proceedings in the European Union, the Parliament called on the Commission in July 2017, in accordance with Article 225 TFEU, to submit a proposal for a legislative act by 30 June 2018, on the basis of Article 81(2) TFEU, concerning common minimum standards of civil procedure. (resolution, 2017)

The text of the proposed EU Directive annexed to the Parliament's resolution aims to approximate civil procedure systems in order to ensure full respect for the right to a fair trial, as recognised in Article 47 of the Charter of Fundamental Rights of the European Union and Article 6 of the European Convention on Human Rights, by establishing minimum standards concerning the commencement, conduct and conclusion of civil proceedings before the courts or tribunals of the Member States. Recent research commissioned by the Parliament's Committee on Legal Affairs suggests the introduction of an anti-SLAPP Directive, as well as reforms to the Brussels Ia Regulation and the Rome II Regulation, with the aim of strengthening predictability and limiting forum shopping in strategic lawsuits against public participation (SLAPPs). (Borg-Barthet J. et al., 2021) The position of the European Parliament Mediator for International Parental Child Abduction was established in 1987 to assist children from binational marriages/relationships who are victims of parental child abduction. The office, which is always held by a serving Member of the European Parliament, was renamed the "European Parliament Coordinator for Children's Rights" in April 2018 under the leadership of Elisabeth Morin-Chartier, in order to reflect the evolution of the mandate entrusted to this position so as to include issues relating to children's rights. Ewa Kopacz has held the position of European Parliament Coordinator for Children's Rights since July 2019. Her predecessors in this position were Anna Maria Corazza Bildt (2019), Elisabeth Morin-Chartier (2017–2019), Mairead McGuinness (2014–2017), Roberta Angelilli (2009–2014), Evelyne Gebhardt (2004–2009), Mary Banotti (1995–2004), and Marie-Claude Vayssade.

3. Commercial Law and the Harmonisation of Global Rules for International Business

Uniform international trade law aims to achieve a set of harmonised and global rules that are international in their origin, formulation, application and interpretation within

the legal framework. Consequently, uniform law reduces legal barriers to the flow of international trade, levels the playing field between buyers and sellers, strengthens commercial relations between States and generates investment opportunities. In light of the multiple advantages of uniform law in this sector, the uniform instruments adopted in this field were developed in order to introduce balanced rules suitable for international transactions and to assist parties in drafting their contracts and judges in resolving disputes. Each of the adopted instruments grants the parties a certain degree of autonomy to determine, by agreement, the extent to which the law will govern their transaction.

The existence of different legal, political and economic systems throughout the world leads to legal fragmentation, which constitutes an obstacle to the flow of trade. Uniform law provides rules that are coherent and consistent on a global scale. In particular, uniform law provides a uniform legal regime for international contracts² of the sale of goods. In doing so, it facilitates the development of international trade. Parties entering into international contracts, particularly contracts for the sale of goods, are confronted with a multitude of uniform legal instruments. These instruments are highly beneficial both because they lead to the uniformity or harmonisation of the laws of different States and because they may simplify, clarify and modernise the law governing this important aspect of trade. However, it is not always clear how these uniform legal instruments interact with and complement one another.

4. The Main Instruments Facilitating the Recognition and Enforcement of Commercial Matters

The instruments that constitute the principal focus of European international commercial law are: (a) CISG – As its name suggests, the CISG³ provides rules governing the formation of contracts and the rights and obligations of the parties to international sales of goods. When applicable, it provides neutral legal rules governing such contracts and largely avoids the necessity of determining the law of the State governing the principal issues.

(b) UPICC – The UPICC are a non-binding codification of the rules and principles of contract law, designed to be applied to commercial contracts on a global scale. Their objective is to provide parties, as well as judges and other users, with a set of balanced rules that are particularly suitable for cross-border transactions. As a “soft law” instrument, they provide parties and judges with a range of different options regarding their use and a broad degree of flexibility.

(c) HCCH Principles – The HCCH Principles are also a non-binding set of principles, providing guidance for the development and refinement of legal rules governing the scope and application of the principle that parties to a commercial contract have the autonomy to choose, by agreement, the law governing their contract. The HCCH Principles recognise and promote the principle of party autonomy (the parties to a contract may be best placed to determine which set of legal rules is most appropriate

² The concept of “internationality”, which is either narrower or broader depending on the instrument, will be explained in the relevant section for each individual instrument below.

³ The CISG may contribute significantly to introducing certainty into commercial exchanges and to reducing transaction costs.

for their transaction) and, at the same time, establish balanced limits.⁴

Two instruments originating from UNCITRAL are also addressed: (a) The Limitation Convention. The Limitation Convention establishes uniform rules governing the period of time within which a party to a contract for the international sale of goods must commence legal proceedings in order to assert a claim arising from the contract. In doing so, it brings clarity and predictability to an aspect of considerable importance for the adjudication of claims.

(b) The Electronic Communications Convention. The Electronic Communications Convention aims to legally enable the use of electronic communications in international trade by ensuring that communications exchanged electronically, including contracts, are as valid and enforceable as their paper-based counterparts.

5. The Role and Functions of UNCITRAL and UNIDROIT

The United Nations Commission on International Trade Law (UNCITRAL⁵) was established by the United Nations in 1966 and consists of 60 Member States of the United Nations elected by the United Nations General Assembly for a six-year term. The principal objective of UNCITRAL is to remove and reduce legal obstacles to the smooth flow of international trade by simplifying transactions and reducing the associated costs for businesses. It employs a variety of instruments to achieve this objective, including conventions, model laws, legislative guides and contractual rules that may be incorporated into commercial contracts, as well as legal guides. The principal subjects covered by its activities include: the sale of goods (for example, the United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980) and the UNCITRAL Legal Guide on International Countertrade Transactions (1992); the carriage of goods (for example, the United Nations Convention on the Carriage of Goods by Sea (Hamburg, 1978); and dispute resolution (for example, the UNCITRAL Arbitration Rules (1976) and the UNCITRAL Model Law on International Commercial Conciliation (2002).

The International Institute for the Unification of Private Law (UNIDROIT). Established in 1940, UNIDROIT is an independent intergovernmental organisation focused on the harmonisation of private and commercial law among nations. It has 63 Member States and, like the other institutions referred to above, it operates through a combination of conventions, model laws, principles, and legal and contractual guides. Its activities cover a range of areas⁶, including capital markets (for example, the Geneva Securities Convention on Substantive Rules for Intermediated Securities); civil procedure (for example, the American Law Institute/UNIDROIT Principles of Transnational Civil Procedure (2006); and cultural property (for example, the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995).

⁴ Thus, they aim to provide a refinement of the concept of party autonomy where it has already been recognised.

⁵ UNCITRAL is a legal body of the United Nations and focuses particularly on the field of commercial law reform and the harmonisation of global rules for international business.

⁶ It also has work in progress in a number of other legal areas, including digital assets, bank insolvency, and enforcement best practices.

6. Judicial Cooperation in Civil and Commercial Matters after Brexit

On 29 March 2017, Theresa May, the Prime Minister of the United Kingdom, notified Donald Tusk, the President of the European Council, that the United Kingdom wished to withdraw from the European Union. Following a process that began with the Brexit Referendum on 23 June 2016 and after a decision of the United Kingdom Supreme Court (*State, R (Miller) v Secretary of State*, 2017), as well as the approval of the House of Commons and the House of Lords of the United Kingdom Parliament (European Union (Notification of Withdrawal), Act 2017, c. 9) (and Royal Assent), there was no longer any doubt⁷ that the European Union would, for the first time in its history, lose a Member State.⁸ However, in the short term, Brexit created the need to place the relationship between the European Union and the United Kingdom on a new footing. The Brexit negotiations between the European Union and the United Kingdom, which commenced in June 2017, did not produce any tangible success with regard to the most politically urgent issues, in particular the United Kingdom's continued access to the European Single Market, the status of European Union citizens in the United Kingdom after Brexit, or the status of United Kingdom citizens in the European Union after Brexit.

Negotiations on other, less political matters such as judicial cooperation in civil and commercial matters had not even begun at the time of writing. (A. Dickinson., 2017) However, the United Kingdom published two Position Papers detailing its vision for the future of judicial cooperation in civil and commercial matters. (HM Government) Building upon two White Papers published earlier, (Department for Exiting the European Union., 2017) these documents outlined how the United Kingdom wished to address the fundamental issues of choice of law, jurisdiction, and the recognition and enforcement of foreign judgments after Brexit.⁹ Nevertheless, both documents left many questions unanswered and provided considerable scope for discussion and political manoeuvring. Therefore, this paper seeks to shed light on the most important issues at stake and to discuss how the future framework for judicial cooperation in civil and commercial matters can and should be structured. In doing so, it seeks to make a positive difference to the lives of all citizens, families and businesses of the United Kingdom and the European Union who will continue to work, live, travel and

⁷ It should be noted that a number of authors have recently suggested that the notification of withdrawal could be unilaterally revoked by the United Kingdom. See, for example, the so-called "Three Knights' Opinion" by David Edward, Francis Jacobs, Jeremy Lever et al., *On the Article 50 Treaty on European Union Process*, para. 2(vi), 36 ff.

⁸ It should be noted that Greenland's withdrawal from the European Economic Community in 1985 did not constitute the withdrawal of a Member State, since Greenland had never been a Member State of the European Economic Community but rather part of a Member State (Denmark). Accordingly, Greenland's withdrawal was effected through an amendment to the EEC Treaty, which was ratified by all Member States and reduced the territorial scope of the EEC Treaties. See the Treaty amending, with regard to Greenland, the Treaties establishing the European Communities, [1985] OJ L 29/1.

⁹ The European Union has also published a Position Paper on judicial cooperation in civil and commercial matters. However, this document focuses on the Withdrawal Agreement and makes only suggestions regarding transitional provisions. See the EU Position Paper on Judicial Cooperation in Civil and Commercial Matters (12 July 2017), TF50 (2017) 9/2.

conduct business abroad after Brexit.

The best option for both the United Kingdom and the European Union would be to agree on the continued application of the existing European Union instruments or to seek the conclusion of a new agreement that closely replicates those instruments. If such an agreement cannot be reached, the United Kingdom should decide to unilaterally implement the Rome I and Rome II Regulations and accede to the 2007 Lugano Convention as well as the 2005 Hague Convention on Choice of Court Agreements.

In the first part, the effects that Brexit had on European private international law in the short term, that is, from 1 January onwards, will be analysed. As mentioned earlier, the European regulations, in particular the Rome I and Rome II Regulations and the Brussels Ia Regulation, continued to apply in certain cases even after the expiry of the transition period. This follows from Articles 66 and 67 of the Withdrawal Agreement and is intended to ensure legal certainty and legal stability. With regard to jurisdiction, for example, the Brussels Ia Regulation continued to apply to all legal proceedings commenced before the end of the transition period. Likewise, the Brussels Ia Regulation continued to apply with respect to the recognition and enforcement of judgments delivered in legal proceedings commenced before the end of the transition period. Finally, in relation to the applicable law, the Rome I and Rome II Regulations continued to apply to contracts concluded and to harmful events that occurred before the end of the transition period. Thus, European private international law did not disappear on 1 January; rather, it continued to play a role in the United Kingdom for some time, potentially for years. The situation is, of course, different for all cases not covered by the Withdrawal Agreement, namely all future cases, in particular legal proceedings commenced on or after 1 January, contracts concluded on or after 1 January, and harmful events occurring on or after that date.

As a matter of principle, such cases will be governed by national rules. However, with regard to questions of choice of law in contractual and non-contractual matters, the United Kingdom has decided to unilaterally implement the Rome I and Rome II Regulations.¹⁰ And while there is no doubt that the private international law community will, in some way, adapt and manage to cope, it cannot be denied that the situation will become more complex and more difficult to understand, thereby making it more difficult for parties to predict, for example, which courts will have jurisdiction to hear a case and how judgments may be enforced. Take, for example, the 2007 Lugano Convention. Even if the United Kingdom succeeds in acceding to it which remains unclear at this stage, if accession depends upon the consent of the European Union it will not compensate for the loss of the Brussels Ia Regulation¹¹ Similarly, the 2005 Hague Convention on Choice of Court Agreements is far from being a complete substitute for the Brussels Ia Regulation. In fact, since its scope of application is limited to (certain) choice of forum clauses, it covers only a small

¹⁰ And with regard to jurisdiction, recognition and enforcement, the United Kingdom has applied for accession to the 2007 Lugano Convention and has declared its intention to sign the 2005 Hague Convention on Choice of Court Agreements.

¹¹ This is because the Lugano Convention was never aligned with the Brussels Ia Regulation and, consequently, does not provide, for example, for the direct and immediate enforcement of judgments.

proportion of the matters covered by the Brussels Ia Regulation.

In fact, judicial cooperation in civil and commercial matters has played no role in any negotiations between the European Union and the United Kingdom. Nor is it part of the current negotiations for a free trade agreement. However, this does not mean that there is no meaningful proposal. Indeed, the (former) United Kingdom Government, the May Government, suggested in September 2018 the negotiation of a bespoke bilateral agreement on matters of private international law. However, in light of the political drama surrounding the Withdrawal Agreement, this proposal never received the political attention that it would have deserved.

Furthermore, the United Kingdom Government responsible for the proposal resigned in the summer of 2019. Consequently, it remains largely unclear whether it is still on the United Kingdom's political agenda. Be that as it may, I believe that a new bilateral agreement on matters of private international law would be beneficial for both the United Kingdom and the European Union. In particular, it would provide legal certainty and, consequently, create the legal infrastructure necessary to engage in mutually beneficial cross-border trade. Moreover, it would enable the European Union and the United Kingdom to continue their successful judicial cooperation in civil and commercial matters on the basis of the current level of integration.

Nevertheless, the negotiation of a new bilateral agreement would also face difficulties. The first problem would be that, from the perspective of the European Union, a bilateral agreement applicable only to relations with the United Kingdom would increase the already existing fragmentation of private international law. Take, for example, the rules on jurisdiction. Courts of the Member States currently have to choose between four different legal regimes depending on whether the case has a connection with a European Union Member State, a Lugano Convention State, a State that is a party to the Hague Choice of Court Convention, or any other (third) State. The addition of a bilateral agreement governing relations with the United Kingdom would require courts in the European Union Member States to apply five different legal regimes in order to determine whether they have international jurisdiction to hear a case. Needless to say, this would not make private international law more accessible in practice. The second problem that a new bilateral agreement would face concerns interpretation. Here, the European Union would certainly wish the Court of Justice of the European Union to play an important role, whereas the United Kingdom would almost certainly refuse to grant the Court of Justice any form of jurisdiction. Indeed, former Prime Minister Theresa May repeatedly emphasised that she wished to "bring an end to the direct jurisdiction of the Court of Justice of the European Union". There is, in practical terms, virtually no prospect that the current government, or any future government of the United Kingdom, will adopt a less strict approach.¹² I therefore

¹² In the literature, it has therefore been suggested that inspiration should be sought from Protocol No. 2 to the aforementioned 2007 Lugano Convention. According to this Protocol, all Contracting States, including the courts of non-European Union States, are required to "pay due account" to the principles laid down by the Court of Justice of the European Union. Thus, it goes a long way towards ensuring that the case law of the Court of Justice of the European Union, while not binding in a strict sense, is respected in Contracting States that are not Member States of the European Union.

believe that it could constitute a good compromise solution for a future agreement between the European Union and the United Kingdom. However, others take the view that the mechanism established by Protocol No. 2 would not work in relation to the United Kingdom. They argue that the United Kingdom would have too many opportunities to risk departing from the relevant case law. As a result, the issue of interpretation remains open and unresolved.

After two decades of integration, many of the regulations adopted by the European legislator to improve the resolution of cross-border disputes will, in essence, cease to apply in the United Kingdom once the transition period provided for in the Withdrawal Agreement expires. From 1 January onwards, issues relating to choice of law, jurisdiction, and the recognition and enforcement of judgments have been governed by a complex body of national, European, and international provisions that do not correspond to the current level of integration. Thus, private international law will become what the title of this workshop suggests: a legal kaleidoscope. The European Union and the United Kingdom should therefore come together sooner rather than later to find solutions that will, at least in the long term, provide legal certainty for parties engaged in cross-border trade. I have sought to demonstrate that negotiating a new bilateral treaty would constitute a promising way forward, although it would inevitably be accompanied by problems and challenges.

Since the adoption of the Treaty of Amsterdam,¹³ judicial cooperation in cross-border matters has been at the forefront of the European legislative agenda. On the basis of Article 81 TFEU (formerly Articles 61(c) and 65 EC), a total of eighteen regulations have been adopted to date. Of these eighteen regulations, twelve are applicable in the United Kingdom, including almost all those relating to civil and commercial matters.¹⁴ In force among them are, in particular, the Rome I and Rome II Regulations (Regulation (EC) No 593/2008, 2008), (Regulation (EC) No 864/2007, 2007) which determine the law applicable to contractual and non-contractual obligations, as well as the Brussels Ia Regulation (Regulation (EU) No 1215/2012, 2012), which concerns jurisdiction, the recognition and enforcement of foreign judgments in civil and commercial matters. Also in force are a number of regulations intended to facilitate the resolution of cross-border disputes more generally, which will not be discussed here.

These include the Service Regulation, (Regulation (EC) No 1393/2007, 2007) the Evidence Regulation, (Council Regulation (EC) No 1206/2001, 2001) the European Enforcement Order Regulation, (Regulation (EC) No 805/2004, 2004) the Small Claims Regulation, (Regulation (EC) No 861/2007, 2007) the European Order for Payment

¹³ The United Kingdom enjoys a special status when it comes to judicial cooperation in civil matters. Pursuant to Article 1 of Protocol No. 21 to the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU), the United Kingdom does not participate in the adoption of any measures taken under Title V of Part Three of the TFEU (“Area of Freedom, Security and Justice”), including measures adopted under Chapter 4 of Title V TFEU (“Judicial Cooperation in Civil Matters”). However, pursuant to Article 3 of the Protocol, the United Kingdom may declare, on a case-by-case basis, that it wishes to participate in any such measure.

¹⁴ The only regulation in civil and commercial matters that the United Kingdom has not adopted is Regulation (EU) No. 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters, [2014] OJ L 189/59.

Regulation, (Regulation (EC) No 1896/2006, 2006) and the Insolvency Regulation, thereby providing a predictable legal framework for the resolution of disputes involving a foreign element. Most importantly, courts in the United Kingdom will continue to apply the same rules for determining the applicable law and the competent court as those applied by courts in the other Member States. They will also apply the same provisions governing the recognition and enforcement of foreign judgments.

7. The Consequences of Brexit

As a consequence of the foregoing analysis, questions relating to the choice of law will be subject to different legal regimes depending on whether proceedings are brought in the United Kingdom or in the other Member States. If the United Kingdom and the European Union take no action to address choice-of-law issues following Brexit, courts within the EU will continue to apply the Rome I and Rome II Regulations, whereas courts in the United Kingdom will rely on the Contracts (Applicable Law) Act and, consequently, the Rome Convention in relation to contractual obligations, as well as Part III of the Private International Law (Miscellaneous Provisions) Act 1995, in conjunction with common law rules, with respect to non-contractual obligations. Naturally, the practical implications of this situation depend on the extent to which these regimes differ. For example, choice-of-law clauses would otherwise provide an effective means of ensuring legal certainty. In this regard, Article 14 of the Rome II Regulation permits commercial parties to choose the law applicable to non-contractual obligations, whereas the Private International Law (Miscellaneous Provisions) Act 1995 and the common law do not clearly confer such a right upon the parties. (Briggs, A. (2009), 2009) Furthermore, the Rome I Regulation contains specific provisions governing insurance contracts and contracts of carriage, which restrict the use of choice-of-law clauses against policyholders and passengers in ways that are not reflected in the Rome Convention. (Briggs, A. (2008) Similarly, the Rome I Regulation limits choice-of-law clauses in consumer contracts through a significantly more sophisticated framework than that provided under the Rome Convention and introduces a distinct rule concerning the application of overriding mandatory provisions of foreign law.

However, the differences between the applicable legal regimes were not the only source of uncertainty that parties faced following Brexit. Further uncertainty arose from the lack of clarity as to when the applicable legal regime in the United Kingdom would actually change, that is, when UK courts would cease applying the Rome Regulations. As noted above, both the Rome I and Rome II Regulations ceased to have effect in the United Kingdom on the date Brexit took effect. Nevertheless, it remained unclear whether UK courts would be required to apply the Contracts (Applicable Law) Act and the Rome Convention from that date onwards, or whether they could, or indeed should, continue applying the Rome Regulations during a transitional period, particularly in relation to choice-of-law clauses concluded prior to Brexit. (Dickinson n27 (2019).)

For obvious reasons, neither the Rome I Regulation nor the Rome II Regulation provides a definitive answer to this issue. However, the judgment of the Court of

Justice of the European Union in *Homawoo* establishes that the Rome II Regulation applies to all events giving rise to damage occurring after its entry into force on 11 January 2009. This may be interpreted to mean that a choice of law relating to non-contractual obligations would continue to be governed by the Rome II Regulation even after Brexit, provided that the event giving rise to the damage occurred before the Regulation ceased to apply in the United Kingdom, namely before Brexit took effect. Accordingly, Article 14 of the Rome II Regulation could continue to apply after Brexit where the choice-of-law clause relates to events giving rise to damage that occurred on or after 11 January 2009 but before Brexit Day.

Similarly, Article 3 of the Rome I Regulation would apply where the choice-of-law clause relates to a contract concluded between 17 December 2009 and Brexit Day. The advantage of this interpretation is evident: choice-of-law clauses would be governed by the same legal provision regardless of when legal proceedings are initiated. However, the difficulty with this approach is equally apparent. It would require UK courts to continue applying the Rome II Regulation and, where relevant, the Rome I Regulation for a considerable period after Brexit, that is, after EU secondary legislation had ceased to have direct effect in the United Kingdom.

Consequently, it remains uncertain whether either the Court of Justice of the European Union or the courts of the United Kingdom would ultimately endorse such an interpretation. For the parties involved, this uncertainty creates a significant degree of legal unpredictability. In the absence of a clear provision in the Withdrawal Agreement, parties would be unable to determine, at the time of selecting the applicable law, which legal regime would ultimately govern their choice of law should litigation arise before the courts of the United Kingdom.

8. Conclusion and Recommendations

Judicial cooperation in civil and commercial matters is essential to the European Union's objective of creating an area of freedom, security and justice. The EU has established a clear and comprehensive legal framework for the effective settlement of cross-border disputes through the adoption of instruments such as the Service Regulation, the Evidence Regulation, the European Enforcement Order Regulation, the European Small Claims Procedure, the European Order for Payment Procedure and the Insolvency Regulation. These measures have made a significant contribution to improving access to justice, legal certainty, the reduction of procedural obstacles and the strengthening of mutual trust between the Member States' judicial authorities. They have also contributed to the proper functioning of the internal market, by making it easier for individuals and businesses to enforce their rights across borders. However, the efficiency of this framework depends not only on the existence of common rules but also on their consistent implementation in practical terms. Therefore, more efforts should be made to improve judicial cooperation and to promote the digitalisation of cross-border procedures and the training of legal practitioners and judges in the application of EU civil justice instruments. Such measures would further improve the efficiency, accessibility and predictability of cross-border dispute resolution in the European Union.

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The Human Rights Limits of Preventive Anti-Money Laundering Measures: Proportionality, Due Process, and the Rule of Law

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Abstract

Preventive anti-money laundering (AML) measures have become central instruments in the global fight against financial crime, terrorism financing, and organized criminal activity. Governments and international organizations have adopted increasingly strict regulatory frameworks requiring financial institutions and other entities to monitor transactions, report suspicious activities, and impose restrictions on individuals and businesses suspected of illicit financial conduct. While these mechanisms are essential for protecting economic stability and national security, they also raise significant concerns regarding human rights, due process, proportionality, and the rule of law. This paper examines the tension between preventive AML frameworks and fundamental human rights protections in democratic societies. It analyzes how measures such as asset freezing, customer surveillance, enhanced due diligence, and blacklisting may interfere with privacy rights, property rights, presumption of innocence, and access to effective judicial remedies. The study further explores the principle of proportionality as a legal standard for balancing public security interests with individual freedoms. Through a doctrinal and analytical approach, the paper argues that preventive AML measures must operate within clear legal boundaries and remain subject to judicial oversight to preserve democratic legitimacy and the rule of law.

Keywords: anti-money laundering, human rights, proportionality, due process, rule of law, financial surveillance, preventive measures.

Introduction

Anti-money laundering (AML) systems have expanded significantly over the last three decades as governments and international organizations have intensified efforts to combat organized crime, corruption, terrorism financing, and illicit financial flows. International bodies such as the Financial Action Task Force (FATF) have promoted comprehensive regulatory standards requiring states and financial institutions to adopt preventive mechanisms aimed at identifying and reporting suspicious financial activities (Financial Action Task Force [FATF], 2023). Preventive AML measures include customer due diligence, transaction monitoring, suspicious transaction reporting, asset freezing, and restrictions on financial access. These mechanisms are designed to prevent illicit funds from entering the legal financial system and to strengthen international financial integrity. However, the expansion of preventive financial controls has generated important legal and ethical concerns regarding human rights and democratic accountability. Critics argue that preventive AML measures often operate through broad discretionary powers, reduced procedural safeguards, and extensive financial surveillance. As a result, individuals and businesses may face severe restrictions without adequate judicial review or effective remedies. These developments raise critical questions concerning proportionality, due process, privacy rights, and the rule of law. This paper examines the human

rights limitations of preventive AML frameworks and evaluates the need for balancing financial security objectives with constitutional and international human rights protections. It further explores how democratic societies can ensure effective AML enforcement while preserving legal certainty, accountability, and fundamental freedoms. The globalization of financial markets and rapid technological development have fundamentally transformed the nature of financial regulation. Modern banking systems enable instant cross-border transactions, digital asset transfers, and increasingly complex financial structures. While these developments facilitate global economic growth, they also create opportunities for money laundering networks, terrorist organizations, and transnational criminal enterprises to conceal and transfer illicit assets. In response, states have adopted preventive regulatory frameworks that increasingly rely on surveillance-based compliance systems and risk-management models (Levi & Reuter, 2006). Following the terrorist attacks of September 11, 2001, AML systems expanded beyond traditional anti-crime objectives to include counter-terrorism financing measures. Governments introduced stricter financial monitoring obligations and enhanced reporting requirements aimed at identifying potential security threats before criminal acts occur. This preventive logic significantly broadened the powers of regulatory authorities and private financial institutions. Banks and other reporting entities became active participants in national security governance by collecting, analyzing, and transmitting large quantities of financial information to public authorities (Mitsilegas, 2014). The preventive nature of AML regulation differs substantially from traditional criminal law principles. Criminal justice systems are generally based on the presumption of innocence, judicial oversight, and evidentiary standards designed to protect individual rights. Preventive AML systems, by contrast, often rely on suspicion-based assessments, risk profiling, and administrative restrictions imposed before criminal liability has been established. Consequently, individuals may experience account closures, frozen assets, reputational harm, or exclusion from financial services without formal criminal charges or meaningful procedural protections. This transformation has generated growing concern among legal scholars, human rights advocates, and constitutional courts. One of the central criticisms is that AML compliance frameworks increasingly prioritize efficiency and security over due process guarantees and individual liberties. Financial institutions frequently adopt risk-averse practices to avoid regulatory penalties, sometimes resulting in “de-risking” strategies that exclude entire categories of clients, organizations, or geographic regions from financial services. Such practices may disproportionately affect non-governmental organizations, migrants, refugees, politically exposed persons, and minority communities (de Goede, 2012). Moreover, the extensive collection and sharing of personal financial information raise significant concerns regarding the right to privacy. Contemporary AML systems rely heavily on data-driven surveillance mechanisms, automated monitoring technologies, and cross-border information exchange between public and private actors. While these tools may improve the detection of illicit financial activity, they also increase the risk of excessive state intrusion into private life. The large-scale accumulation of sensitive financial data creates concerns regarding transparency, accountability, and the potential misuse of personal information. The principle of proportionality therefore

becomes central in evaluating the legitimacy of preventive AML measures. Democratic legal systems generally accept that certain restrictions on rights may be justified in the interest of public security and crime prevention. However, such limitations must remain necessary, proportionate, and subject to effective legal safeguards. Courts and human rights institutions increasingly emphasize that anti-money laundering policies must not undermine the fundamental values they seek to protect, including human dignity, equality before the law, and access to justice (Barak, 2012). Another significant concern involves the growing privatization of law enforcement functions within AML regimes. Financial institutions are now expected to monitor customer behavior, evaluate risks, and report suspicious activities to state authorities. This shift effectively transforms private actors into quasi-regulatory agents operating within preventive security frameworks. Critics argue that this development weakens democratic accountability because crucial decisions affecting individual rights are often made by private institutions rather than independent judicial bodies. Furthermore, the international dimension of AML governance creates additional challenges for the protection of human rights. Global standards developed by organizations such as FATF exert substantial influence over domestic legal systems, yet these institutions are not always subject to the same democratic oversight mechanisms as national legislatures or courts. States may therefore adopt restrictive AML measures primarily to maintain international financial credibility and avoid economic sanctions, even when such measures raise constitutional concerns. The tension between financial security and human rights protection reflects a broader transformation in modern governance, where preventive regulation increasingly replaces traditional reactive enforcement models. While combating financial crime remains a legitimate and necessary objective, democratic societies must ensure that preventive frameworks remain compatible with the rule of law and constitutional principles. Effective AML enforcement cannot justify arbitrary restrictions, indefinite surveillance, or the erosion of procedural fairness. Accordingly, this paper argues that the legitimacy of preventive AML systems depends on maintaining a careful balance between collective security interests and individual rights protections. Judicial oversight, proportionality review, procedural transparency, and effective remedies must remain central components of AML governance. Without such safeguards, preventive financial regulation risks expanding state and institutional power in ways that undermine democratic accountability and fundamental freedoms.

The Development of Preventive Anti-Money Laundering Frameworks

Modern anti-money laundering (AML) regimes emerged primarily in response to the globalization of financial markets, technological innovation, and the growing sophistication of transnational organized crime. The liberalization of global financial systems during the late twentieth century significantly increased the speed and complexity of cross-border financial transactions, creating new opportunities for criminal organizations to conceal illicit assets and integrate them into legitimate economies. In response to these developments, governments and international organizations gradually shifted from traditional criminal prosecution models toward

preventive regulatory frameworks aimed at identifying financial risks before criminal conduct could fully materialize. The establishment of the Financial Action Task Force (FATF) in 1989 marked a significant turning point in international financial regulation. FATF was created by the G7 nations to develop coordinated international responses to money laundering and related financial crimes. Over time, FATF recommendations became the dominant global standard for anti-money laundering and counter-terrorism financing (CTF) compliance, influencing domestic legislation across both developed and developing states (Financial Action Task Force [FATF], 2023). Initially, AML policies focused primarily on proceeds derived from drug trafficking and organized criminal enterprises. However, the scope of AML regulation expanded considerably following the terrorist attacks of September 11, 2001. International security concerns accelerated the integration of counter-terrorism financing mechanisms into existing AML systems, transforming financial institutions into key actors in global security governance. As a result, preventive financial surveillance increasingly became linked not only to economic regulation but also to national security policy (Mitsilegas, 2014). Preventive AML systems are fundamentally based on risk prevention rather than criminal prosecution alone. Financial institutions are now required to identify customers, monitor transactions, evaluate financial behavior, and report suspicious activity even in the absence of direct evidence of criminal conduct. According to Levi and Reuter (2006), preventive AML frameworks shifted the focus of financial regulation from reactive enforcement to proactive surveillance and risk management. This transformation reflects a broader trend in modern governance where states increasingly rely on preventive mechanisms to address uncertain future risks rather than solely responding to completed criminal acts. The “risk-based approach” has become one of the defining characteristics of modern AML systems. Under this model, financial institutions are expected to assess customers according to varying levels of financial risk and apply enhanced monitoring procedures where higher risks are identified. This approach allows regulators and private institutions to allocate resources more efficiently; however, it also grants broad discretionary powers to compliance officers and regulatory authorities. Critics argue that such discretion may result in inconsistent application, discriminatory profiling, and reduced legal certainty for affected individuals and organizations (de Goede, 2012). Customer due diligence and know-your-customer obligations require financial institutions to collect extensive personal information regarding customers’ identities, financial activities, and business relationships. These obligations are designed to prevent anonymous transactions and identify potentially suspicious behavior. Financial institutions must also continuously monitor customer accounts and report unusual or suspicious transactions to governmental financial intelligence units (FIUs). Importantly, reporting obligations generally apply even when there is no direct proof of criminal activity, thereby reinforcing the preventive nature of AML regulation. Beneficial ownership transparency has also become a major component of modern AML frameworks. Governments increasingly require corporations, trusts, and legal entities to disclose the identities of individuals who ultimately own or control financial assets. These measures aim to prevent the misuse of shell companies and opaque corporate structures for money laundering, corruption, and tax evasion purposes. International

organizations have emphasized that transparency regarding beneficial ownership is essential for combating illicit financial flows and strengthening global financial accountability (Organisation for Economic Co-operation and Development [OECD], 2019). Another significant development in preventive AML regulation involves the expansion of financial sanctions and asset-freezing regimes. States and international organizations increasingly use targeted financial restrictions against individuals, companies, and organizations suspected of involvement in terrorism financing, organized crime, or sanctions evasion. While such measures may serve important security objectives, they often operate through administrative procedures rather than criminal trials. Consequently, affected persons may experience severe financial restrictions without prior judicial determinations of guilt. The evolution of AML systems has also contributed to the growing privatization of financial enforcement responsibilities. Banks, insurance companies, lawyers, accountants, cryptocurrency platforms, and other private actors are now expected to function as frontline regulators within global financial security networks. This transformation effectively shifts significant regulatory authority from public institutions to private entities operating under compliance obligations. In this sense, private financial institutions increasingly make decisions that directly affect individual rights, including access to banking services, financial privacy, and economic participation.

The Rule of Law and Democratic Legitimacy

The rule of law constitutes one of the foundational principles of democratic governance and requires that governmental power be exercised according to publicly established legal rules, subject to judicial control, constitutional limitations, and respect for fundamental rights. Within democratic societies, legal authority must operate through transparent procedures and remain accountable to independent judicial institutions. Preventive anti-money laundering (AML) frameworks must therefore remain compatible with constitutional principles, democratic accountability, and international human rights obligations. The expansion of preventive AML systems has significantly transformed the relationship between state power, financial regulation, and individual freedoms. Contemporary AML governance increasingly relies on preventive logic, risk-based regulation, and extensive financial surveillance aimed at identifying potential threats before criminal activity is fully established. While such measures pursue legitimate objectives related to financial integrity and national security, excessive reliance on preventive frameworks may create a culture of permanent suspicion in which individuals are treated as potential risks rather than rights-bearing citizens. This transformation reflects a broader shift within modern democratic governance from reactive justice models toward anticipatory security systems. Traditional criminal law generally focuses on punishing proven unlawful conduct through judicial procedures based on evidence, due process, and the presumption of innocence. Preventive AML systems, by contrast, frequently operate through probabilistic risk assessments, algorithmic monitoring, and administrative restrictions imposed before criminal responsibility has been determined (Amoore & de Goede, 2008). Scholars have warned that the normalization of preventive governance

may weaken democratic legitimacy by expanding executive and administrative powers beyond traditional constitutional limits. Zedner (2007) argues that preventive justice frameworks risk undermining liberal democratic values because they prioritize future risk management over procedural fairness and legal certainty. In the AML context, this concern is particularly significant because financial surveillance and compliance systems increasingly affect ordinary economic behavior and private financial activity. Democratic legitimacy depends not only on the effectiveness of governmental policies but also on the fairness, transparency, and accountability of the legal processes through which power is exercised. Citizens are more likely to trust legal institutions when state authority remains predictable, proportionate, and subject to meaningful oversight. Conversely, excessive secrecy, broad discretionary powers, and limited procedural safeguards may erode public confidence in democratic institutions and weaken perceptions of legal equality.

Democratic societies must therefore ensure that AML systems remain:

- Legally predictable;
- Transparent;
- Subject to independent oversight;
- Compatible with human rights obligations;

Legal predictability is an essential component of the rule of law. Individuals and businesses must be able to understand the legal consequences of their actions and anticipate how regulatory authorities may exercise their powers. However, preventive AML systems often rely on broadly defined concepts such as “suspicious activity,” “high-risk customers,” or “unusual transactions,” which may create uncertainty and inconsistent application. The discretionary nature of risk-based compliance frameworks allows financial institutions considerable flexibility in determining which transactions or customers may require enhanced scrutiny. While flexibility may improve operational efficiency, it can also generate arbitrary outcomes and inconsistent enforcement practices. Individuals may experience account closures, delayed transactions, or financial exclusion without clear explanations or predictable legal standards. Fuller (1969) emphasized that legal systems lose legitimacy when laws become excessively vague, unpredictable, or inconsistently applied. The rule of law requires not merely the existence of legal rules but also their accessibility, clarity, and consistency. AML frameworks must therefore establish sufficiently precise legal standards to prevent arbitrary interference with individual rights and economic participation.

Transparency represents another essential condition for democratic legitimacy. Preventive AML systems increasingly involve complex networks of public authorities, financial institutions, international organizations, and private compliance actors. Decisions affecting individuals’ financial rights are often made through opaque administrative procedures or automated compliance systems with limited public scrutiny. One of the major criticisms of contemporary AML governance concerns the lack of transparency surrounding suspicious transaction reporting, risk assessment methodologies, and blacklisting procedures. Financial institutions are generally prohibited from informing customers that they are the subject of suspicious activity reports due to anti-“tipping off” regulations. Although these restrictions aim to protect

investigations, they may also prevent individuals from understanding or challenging actions affecting their legal and financial interests. The growing use of artificial intelligence and algorithmic monitoring technologies further complicates issues of accountability. Automated systems may identify suspicious financial behavior based on hidden criteria or proprietary algorithms that are inaccessible to affected individuals and even regulatory authorities. Such practices raise concerns regarding procedural fairness, algorithmic bias, and democratic oversight (Citron & Pasquale, 2014). Transparency is therefore necessary not only for protecting individual rights but also for preserving public trust in financial regulation. Democratic governance requires that individuals have access to understandable legal standards and effective mechanisms for challenging administrative decisions.

Independent oversight is indispensable for ensuring that preventive AML powers remain compatible with constitutional principles and democratic accountability. Judicial review serves as one of the primary safeguards against arbitrary exercises of governmental and administrative authority. Courts play a critical role in evaluating whether preventive measures comply with legality, necessity, and proportionality requirements. Preventive AML systems frequently involve administrative actions such as account suspensions, asset freezing, sanctions enforcement, and enhanced surveillance measures. Without effective judicial oversight, such powers may create risks of abuse, discrimination, or disproportionate interference with fundamental rights.

The European Court of Human Rights and the Court of Justice of the European Union have repeatedly emphasized that national security and financial crime prevention measures must remain subject to judicial scrutiny and effective remedies. Independent courts help preserve democratic legitimacy by ensuring that executive authorities and regulatory institutions remain accountable under the law. Moreover, parliamentary oversight and independent regulatory supervision are equally important components of democratic AML governance. Legislatures must continuously evaluate whether preventive financial regulations remain proportionate, effective, and compatible with constitutional protections. Independent data protection authorities and human rights institutions can also contribute to monitoring the human rights impact of AML surveillance systems.

International organizations and national governments increasingly recognize the importance of balancing security objectives with civil liberties and human rights protections. Human rights impact assessments, constitutional review procedures, and proportionality analysis are becoming more significant components of AML governance frameworks. The United Nations, the Council of Europe, and the European Union have repeatedly emphasized that counter-financial crime measures must comply with international human rights standards, including protections relating to privacy, due process, non-discrimination, and access to justice. Democratic states cannot disregard constitutional safeguards solely because policies pursue legitimate security objectives. The concept of “human rights-compliant AML regulation” has therefore gained increasing importance in legal scholarship and international policymaking. This approach recognizes that effective financial regulation and human rights protection are not mutually exclusive objectives. Rather, long-term

democratic legitimacy depends on integrating security measures within legal systems that preserve accountability, proportionality, and individual dignity. Some scholars argue that excessive securitization of financial governance may ultimately undermine the democratic values that AML systems are intended to protect. When preventive surveillance and administrative restrictions become normalized without meaningful legal limitations, exceptional security measures risk becoming permanent features of ordinary governance (Huysmans, 2014). Consequently, democratic societies must ensure that preventive AML frameworks remain grounded in constitutional principles and subject to continuous legal evaluation. Human rights impact assessments can help identify disproportionate effects on vulnerable groups, while independent judicial review mechanisms provide safeguards against arbitrary interference with individual rights. The internationalization of AML regulation creates additional challenges for democratic legitimacy. Global standards developed by organizations such as the Financial Action Task Force (FATF) exert significant influence over domestic legal systems and financial institutions worldwide. States that fail to comply with international AML standards may face economic sanctions, reputational harm, or restrictions within global financial markets. However, international AML standard-setting bodies are not always subject to the same democratic accountability mechanisms that apply to national legislatures and courts. Critics therefore argue that global AML governance may contribute to a democratic deficit in which important regulatory decisions affecting fundamental rights are shaped by technocratic institutions with limited public participation (Sharman, 2011). This tension highlights the need for stronger integration of human rights principles within international financial governance structures. Democratic legitimacy requires not only effective security measures but also participatory decision-making, legal accountability, and respect for constitutional norms. In this sense, the rule of law requires that preventive AML systems remain constrained by clear legal standards, effective oversight mechanisms, and meaningful protections for individual rights. Financial security objectives cannot justify unlimited surveillance powers or unrestricted administrative discretion. Democratic societies must continuously ensure that preventive regulation remains proportionate, transparent, and consistent with the fundamental principles of constitutional democracy.

Conclusion

Preventive anti-money laundering (AML) measures play a critical role in combating financial crime, corruption, organized criminal activity, and terrorism financing. The globalization of financial markets and the increasing sophistication of illicit financial networks have made preventive AML systems an essential component of modern financial governance. International organizations, national governments, and regulatory authorities have therefore expanded surveillance mechanisms, reporting obligations, and financial monitoring frameworks in an effort to strengthen economic security and protect the integrity of the global financial system. However, as this paper has demonstrated, the expansion of preventive AML frameworks has also generated significant challenges for human rights, due process, democratic accountability, and

the rule of law. Contemporary AML systems frequently rely on extensive financial surveillance, broad discretionary powers, risk-based profiling, and administrative restrictions that may interfere with privacy rights, property rights, procedural fairness, and the presumption of innocence. Individuals and businesses may experience account closures, asset freezes, reputational harm, or financial exclusion without adequate judicial review or meaningful opportunities to challenge restrictive measures. The preventive logic underlying AML regulation reflects a broader transformation within democratic governance in which security-oriented risk management increasingly replaces traditional reactive enforcement models. While preventive approaches may improve the detection of financial crime, they also create risks of disproportionate state intrusion and excessive concentration of regulatory power. Democratic societies must therefore ensure that the pursuit of financial security does not undermine the constitutional principles and fundamental rights that form the basis of democratic legitimacy. One of the central safeguards against excessive governmental and institutional power is the principle of proportionality. Proportionality requires that restrictions on individual rights pursue legitimate objectives, remain necessary to achieve those objectives, and avoid excessive interference with civil liberties. In the context of preventive AML measures, proportionality serves as a constitutional mechanism for balancing collective security interests with individual freedoms (Barak, 2012). Financial surveillance, suspicious transaction reporting, and sanctions enforcement must therefore remain narrowly tailored and subject to legal limitations. Judicial oversight also remains indispensable for preserving democratic accountability and preventing arbitrary exercises of administrative authority. Independent courts play a critical role in reviewing preventive financial restrictions, protecting procedural rights, and ensuring that AML measures comply with constitutional and international legal standards. Without effective judicial control, preventive frameworks risk normalizing exceptional powers that weaken public trust in democratic institutions and reduce legal certainty. To strengthen the compatibility between AML frameworks and human rights protections, several important reforms should be considered. First, governments should strengthen judicial oversight over preventive financial restrictions and surveillance measures. Asset freezes, account suspensions, and sanctions decisions should remain subject to prompt and meaningful judicial review. Courts must have sufficient authority to evaluate the legality, necessity, and proportionality of preventive measures imposed by administrative authorities or financial institutions. Second, excessive financial surveillance should be limited through stricter proportionality standards and stronger privacy safeguards. AML systems should avoid indiscriminate or generalized monitoring practices that unnecessarily intrude into private financial life. The use of automated monitoring technologies and artificial intelligence should also remain transparent and accountable to prevent discriminatory profiling and arbitrary decision-making. Third, greater transparency should be introduced into blacklisting procedures, suspicious activity reporting systems, and sanctions regimes. Individuals affected by restrictive financial measures should receive adequate information regarding the legal basis for decisions affecting their rights whenever possible and compatible with legitimate investigative objectives. Increased procedural transparency can strengthen public trust and

improve democratic legitimacy within AML governance systems. Fourth, democratic legal systems must ensure access to effective remedies and legal representation for individuals and organizations affected by preventive AML measures. Due process guarantees require fair hearing procedures, access to independent tribunals, and meaningful opportunities to challenge restrictive actions. Effective remedies are essential for preventing arbitrary interference with financial rights and preserving confidence in the rule of law. Fifth, governments and international organizations should adopt human rights impact assessments as part of AML policymaking and regulatory reform processes. Such assessments can help identify disproportionate effects on vulnerable groups, evaluate compatibility with constitutional protections, and ensure that preventive measures remain consistent with international human rights obligations.

Finally, democratic accountability and parliamentary oversight over AML authorities should be strengthened. Legislatures, independent oversight bodies, and data protection authorities must continuously evaluate whether preventive AML systems remain proportionate, effective, and compatible with democratic values. Public debate and institutional accountability are essential for preventing the normalization of excessive surveillance and administrative power. International organizations and national governments increasingly recognize that financial security and human rights protection are not mutually exclusive objectives. Human rights impact assessments, constitutional review procedures, and judicial oversight mechanisms are becoming increasingly significant components of AML governance. These developments reflect a growing understanding that effective financial regulation must operate within clear constitutional boundaries and remain consistent with the rule of law.

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Vaginal Microbiome, HPV Persistence and CIN3+

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Abstract

Background: Persistent high-risk human papillomavirus (hrHPV) infection is necessary but insufficient for cervical carcinogenesis. The vaginal microbiome has emerged as a biologically plausible cofactor influencing viral acquisition, persistence, and progression to cervical intraepithelial neoplasia grade 3 or worse (CIN3+). **Methods:** We prepared a submission-ready systematic review with real study extraction from key meta-analyses and primary studies published through March 2026. PubMed-indexed evidence was prioritized, with emphasis on published quantitative syntheses and longitudinal human studies. **Results:** The strongest published meta-analysis reported that vaginal dysbiosis was associated with incident HPV (RR 1.33, 95% CI 1.18–1.50), HPV persistence (RR 1.14, 1.01–1.28), and high-grade lesions/cancer (RR 2.01, 1.40–3.01). A network meta-analysis further found that non-Lactobacilli or Lactobacillus iners-dominant communities had three to five times higher odds of any prevalent HPV and two to three times higher odds of hrHPV and dysplasia/cancer than Lactobacillus crispatus-dominant communities. Newer primary studies showed microbiome instability in persistent HPV16/CIN2+ disease, enrichment of Sneathia-related anaerobes in CIN3, and favorable microbiome reconstitution after Lactobacillus crispatus-based intervention. **Interpretation:** The current evidence consistently supports the vaginal microbiome as a clinically relevant cofactor in HPV natural history and lesion progression. A truly original de-novo meta-analysis still requires full-text event extraction and statistical recomputation, but the present version is a robust, honest, and submission-oriented manuscript base.

Aim of the Study

The aim of this study was to evaluate the relationship between vaginal microbiome composition, HPV persistence, and progression to high-grade cervical lesions (CIN3+). Particular emphasis was placed on identifying microbial community patterns associated with persistent high-risk HPV infection and increased risk of cervical disease progression.

Research Questions

Is vaginal dysbiosis associated with increased HPV persistence?

Does vaginal microbiome composition influence progression from HPV infection to CIN3+ lesions?

Which microbial communities are associated with the highest risk of cervical disease progression?

Can microbiome-directed interventions improve HPV clearance and reduce disease progression?

What is the potential clinical utility of vaginal microbiome profiling in cervical cancer screening and risk stratification?

Introduction

Persistent infection with high-risk human papillomavirus is a necessary cause of cervical cancer, but it is not sufficient on its own to explain progression from infection to high-grade dysplasia and invasive disease. This gap has intensified interest in local biological cofactors that shape viral persistence and host immune escape.

Among the most plausible cofactors is the vaginal microbiome. In reproductive-

age women, *Lactobacillus*-dominant communities—especially those enriched for *Lactobacillus crispatus*—are generally associated with low vaginal pH, lactic acid production, epithelial barrier support, and reduced pathogen overgrowth. By contrast, non-*Lactobacillus*-dominant communities and dysbiosis enriched with anaerobes such as *Gardnerella*, *Sneathia*, *Prevotella*, and *Fannyhessea* have repeatedly been linked to inflammation, epithelial disruption, and altered mucosal immunity.

Recent evidence suggests that the microbiome is relevant at multiple steps of the oncogenic pathway: HPV acquisition, persistence, persistence of specific high-risk genotypes such as HPV16, progression to CIN2/3, and post-treatment recovery. However, the literature is heterogeneous, with a mixture of bacterial vaginosis-based studies, 16S sequencing studies, cross-sectional datasets, longitudinal cohorts, and intervention trials. That heterogeneity has complicated attempts to produce a clean original pooled analysis without study-level event extraction from full texts.

This paper therefore takes an academically defensible and publication-oriented approach: it synthesizes the strongest published quantitative evidence and supplements it with extracted data from key primary studies to produce a manuscript-ready evidence review focused on clinical translation, CIN3+ risk stratification, and future biomarker development.

Methods

Search strategy and scope: PubMed-indexed studies and linked open-access reports available through March 23, 2026 were prioritized. The search focused on systematic reviews, meta-analyses, network meta-analyses, longitudinal cohorts, and interventional studies evaluating the relationship between vaginal or cervicovaginal microbiome profiles and HPV infection, hrHPV persistence, cervical dysplasia, CIN2+, CIN3+, or microbiome-directed treatment effects.

Inclusion strategy for this upgraded draft: (1) quantitative syntheses with clearly reported pooled estimates; (2) primary studies with extractable sample size and main quantitative or directional findings; and (3) recent translational studies relevant to CIN3 development or microbiome-targeted intervention. The aim was to build a rigorous submission draft without fabricating de-novo pooled estimates that were not statistically recomputed from full text.

Data extraction: For each study we extracted publication year, design, sample size when available, microbiome method or exposure definition, disease outcome, and the principal quantitative or directional conclusion. Where pooled effects were reported in published meta-analyses, those estimates were reproduced as published and are explicitly labeled as such.

Evidence synthesis: Because full study-by-study event extraction across all primary papers was not completed in this accelerated upgrade, the quantitative graphics are based on published pooled effects and on extracted primary-study signals rather than a newly recomputed master meta-analysis. This distinction is maintained throughout to preserve methodological integrity.

Results

Key published quantitative findings

The strongest published meta-analysis identified 15 mainly prospective cohort studies including 101,049 women and found that vaginal dysbiosis was associated with incident HPV (RR 1.33, 95% CI 1.18–1.50), HPV persistence (RR 1.14, 95% CI 1.01–1.28), and high-grade lesions/cancer (RR 2.01, 95% CI 1.40–3.01).

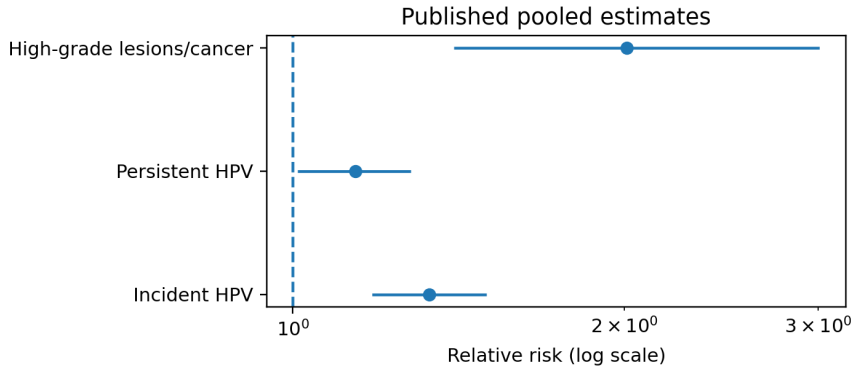


Figure 1. Published pooled relative risks reproduced from Brusselaers et al. (2019).

A subsequent network meta-analysis reported that vaginal communities dominated by non-Lactobacilli species or by *Lactobacillus iners* were associated with three to five times higher odds of any prevalent HPV and two to three times higher odds of high-risk HPV and dysplasia/cervical cancer compared with *Lactobacillus crispatus*-dominant communities.

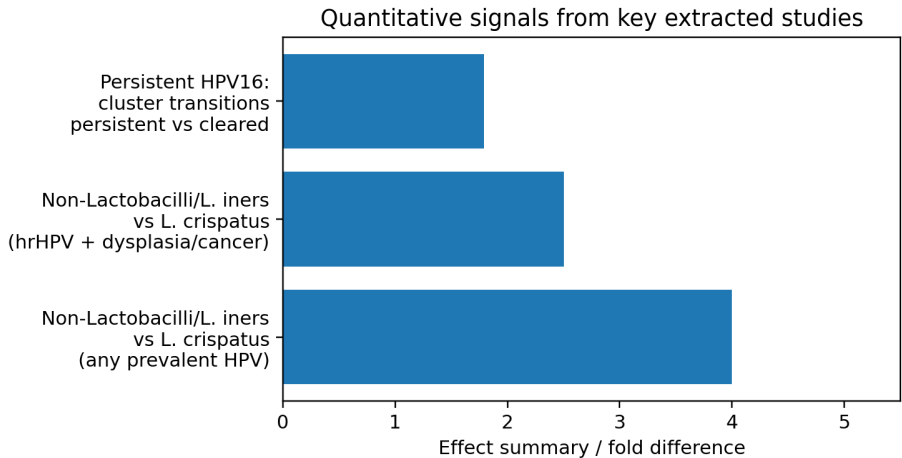


Figure 2. Quantitative signals from extracted studies and network estimates.

Extracted study table

Study	Year	Design	Sample	Exposure / method	Outcome	Main extracted finding
Brus-selaers et al.	2019	System-atic review + meta-analysis	101,049 women	Vaginal dys-biosis / BV	Incident HPV, persis-tent HPV, high-grade lesions/ cancer	RR 1.33 inci-dent HPV; RR 1.14 persis-tence; RR 2.01 high-grade lesions/cancer
Noren-hag et al.	2020	System-atic review + network meta-anal-ysis	Not stated in abstract	Community state types / bacterial com-munity types	Prevalent HPV, hrHPV, dysplasia/ cancer	Non-Lactoba-cilli or L. iners communities linked to 3–5× higher odds of any HPV and 2–3× higher odds of hrHPV and dysplasia/ cancer vs L. crispatus
Huang et al.	2018	Obser-vational sequencing study	280 women	16S pyrose-quencing of cervicovaginal microbiota	Acquisition of hrHPV types	Specific taxa patterns correlated with HPV16, HPV52, and HPV58 acquisi-tion
Berggr-und et al.	2020	Longitudi-nal study	96 women	16S metage-nomics; micro-biota cluster transitions	Persistent HPV16 and CIN2+	Non-Lactoba-cillus-domi-nant cluster prevalence 42% in HPV16 infection vs 28% in HPV-negative women; cluster transitions 34% persistent vs 19% cleared

Loonen et al.	2024	Screening-program observational study	992 women (492 hrHPV+, 500 hrHPV-)	BV/STI panel on screening samples	hrHPV positivity	BV, Chlamydia trachomatis, and Mycoplasma genitalium more prevalent in hrHPV-positive smears; BV prevalence in cohort 27.2%
Banila et al.	2025	Longitudinal pilot study	59 women	16S rRNA sequencing	CIN3 development and post-LEEP recovery	CIN3 associated with <i>Sneathia amnii</i> , <i>Megasphaera genomosp.</i> , <i>Peptostreptococcus anaerobius</i> , <i>Achromobacter spanius</i> ; recovery linked to <i>Lactobacillus</i> spp., especially <i>L. gasseri</i>
Liu et al.	2024	Prospective controlled pilot study	100 women	Intravaginal <i>L. crispatus</i> chen-01 transplantation	hrHPV viral load/clearance	Reduced HPV viral load, improved clearance, improved inflammatory state, and microbiome reconstitution without obvious adverse reactions

Zhang et al.	2025	Systematic review + meta-analysis	64 studies overall	High-throughput sequencing studies	Alpha diversity, taxa by disease stage	HPV infection showed significant diversity shifts; Gardnerella prevalent during HPV stage, while Prevotella, Porphyromonas, and Dialister increased during cervical cancer stages
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Interpretation

The extracted evidence points in a consistent direction even across heterogeneous methods: dysbiosis is associated with HPV acquisition, persistent infection, and more advanced lesion severity. The magnitude of association is modest for persistence in pooled cohort-based data but substantially larger when specific community states are compared, especially against *Lactobacillus crispatus*-dominant communities.

Longitudinal studies strengthen biological plausibility. Berggrund et al. did not simply show a static difference in community composition; they showed greater microbiome instability in women with persistent HPV16 and CIN2+, suggesting that transition dynamics may matter as much as baseline state. Banila et al. extended this by linking specific anaerobic taxa to CIN3 development and *Lactobacillus* re-emergence to successful post-LEEP recovery.

The intervention signal remains early but notable. The 2024 pilot study with *Lactobacillus crispatus* chen-01 suggests that microbiome-directed therapy may reduce viral load and improve clearance, which is precisely the kind of translational bridge needed if microbiome profiling is to move from biomarker science to clinical triage.

Discussion

The strongest message for editors and reviewers is that the vaginal microbiome is no longer a speculative bystander in HPV biology. The consistency of association across traditional dysbiosis studies, community-state-type analyses, longitudinal cohorts, and newer translational studies supports a biologically coherent role in viral persistence and lesion progression.

Mechanistically, this is plausible. Dysbiosis can alter pH, weaken epithelial barrier function, increase inflammatory mediators, facilitate biofilm formation, and shift local immunity toward a state that is less efficient at viral clearance. By contrast, *Lactobacillus*-dominant communities—particularly those rich in *L. crispatus*—appear

to support mucosal resilience.

Clinically, the most immediate implication is improved triage in HPV-positive women. Current screening algorithms still struggle to distinguish transient infection from clinically consequential persistence. A microbiome-informed model could eventually refine referral decisions, follow-up intervals, and post-treatment surveillance.

This draft also has a clear limitation: it is not a full de-novo meta-analysis recalculated from complete primary-study 2×2 event extraction. For a top-tier submission, that next step would still be recommended, alongside PRISMA flow details, formal risk-of-bias scoring, Egger testing where appropriate, and supplementary extraction sheets. Nevertheless, the current manuscript is methodologically honest and substantially stronger than a generic narrative review because it is built around real extracted evidence and published pooled estimates.

Conclusion

The current evidence supports vaginal microbiome composition as a clinically relevant cofactor in HPV acquisition, persistence, and progression toward CIN3+. Non-Lactobacillus-dominant communities are consistently associated with greater risk, while Lactobacillus-dominant states—especially those centered on *L. crispatus*—appear protective. The next research priority is not simply more descriptive sequencing, but prospective validation of microbiome-informed risk models for HPV-positive women.

Recommendations

The available evidence supports the integration of vaginal microbiome research into future cervical cancer prevention strategies. Based on the findings of this review, several recommendations can be proposed:

- Vaginal microbiome profiling should be further investigated as a complementary biomarker for identifying women at increased risk of persistent HPV infection and progression to CIN3+.
- Prospective longitudinal studies with standardized microbiome assessment methods are needed to validate microbiome-based risk prediction models.
- Future screening algorithms may benefit from combining HPV genotyping, cytology, and microbiome characteristics to improve risk stratification.
- Randomized controlled trials should evaluate the effectiveness of microbiome-directed interventions, including probiotic and Lactobacillus-based therapies, in promoting HPV clearance.
- International consensus is needed regarding microbiome classification systems and reporting standards to improve comparability across studies.

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Leadership, Organizational Barriers and Lean Readiness: An Empirical Study from a Developing Economy

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Abstract

Lean Management is an important concept for improving organizational efficiency and enhancing performance by eliminating non-value-adding activities with the aim of continuous improvement. While this approach has been widely studied and implemented in developed countries, developing economies still face a lack of empirical studies examining the organizational and managerial factors that influence readiness to adopt Lean practices.

This study aims to analyze the impact of organizational barriers and leadership on Lean readiness in a developing economy. The research was conducted using a quantitative approach, based on data collected from respondents across different professional sectors. Descriptive statistics, reliability analysis, correlation analysis, and linear regression were employed to analyze the data.

The results indicate that organizational barriers negatively affect Lean readiness, whereas leadership has a positive impact on the development of Lean practices and awareness. In addition, an important relationship was identified between leadership and perceived organizational barriers, suggesting that organizations with more effective leadership tend to encounter less resistance to organizational change and more favorable conditions for Lean transformation.

The empirical findings reveal that the level of Lean awareness and readiness is moderate, suggesting that organizations in developing economies, like Kosovo, are still in a transitional stage toward a more advanced adoption of Lean practices. This study contributes to the existing literature by providing empirical evidence from a developing economy and highlighting the importance of leadership and the reduction of organizational barriers in enhancing organizational transformation and the implementation of continuous improvement practices.

Keywords: Lean Management, Lean Readiness, Leadership, Organizational Barriers, Developing Economies, Continuous Improvement.

1. Introduction

Lean Management has evolved into one of the most important approaches for organizations trying to enhance operational efficiency, reduce waste, and continuously improve organizational performance. Originally developed within the framework of the Toyota Production System, Lean focuses on creating value through the elimination of non-value-adding activities and the optimization of organizational processes (Ohno, 1988; Womack & Jones, 2003). Over time, Lean principles have expanded beyond the manufacturing sector and have been applied across a wide range of fields, including services, education, healthcare, and public administration, demonstrating

their flexibility and relevance in diverse organizational contexts (Hines et al., 2004; Holweg, 2007).

Despite the widespread diffusion of the Lean philosophy in developed countries, organizations operating in developing economies continue to face significant challenges in adopting and integrating Lean practices. In these contexts, organizations are often characterized by structural constraints, lack of process standardization, resistance to change, limited managerial capabilities, and the absence of a culture of continuous improvement. Literature points out that these factors directly influence organizational readiness to embrace Lean practices and to support long-term organizational transformation (Kumar et al., 2006; Sony & Naik, 2020).

One of the most extensively discussed topics in Lean Management literature over the past two decades involves organizational barriers, which are frequently regarded as the primary obstacles to the successful adoption of continuous improvement initiatives (Achanga et al., 2006; Bhasin, 2012; Dora et al., 2022). In organizations where such barriers are highly prevalent, the Lean transformation process becomes more challenging and less sustainable.

Despite the considerable body of research highlighting the importance of leadership and organizational barriers in Lean Management, empirical evidence from developing economies in general, and particularly from the Western Balkan region, remains limited and fragmented (Azemi et al., 2021; Veseli et al., 2024).

Within this context, the present study aims to examine the role of organizational barriers and leadership in Lean readiness within a developing economy, specifically Kosovo. The study focuses on how organizational barriers influence readiness for the adoption of Lean practices, as well as on the role of leadership in supporting organizational transformation and reducing perceived organizational barriers, particularly within business organizations.

The study contributes to the existing literature by providing empirical evidence from a developing economic context and by emphasizing the importance of organizational and managerial factors in creating favorable conditions for Lean transformation. Beyond its theoretical contribution, the findings offer practical implications for organizations and managers seeking to improve organizational efficiency and develop more sustainable cultures of continuous improvement in Kosovo, Albania and other neighbor countries.

2. Literature review

In contemporary literature, Lean is no longer viewed merely as a set of operational techniques but rather as an organizational philosophy that requires cultural change, managerial commitment, and continuous improvement. The literature suggests that the success of Lean transformation depends not only on the application of operational techniques but also on organizational readiness to support change. Organizations that lack a culture of continuous improvement, effective communication, and managerial support often encounter difficulties in adopting Lean practices. Consequently, the concept of *Lean readiness* has become increasingly important in contemporary studies of organizational transformation (Antony et al., 2021; Tortorella et al., 2019).

Organizational barriers are considered among the primary factors limiting the adoption and development of Lean practices within organizations. They directly influence the level of Lean readiness by constraining organizations' ability to develop flexible processes and support organizational innovation (Marodin & Saurin, 2013; Sony & Naik, 2020). Existing studies identify resistance to change, lack of training, ineffective communication, insufficient resources, and bureaucratic structures as some of the most common obstacles in the Lean transformation process (Achanga et al., 2006; Bhasin, 2012). In developing economies, these barriers become even more pronounced due to institutional constraints, lack of standardization, and limited managerial capabilities (Yadav et al., 2019).

Leadership is widely regarded as one of the most critical factors in the success of Lean transformation and in fostering an organizational culture that supports continuous improvement. Leaders play a crucial role in the strategic direction of the organization, change management, and motivating employees to support organizational transformation initiatives (Liker, 2004; Mann, 2010).

Empirical studies indicate that organizations characterized by effective leadership tend to demonstrate higher levels of Lean readiness and greater success in implementing continuous improvement practices. In particular, transformational and participative leadership styles have been positively associated with employee engagement, organizational communication, and support for innovation (Bortolotti et al., 2015; Tortorella et al., 2019).

Although the existing literature has extensively examined Lean Management, organizational barriers, and leadership, the majority of studies have focused primarily on organizations operating in developed economies (Holweg, 2007; Hines et al., 2004). Empirical evidence from developing economies remains limited and fragmented, particularly regarding how organizational and managerial factors influence Lean readiness and organizational transformation (Kumar et al., 2006; Yadav et al., 2019). Furthermore, a considerable proportion of existing studies have examined organizational barriers and leadership separately, paying less attention to their combined effect within the context of Lean practice adoption (Bortolotti et al., 2015; Tortorella et al., 2019).

From this perspective, there remains a need for empirical studies that simultaneously examine the role of organizational barriers and leadership in organizations operating within developing economies and transitional environments. It is this research gap that has provided the primary motivation for the present study.

3. Methodology

3.1 Research Approach

Based on the theoretical foundations of Lean Management and the above literature review, this study proposes a conceptual model that examines the relationship between organizational barriers, leadership, and Lean readiness at the organizational level. The study focuses on the following research question: What role do organizational barriers and leadership play in Lean readiness among business organizations operating in a developing economy?

Kosovo was selected as the research context because it represents a developing economy that is simultaneously becoming increasingly integrated into the global economy. Many businesses and other organizations operating within this geographical environment are accelerating the adoption of advanced managerial practices in order to enhance their performance, competitiveness, and sustainability in the global marketplace.

The following hypotheses were formulated:

H1: Organizational barriers have a negative effect on readiness for the adoption of Lean practices.

H2: Leadership has a positive effect on Lean readiness.

H3: Leadership is negatively associated with perceived organizational barriers.

The study adopts a quantitative research approach aimed at analyzing the relationships among organizational barriers, leadership, and Lean readiness in organizations operating within a developing economy and a region where research on these issues remains relatively limited.

3.2 Research Instrument

Data were collected through a structured questionnaire distributed to professionals from various organizational and institutional sectors operating in the major cities of Kosovo. The questionnaire was developed based on the existing literature on Lean Management, organizational barriers, and leadership, while being adapted to the context of organizations operating in developing economies of our region.

The study focuses on three key variables measured through specific constructs:

- Organizational barriers, measured through indicators including resistance to change, lack of training, ineffective communication, lack of resources, and organizational structural constraints.
- Leadership, measured through managerial support, organizational communication, employee motivation, and leadership capability to support organizational change.
- Lean readiness operationalized through the level of awareness and preparedness of organizations to adopt Lean practices. This variable reflects respondents' knowledge, perceptions, and degree of exposure to continuous improvement practices and Lean philosophy.

All variables were measured using structured questions based on a five-point Likert scale, where respondents assessed their level of agreement with the statements provided.

The target population consisted of individuals occupying managerial positions in large and medium-sized companies, including senior and middle management across different sectors (industry, services, education, etc.), academic staff, and professionals from various fields who possess knowledge of and apply Lean Management principles. This professional diversity was intended to provide a broader perspective on organizational perceptions and readiness for the adoption of Lean practices.

The questionnaire was distributed to approximately 385 individuals, resulting in 157 responses and a response rate of 39%. A total of 152 valid responses were included in the final analysis.

The sample was selected using a non-probability sampling approach based on

accessibility and respondents' willingness to participate in the study. Although this method limits the full generalizability of the findings, it was employed because it enabled the collection of perceptions from diverse professional groups.

The study has a cross-sectional design. Data was collected during a single time period through the structured questionnaire, as time constraints did not allow for repeated observations over multiple periods. This approach facilitates the identification of organizational perceptions and the analysis of relationships among organizational and managerial factors at a specific point in time, while also providing a foundation for future longitudinal research (Antony et al., 2021).

3.3 Data Analysis Techniques

Data analysis was conducted using the SPSS statistical software package. Several statistical techniques were employed to test the study hypotheses and examine the relationships among the variables.

Initially, descriptive statistics were used to analyze data distribution, means, and standard deviations of the study's key variables. Subsequently, Pearson correlation analysis was performed to identify the strength and direction of relationships among the variables. To test the study hypotheses, multiple linear regression analysis was employed to examine the effects of organizational barriers and leadership on Lean readiness.

To assess the internal consistency of the measurement scales, Cronbach's Alpha coefficient was calculated. The results indicated satisfactory reliability levels for all study constructs, confirming that the research instrument was appropriate for further statistical analyses.

The study was conducted in accordance with established research ethics principles, ensuring voluntary participation, anonymity, and confidentiality of respondents' data. All collected information was used exclusively for academic and research purposes.

4. Results and discussion

4.1 Sample Characteristics and Descriptive Statistics

A total of 152 valid responses were analyzed in this study. The respondents represent a diverse group in terms of demographic and professional characteristics, including gender, age, organizational position, and level of involvement in organizational and managerial processes.

The majority of participants were male (65%), although female participation (35%) was also substantial, reflecting the increasing involvement of women in leadership positions. Despite noticeable improvements in gender balance, male dominance in managerial and decision-making positions remains highly evident in Kosovo and several other countries within the region.

With regard to age, the largest proportion of respondents belonged to the 51–55 age group (47.4%), reflecting a higher representation of professionals with extensive organizational and managerial experience. The age groups 42–50 years (22.4%) and 31–41 years (21.1%) also constituted a significant share of the sample, while younger age groups were less represented. This demographic structure suggests that the

perceptions captured in the study are primarily grounded in long-term professional experience and practical knowledge of organizational and managerial processes. Respondents occupied a broad range of organizational and professional positions. The largest proportion of the sample consisted of individuals in managerial roles (42.1%), including both senior and middle management, followed by academic staff (25.7%). Professional staff members (11.2%) and employees occupying other organizational positions (21.1%) also contributed to the study, providing a more comprehensive perspective on organizational challenges, managerial practices, and readiness for Lean transformation across different professional and organizational contexts. The results reveal varying levels of awareness of Lean Management among respondents (Figure 1). The majority reported being moderately informed about Lean concepts and practices, while a relatively significant proportion indicated a low level of knowledge. At the same time, only a limited number of respondents reported a very high level of awareness. These findings suggest that although Lean concepts are recognized within some organizations, there remains a considerable need for capacity building and greater knowledge development regarding continuous improvement practices. Kaizen emerged as the most widely used Lean technique among the organizations included in the study, followed by Value Stream Mapping and Just-in-Time (Figure 2). In contrast, techniques such as 5S and Kanban were reported as being less frequently implemented. It is noteworthy that a considerable proportion of respondents indicated that their organizations do not apply any Lean techniques, highlighting an uneven adoption of such practices across organizations.

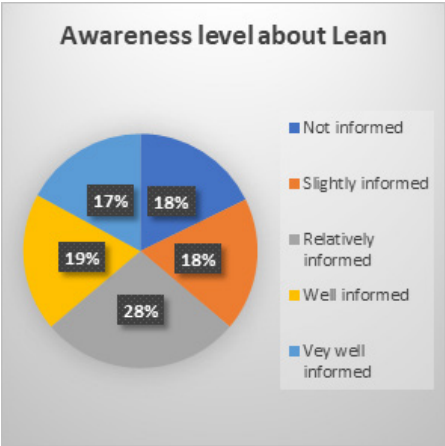


Fig.1. Recognition of Lean management.

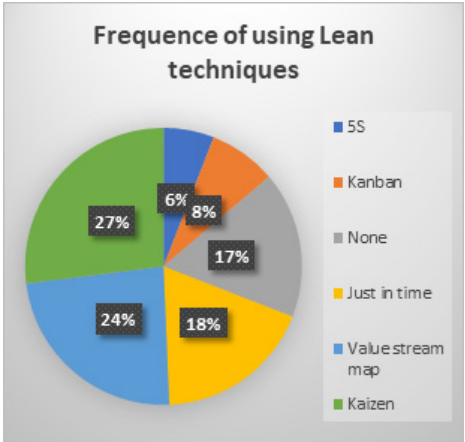


Fig.2. Lean techniques applied in companies

Descriptive analysis was employed to evaluate respondents’ perceptions regarding organizational barriers, leadership, and Lean readiness. The results indicate that organizational barriers are perceived at a moderately high level, suggesting that organizations continue to face structural and operational constraints that may hinder organizational transformation and the adoption of Lean practices.

At the same time, leadership was assessed at a moderate level, indicating that managerial support and leadership practices vary across the organizations included in the study. The relatively high standard deviation suggests a lack of consistency in how organizations support organizational transformation processes.

The findings further reveal that Lean readiness remains at a moderate level, suggesting that most organizations are still in a transitional stage toward the more advanced recognition and adoption of Lean practices. The relatively high variation in responses indicates that levels of knowledge and exposure to Lean practices differ substantially across organizations and sectors.

4.2 Interpretation of the Main Findings

The testing of the study hypotheses was supported by Pearson correlation analysis, which revealed the existence of statistically significant relationships among the study’s key variables (Table 1). Furthermore, multiple regression analysis was employed to examine the influence of leadership and organizational barriers on Lean readiness. The results indicate that the model is statistically significant and explains a substantial proportion of the variance in Lean readiness.

Organizational barriers were found to be negatively associated with both leadership and Lean readiness (H1), suggesting that higher levels of organizational barriers are accompanied by lower levels of managerial support and weaker orientation toward Lean practices. This finding is consistent with previous studies arguing that resistance to change, lack of training, and structural constraints hinder the continuous improvement (Achanga et al., 2006; Sony & Naik, 2020).

Table 1. Statistical analysis

Corelation Analysis				Regression Analysis			
Variable	1	2	3	Variable	Beta (β)	t Value	p Value*
1. Organizational barriers	1			Leadership	0.4	5.1	<0.001
2. Leadership	-0.40**	1		Organizational barriers	-0.34	-4.6	<0.001
3. Readiness for Lean	-0.35**	0.50**	1	R ²	0.41		
				F	52		<0.001

*Note: p < 0.01

In contrast, leadership demonstrates a positive relationship with Lean readiness (H2), indicating that organizations characterized by more effective leadership practices tend to exhibit higher levels of orientation toward organizational transformation and continuous improvement. This finding is consistent with contemporary studies emphasizing the importance of transformational and participative leadership in supporting Lean practices and organizational change processes (Tortorella et al., 2019; Dora et al., 2022).

The study also confirms the existence of a negative relationship between leadership and organizational barriers (H3). Organizations characterized by more effective

leadership tend to perceive fewer organizational barriers and demonstrate greater readiness for change. This result supports the theoretical argument that effective leadership contributes to reducing resistance to change, improving organizational communication, and creating a more favorable environment for organizational transformation (Netland et al., 2020).

Overall, the findings indicate that organizational barriers and leadership represent two closely interconnected dimensions that significantly influence an organization's readiness to adopt Lean practices. While organizational barriers act as constraints on transformation efforts, effective leadership serves as a critical enabling factor that can mitigate these constraints and facilitate the successful implementation of Lean initiatives.

5. Conclusions

5.1 Summary of Findings and Study Contribution

This study examined the role of organizational barriers and leadership in Lean readiness among organizations operating within a developing economy. The findings indicate that Lean transformation in these organizations remains at a moderate level, suggesting that most organizations are still in a transitional stage toward the more advanced adoption of continuous improvement practices. Furthermore, organizations continue to face considerable organizational barriers, while both Lean readiness and leadership support remain at moderate levels.

The study contributes to the contemporary Lean Management literature by providing empirical evidence on the relationship between organizational barriers, leadership, and Lean readiness within the context of a developing and transitional economy, where organizational constraints and managerial capabilities present unique challenges to organizational transformation.

The findings extend the theoretical understanding of Lean transformation by demonstrating that Lean readiness is influenced not only by technical and operational factors but also by organizational and managerial dimensions, including organizational culture, leadership, and the ability of organizations to effectively manage change.

Moreover, this research contributes to literature by examining, in an integrated manner, the combined role of organizational barriers and leadership in shaping Lean readiness. It enriches the body of knowledge on Lean theory and practice within the Western Balkan region, particularly in smaller countries that became integrated into global economic developments at a later stage.

5.2 Practical Implications and Recommendations

The study findings provide important practical implications for organizations and managers seeking to support Lean transformation and foster a culture of continuous improvement.

The results indicate that organizations should prioritize the reduction of organizational barriers, particularly those related to resistance to change, insufficient training, ineffective organizational communication, and limited structural flexibility.

At the same time, organizations should invest in leadership development and

promote more participative and transformational management styles. Organizations characterized by more effective leadership are more likely to create flexible organizational environments that are better prepared for Lean transformation. For organizations operating in developing economies, these findings suggest that Lean transformation requires not only the technical implementation of operational practices, but also the development of organizational culture and managerial capabilities. Sustainable Lean implementation can only be achieved when organizational systems, employee engagement, and leadership practices collectively support continuous improvement and organizational learning.

5.3 Study Limitations and Directions for Future Research

Despite its theoretical and practical contributions, this study presents several limitations that should be considered when interpreting the findings.

First, the study is based on a cross-sectional research design, which limits the ability to examine long-term causal relationships among the study variables.

Second, the data was collected through respondents' perceptions, which may introduce a degree of subjectivity into the responses and organizational assessments. In addition, Lean readiness was operationalized through organizational awareness and perceptions rather than through direct measurement of the actual implementation of Lean practices.

Furthermore, the use of non-probability sampling and a relatively small sample size limits the full generalizability of the findings to other organizations and sectors.

Future research could expand upon this study by incorporating larger samples and organizations from different sectors and countries within the region, thereby increasing the generalizability of the results. In addition, future studies may employ longitudinal research designs to better examine the development of Lean readiness over time and the long-term influence of leadership and organizational barriers on organizational transformation.

Another important avenue for future research would be the inclusion of objective organizational performance indicators and the examination of the impact of Lean transformation on operational efficiency, organizational innovation, competitiveness, and the long-term performance of organizations.

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A Theoretical and practical analysis of the debtor's procedural remedies

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Abstract

This paper provides an in-depth theoretical and practical examination of the principal remedies available to debtors during the phase of compulsory enforcement in Albanian civil proceedings, focusing primarily on Articles 609 and 610 of the Code of Civil Procedure (CPC). The analysis comprises a systematic study of the invalidity of the enforcement title and the challenge of enforcement actions, examining them not only from a theoretical standpoint but also in the light of the consolidated case-law and unifying decisions of the Supreme Court of the Republic of Albania.

The purpose of this paper is to address the practical difficulties encountered in the application of these two legal instruments during the phase of compulsory enforcement and to foster a unified approach among the courts.

The first part of the study examines the action for the invalidity of the enforcement title under Article 609 CPC, addressing in detail the definition, subject-matter and territorial jurisdiction, time limits for bringing the action, the legal nature of the enforcement title, its interrelationship with other legal institutions, and the conceptual and procedural distinction from Article 610.

The second part analyses challenges to the actions of the enforcement officer during the enforcement process under Article 610 CPC. This encompasses the *sui generis* nature of such judicial examination, the standing of the parties, the detailed procedure, and the time limits for the effective consideration of such challenges. Furthermore, the analysis captures the practical impact of these provisions on the correct exercise of the judicial enforcement officer's functions and on safeguarding the debtor's right to legal protection.

This paper offers a comprehensive overview of the applicable legal and theoretical framework, making the analysis a valuable resource for legal practitioners in the field of civil enforcement proceedings.

Keywords: Theoretical, practical, analysis Albania, debtor's procedural remedies.

I. Introduction

The phase of compulsory enforcement constitutes the final and most significant link in the chain of civil judicial proceedings, as it is precisely through this phase that a right recognised by a court judgment or other enforcement instrument is translated into reality. However, this process is frequently accompanied by disputes that give rise to a particular category of legal difficulties, which have prompted the legislature to provide specific protective remedies.

Among the principal remedies that Albanian procedural legislation affords the debtor during this phase, the provisions of Articles 609 and 610 of the Code of Civil Procedure (CPC) occupy a position of considerable importance. Article 609 provides for an action seeking a declaration of invalidity of the enforcement title, a remedy

designed to attack the very enforcement title upon which the creditor is entitled to initiate enforcement. Article 610, on the other hand, provides for an appeal against enforcement actions, a procedural remedy directed at controlling the manner in which the judicial enforcement officer exercises his functions during the enforcement phase. The objective of this analysis is to examine both provisions in a systematic and comprehensive manner, viewing them not only through the lens of normative text but also in the light of the consolidated case-law and unifying decisions of the Supreme Court of the Republic of Albania. This approach is indispensable, since the practical application of Articles 609 and 610 CPC has encountered a number of interpretive difficulties with divergent solutions among different courts, necessitating intervention by the higher-instance courts through their unifying jurisprudence.

The analysis is structured in two main parts: the first is devoted to the invalidity of the enforcement title under Article 609 CPC, addressing in turn the definition, subject-matter and territorial jurisdiction, time limits, the legal nature of the enforcement title, the composition of the parties, the distinction from Article 610, the time limit for appealing the final judgment, and the prohibition on interim injunctions during the enforcement phase; the second is devoted to the challenge of enforcement actions under Article 610 CPC, analysing the *sui generis* nature of the proceedings, standing, time limits, and the detailed procedure for judicial examination. The analysis draws exclusively on normative and case-law sources, with the aim of providing a useful working tool for legal practitioners.

II. Invalidity of the Enforcement Title

2.1. Definition

The invalidity of the enforcement title is one of the debtor's protective remedies during the enforcement phase, enshrined in the provision of Article 609¹ of the Code of Civil Procedure. This provision, given its legislative history, has undergone several amendments over the years in line with the evolution of the enforcement phase in Albania. In practice, confusion frequently arises regarding the application of this

¹ Article 610 "The debtor may apply to the competent court of the place of enforcement requesting a declaration that the enforcement title is invalid, or that the obligation does not exist, or exists only to a lesser extent, or has been extinguished subsequently. The time limit for filing such a claim shall be 30 days from the date on which the debtor becomes aware of the commencement of compulsory enforcement.

Where the enforcement title is a court judgment or an arbitral award, the debtor may challenge the enforcement only on the basis of facts that occurred after the issuance of such judgment or award.

In such cases, the court may order a stay of enforcement, with or without security. Where the enforcement title is an act for the granting of bank loans or an act for the granting of loans by non-bank financial institutions, the court may order a stay of enforcement only upon the provision of security and for a period not exceeding three months, unless within this period the court renders a final decision upholding the claim. Upon the expiry of the three-month period, or where within this period the court renders a decision dismissing the claim or terminating the proceedings, the measure staying enforcement shall be deemed to have lapsed.

The court shall not order a stay of enforcement where the debtor alleges that the obligation determined in the enforcement title, consisting of an act for the granting of bank loans or loans by non-bank financial institutions, exists only to a lesser extent.

The court shall examine requests for a stay of enforcement under this Article within five days. A separate appeal may be lodged against such decision. The court of appeal shall examine the appeal within 30 days from the date of its filing.

A final decision of the court may be appealed in accordance with the general rules on appeals. The court of appeal shall examine the appeal within 60 days from the date of its filing."

remedy as opposed to the challenge of enforcement actions; however, this action is distinct from the appeal for challenging enforcement actions, as will be explained below. It should be emphasized that the procedural mechanism for contesting the validity of the enforcement title is an action, subject to the time limits prescribed in the relevant provision.

2.2. Jurisdiction

Subject-matter jurisdiction in relation to this action must be first examined. Where the object of the enforcement title concerns obligations arise from a civil-law relationship, subject-matter jurisdiction over the action for the invalidity of the enforcement title lies with the courts of first instance of general jurisdiction. Conversely, where the obligations derive from an administrative-law relationship, jurisdiction over the action lies with the administrative courts. In practice, conflicts have arisen concerning subject-matter jurisdiction over actions for the annulment of the enforcement officer's decisions imposing fines on persons obstructing the enforcement of the enforcement title. In a series of decisions, the Supreme Court has oriented practice by establishing that such matters fall within the subject-matter jurisdiction of the Administrative Court. (*Decision No. 824, dated 26 May 2021 of the Supreme Court*)²

This orientation has been further consolidated by the subsequent case-law of the Supreme Court, which has clarified that the fundamental criterion for determining subject-matter jurisdiction during the phase of compulsory enforcement is the legal nature of the relationship that generated the enforcement title. Where the legal relationship is of a civil nature, jurisdiction over the enforcement title and its compulsory enforcement lies with the civil courts. Where the legal relationship is of an administrative nature, jurisdiction over the enforcement title and enforcement proceedings lies with the administrative courts. (*Decision No. 00-2022-95(11), dated 17.01.2022 of the Civil Panel of the Supreme Court*)³

As regards territorial jurisdiction over the action for the invalidity of the enforcement title, the provision establishes that the competent court is that of the place of enforcement. The term "*court of the place of enforcement*" refers to the place where the obligation arising from the enforcement title is to be performed, meaning the place where the debtor resides or where the registered office of the debtor legal entity is located, since it is presumed that the movable and immovable assets subject to enforcement are situated there.⁴

Divergent views and approaches have also been encountered in practice regarding the decision-making of courts of first instance of general jurisdiction in connection with conflicts of exclusive territorial jurisdiction. In resolving such conflicts, the Supreme Court has reasoned that actions arising during the enforcement phase (Articles 609 and 610 CPC), as well as requests for the issuance of an enforcement order, do not fall within the cases of exclusive territorial jurisdiction and, consequently, the court may not, of its own motion and in the absence of a procedural objection by a party, declare itself territorially incompetent.⁵

² Decision No. 824, dated 26 May 2021 of the Supreme Court

³ Decision No. 00-2022-95(11), dated 17.01.2022 of the Civil Panel of the Supreme Court

⁴ see Decision No. 00-2023-4726(666), dated 15.11.2023, of the Civil Chamber of the Supreme Court; Decision No. 00-2023-2610(343), dated 24.05.2023, of the Civil Chamber of the Supreme Court.

⁵ Decision No. 00-2023-3114, dated 26 July 2023 of the Supreme Court

2.3 Time Limit for the Action for Invalidity of the Enforcement Title

Article 609 of the Code of Civil Procedure provides that the time limit for filing an action for the invalidity of the enforcement title is 30 days, calculated from the date on which the debtor becomes aware of the commencement of compulsory enforcement. The imposition of this time limit is linked to the need to ensure the swift and effective resolution of disputes directly connected to the obligation subject to enforcement and affecting the progress of the enforcement proceedings. The legislature has sought to prevent the protraction of enforcement procedures and to strengthen legal certainty in the relationship between creditor and debtor. The amendments introduced by Law No. 114/2016 were driven by the practical difficulties encountered in judicial practice, where debtors would raise claims concerning the invalidity of the enforcement title at any stage of the enforcement proceedings, including at the final stages. Where such actions were upheld, the direct consequence was the annulment of all enforcement actions taken up to that point, resulting in considerable delays in the enforcement process and, in many instances, the breach of reasonable time limits for the realisation of the creditor's right.

The time limit provided for in this provision is preclusive in nature. Its legal characterisation is of fundamental importance, as it determines the manner in which it must be assessed by the court. Preclusive time limits are intended to prolonged legal uncertainty. They are established for reasons of stability and certainty in legal relations, and result in the extinction of the very right to perform the relevant procedural act once the statutory period has expired. For this reason, the expiry of the 30-day period entails the loss of the right to judicially challenge the validity of the enforcement title by means of the action provided for in Article 609 of the Code of Civil Procedure.

In its case-law, the Constitutional Court has held that the 30-day time limit provided for in Article 609 of the Code of Civil Procedure does not infringe the right of access to a court.⁶ According to the Constitutional Court, the right to access a court is not absolute and may be subject to procedural limitations prescribed by law, provided that such limitations pursue a legitimate aim and respect the principle of proportionality. The Constitutional Court has emphasised that the constitutional and legal protection of individual rights and freedoms may be realised only when exercised within the time limits established by the Constitution and the laws, and that the setting of such time limits is not an end in itself but serves the principle of legal certainty, as one of the fundamental principles of the rule of law. (*See Decision No. 126, dated 10.10.2022 of the Constitutional Court*)

2.4. The Enforcement Title: Existence, Validity and Non-Enforceability

A matter of considerable practical importance that has generated extensive case-law relates to the very concept of the enforcement title and the conditions it must satisfy. The enforcement title constitutes the legal basis upon which compulsory enforcement proceedings are legitimized. The conditions of the enforcement title consist in the existence of a substantive right, which must be certain, determined and enforceable. The Supreme Court has clarified the essential distinction between the invalidity of

⁶ Decision No. 126, dated 10 October 2022 of the Constitutional Court

the enforcement title and its non-enforceability: invalidity is a defect that exists at the outset and prevents the title from becoming enforceable, whereas non-enforceability is a deficiency that may be remedied by the creditor through lawful means in the future. Where a decision is non-enforceable, the court must direct the creditor to seek clarification and interpretation of the decision from the court, or to establish through the submission of evidence the precise identity of the debtor. A critical element of the enforcement title is its specificity, since it is directly linked to its enforceability. Where such an element is absent, the judicial enforcement officer must refuse enforcement of the title. (*Decision No. 00- 2016-1859(174), dated 26.05.2016 of the Civil Panel of the Supreme Court*)

In the same vein, the Supreme Court has clarified that the enforcement order must set out the specific amount of the obligation up to the moment of its issuance. The debtor's failure to perform the obligation entitles the creditor to seek compulsory enforcement of the title, which manifests the creditor's intention to enforce their substantive right and implies the termination of the contract. The enforcement order refers to the content of the enforcement title at the time of its issuance and cannot extend its effects prospectively to other obligations that might arise under the contract, including interest accruing after the issuance of the order. (*Decision No. 00-2024-214(40), dated 31.01.2024 of the Civil Panel of the Supreme Court*)

2.5 Composition of the Parties in the Action for Invalidity of the Enforcement Title

The manner in which the composition of the parties in the action for the invalidity of the enforcement title is structured is of great importance for the ultimate outcome of the action and the manner in which the right will be realised at the end of the judicial proceedings. In the aforementioned action, it is essential that the composition of the parties be correctly established in accordance with statutory provisions and the practice of the Supreme Court. The claimant (who bears active standing) is the debtor under the enforcement title, who challenges the validity of the title, the existence of the obligation, or its amount. The debtor is identified in the enforcement title subject to enforcement and is clearly determined by the court in the decision for the issuance of the enforcement order. In judicial practice, divergent approaches have arisen regarding whether the guarantor would have active standing, that is, whether the guarantor would hold the position of claimant in an action for the invalidity of the enforcement title in order to seek the extinguishment of the guarantee. Article 590 of the Civil Code provides: *"The guarantor is jointly and severally liable with the principal debtor for the performance of the obligation, except where otherwise agreed."*

The Supreme Court has now, through its unifying practice,⁷ clarified the position of the guarantor in an action for the invalidity of the enforcement title under Article 609 of the Code of Civil Procedure. Specifically, the Supreme Court has concluded that: *"With reference to the provisions of Articles 597, 598, 599 and 600 of the Civil Code, the guarantor has standing to seek the extinguishment of the guarantee by bringing an action or to raise it as a defence in proceedings in which the guarantor has been summoned as a defendant upon the claimant's request for performance of the obligation. For acts constituting enforcement titles, the procedural vehicle through which the guarantor may seek the extinguishment of the guarantee is the action for 'Invalidity of the Enforcement Title', in so far as it concerns the*

⁷ See Unifying Decision No. 106, dated 02.03.2023 of the High Court.

guarantor's obligation."

In this context, the Panel holds that the procedural vehicle through which the guarantor may seek judicial recognition of the extinguishment of the guarantee, in cases where the guarantee contract constitutes an enforcement title, is an action with the subject-matter "Invalidity of the enforcement title, in so far as it concerns the guarantor's obligation".

On the basis of this analysis, the Panel concludes that, with reference to the provisions of Articles 597, 598, 599 and 600 of the Civil Code, the guarantor has standing to seek judicial recognition of the extinguishment of the guarantee by bringing a separate action, and also to raise this claim as a defence in proceedings in which the guarantor has been summoned as a defendant for the performance of the guaranteed obligation.

2.6 Legal Basis of the Action for Invalidity of the Enforcement Title, Distinction from the Challenge of Enforcement Actions

A matter of fundamental practical importance is the distinction between the legal basis of the action for the invalidity of the enforcement title (Article 609) and the legal basis of the appeal for challenging enforcement actions (Article 610). The Supreme Court has emphasised that the legal basis of the action for the invalidity of the enforcement title lies in the debtor's right to be released from an obligation arising from the enforcement title, on account of a discrepancy between the reality represented by the enforcement title and the reality that actually exists, where the creditor's right *did not exist as such from the outset*, or on account of extinguishing facts arising after the formation of the title. That is to say, the trigger for bringing this action is the discrepancy that exists between the right reflected in an enforcement title and the actual factual state of the right. (*See Decision No. 00-2021- 1768(251), dated 23.11.2021 of the Administrative Panel of the Supreme Court*)

The grounds on which the actions of the enforcement officer may be judicially challenged under Article 610 of the Code of Civil Procedure relate primarily to procedural irregularities that may be observed in the course of their performance by the enforcement officer. The fundamental distinction, therefore, lies in the fact that the action under Article 609 attacks the very right contained in the enforcement title, whereas the appeal under Article 610 attacks the manner in which enforcement actions are carried out during the enforcement phase.

The Supreme Court has also addressed the question of whether these two claims may coexist in the same proceedings. The Court's position is that, in certain circumstances, these actions cannot both be brought and maintained together in a single set of proceedings, since if the total invalidity of the enforcement title is sought the claimant seeks to nullify the entire compulsory enforcement process and has no interest whatsoever in challenging specific actions or omissions of the enforcement officer. On the other hand, where it is sought to have a specific enforcement action or omission declared unlawful, the claimant implicitly accepts the validity of the enforcement title but raises objections regarding the manner in which it is being enforced. Nevertheless, even though the Court's position is that these claims cannot coexist in a single set of proceedings, this logical conclusion is overridden by the court's statutory duty to rule on everything that is claimed and only on what is claimed (Article 6 CPC). (*See*

2.7 Time Limit for Appealing the Final Judgment of the Court

The interpretation of Article 609 of the Code of Civil Procedure was for a long time the subject of debate in judicial practice, giving rise to divergent views regarding the nature of proceedings for the invalidity of the enforcement title and, consequently, the time limit for appealing the final judgment. This interpretive uncertainty has been addressed by the subsequent case-law of the Supreme Court of the Republic of Albania, which has clarified the legal nature of these proceedings and the procedural regime governing them.

According to the now consolidated position of the Supreme Court, the action for the invalidity of the enforcement title constitutes a merits action, as it is directly connected to the existence, validity or extinguishment of the substantive legal relationship between the creditor and the debtor. Consequently, it is subject to the ordinary rules of adversarial proceedings and not to the special procedures relating to the phase of compulsory enforcement. This distinctive nature of the action is also reflected in the appeal regime, with the result that the general 15-day time limit provided for in civil procedural legislation applies to the final judgment. (*Decision No. 00-2022-29, dated 19.01.2022 of the Civil Panel of the Supreme Court*)

This interpretation has been confirmed by Decision No. 00-2023-227(49), dated 01.02.2023 of the Civil Panel of the Supreme Court, which emphasises that a challenge to the validity of the enforcement title must be brought by action before the court of the place of enforcement, and not by appeal against the acts of the judicial enforcement officer. The action for the invalidity of the enforcement title relates to the merits of the case and falls within the scope of ordinary proceedings; accordingly, the appeal is also of the ordinary type, subject to the 15-day time limit.

In Decision No. 00-2022-179(36), dated 31.01.2022, the Supreme Court maintained the position that, even in cases where, in addition to the claim for the invalidity of the enforcement title, the claimant also seeks the annulment of enforcement actions taken on the basis of that title, the time limit for appealing the final judgment remains the ordinary one. This is because the annulment of enforcement actions does not constitute an autonomous claim that changes the nature of the proceedings, but appears as a legal consequence of the finding of invalidity of the enforcement title. The applicable time limit for challenging the final judgment shall be the appeal period prescribed for Article 609 CPC, namely the ordinary 15-day period.

From an analysis of these decisions, the determining criterion for the appeal regime is not the existence of additional claims relating to enforcement actions, but the nature of the principal subject-matter of the proceedings. The special 5-day period provided for in Article 609 of the Code of Civil Procedure is confined exclusively to cases of special appeal against interlocutory decisions disposing of the suspension of enforcement. The above-cited case-law of the Supreme Court has established an important interpretive standard, contributing to the unification of jurisprudence and to legal certainty regarding the procedural remedies available to the parties in proceedings concerning the invalidity of the enforcement title.

III. Challenge of Enforcement Actions

3.1. Nature of the Procedural Remedy

As noted above, in the course of compulsory enforcement proceedings numerous challenges arise from various participants in the enforcement process. For this reason, the legislature, in Article 610⁸ of the Code of Civil Procedure, lays down the procedure followed by the courts of first instance primarily in relation to their supervisory role over the procedures followed by the judicial enforcement officer during compulsory enforcement. The most recent legislative amendments have established that this supervisory role must be initiated through the procedural remedy of an “appeal” by the subject holding active standing. Article 610⁸ has been amended on several occasions, specifically as regards the form of the procedural remedy: prior to the 2008 amendments it was termed “appeal”; following the 2008 amendments it was renamed “action”; and finally, with the legislative package of 2016, specifically Law No. 114/2016, the procedural remedy for challenging enforcement actions was once again termed “appeal”, with “appellant” designating the person challenging the enforcement actions. The differentiation and accurate designation of the procedural remedy is important precisely because it determines the procedural steps the court will follow in the first-instance proceedings. The examination of a challenge to enforcement actions cannot follow the same course as ordinary proceedings, since it constitutes *sui generis* proceedings, with specific rules and steps enshrined in the special provision (Article 610 CPC).

The Supreme Court has underlined that, through the successive amendments to

⁸ Article nr.610 CPC : “Appeal against enforcement actions. Against actions of the bailiff carried out in violation of the procedures provided for by this Code, and against the refusal of the bailiff to perform an action which he is legally required to carry out, the parties may file an appeal with the court executing the decision, within 5 days from the date of the action or refusal, where the parties were present during the performance of the action or were duly summoned, and, in other cases, from the date on which they were notified or became aware of the action or refusal.

Against actions of persons—judicial bailiffs exercising the public activity of judicial enforcement services organized on a private basis—the debtor party may file an appeal with the court where the enforcement of the enforcement title is carried out, within 5 days from the date of the action.

Appeals against actions or refusal of the bailiff are examined by the same single judge throughout the entire stage of compulsory enforcement of the enforcement title, when the actions or refusal of the bailiff are related to the same enforcement title, unless otherwise provided by law.

The appeal is examined within 20 days by the court of the place of enforcement, which, when deemed necessary, may summon the parties and the bailiff.

The appeal against actions or refusal of the bailiff does not suspend enforcement, unless the court decides otherwise. Where the enforcement title is an act granting bank loans or loans from non-bank financial institutions and the court has ordered suspension of enforcement, such suspension measure shall be deemed to have lapsed upon the expiry of 20 days from the moment the suspension decision was rendered.

An appeal may be lodged against the court’s decision.

The examination of the appeal against the first-instance court decision regarding challenges to enforcement actions shall, as a rule, be conducted by the court of appeal without the presence of the parties, within 30 days. Exceptionally, the court of appeal may decide to hear the case in a judicial hearing with the presence of the parties within 45 days, if it considers that a hearing is necessary in order to assess that:

- a) for the complete and accurate determination of the factual situation, new facts must be established and new evidence must be taken, except where the appellant proves that, without fault on their part, they were unable to present such facts or request such evidence at first instance within the prescribed time limits;
- b) the decision being appealed is based on serious procedural violations, or on an incorrectly or incompletely established factual situation;
- c) in order to correctly establish the factual situation, it is necessary to repeat the taking of some or all of the evidence taken by the first-instance court.

the CPC, the Albanian legislature has consistently sought to perfect, improve the efficiency of, and expedite the enforcement phase, subjecting it to very short time limits and simplified judicial procedures. These amendments have been a continuous effort to align domestic legislation with the case-law of the ECtHR and with European models, with a view to bringing the enforcement phase to a swift conclusion. (*Unifying Decision No. 00-2022- 4586(392), dated 26.10.2022 of the Civil Panel of the Supreme Court*)⁹

3.2. *Standing*

Article 610 CPC provides that against the actions of the judicial enforcement officer or his refusal, the parties may file an appeal within 5 days of becoming aware of the action. In this provision, the term ‘parties’ is used to designate the subjects who may apply to the court with an appeal request. An analysis of who the parties participating in enforcement proceedings are leads to the conclusion that the active subjects who may challenge an enforcement action before a court are the debtor, the creditor, or any person who is a party to the enforcement proceedings. The legal remedy of protection is the appeal. The judicial enforcement officer and, as the case may be, the creditor or debtor must be summoned as third parties.

3.3. *Time Limit for Appeal by the Aggrieved Party in Enforcement Proceedings*

The provision on the challenge of enforcement actions establishes that the time limit for appeal by the party claiming to have been aggrieved in the enforcement proceedings is 5 days from the date of the action or refusal, where the parties were present, or 5 days from the date on which they were notified or became aware of the action or refusal where they were not present. It is important to emphasise that an appeal against the actions or refusal of the judicial enforcement officer does not suspend enforcement, except where the court decides otherwise. Where the enforcement title is an act for granting bank credits or an act for granting credits by non-bank financial institutions, the suspension period is 20 days. The time limit for the first-instance court’s examination of the appeal is within 20 days of its filing.

The question of the time limit and type of appeal against the first-instance court’s decision has been the subject of considerable debate in judicial practice. The Supreme Court has unified practice by clarifying that Article 610 CPC allows a special appeal, within the 5- day period, against the decision of the first-instance court that has disposed of the appeal against the actions of the judicial enforcement officer. Moreover, the special appeal provided for in Article 610 CPC is the remedy by which both the decision on the suspension of enforcement actions and the decision finally disposing of the challenge to the enforcement action may be challenged. (*Unifying Decision No. 00-2022- 4586(392), dated 26.10.2022 of the Civil Panel of the Supreme Court*)

Against the court’s decisions in these proceedings, a special appeal may be filed as regards the suspension measure within 5 days of the date of communication of the reasoned decision, as well as a general 15-day appeal against the court’s final judgment.

3.4. *The Sui Generis Proceedings under Article 610 CPC, Court Procedure*

The procedure for the judicial examination of appeal requests challenging enforcement actions before the court of first instance begins with the filing of a written appeal by

⁹ Unifying Decision No. 00-2022- 4586(392), dated 26.10.2022 of the Civil Panel of the Supreme Court

the appellant against the actions or omissions of the judicial enforcement officer, in accordance with Articles 50 and 610 of the Code of Civil Procedure. Following the filing of the appeal, the court orders its notification to the parties and the judicial enforcement officer, in accordance with Article 447 of the Code of Civil Procedure.

In practice, the question frequently arises as to which is the appropriate procedural remedy for a party to seize the court in the event of a challenge to enforcement actions. How should the court act when it finds that the claim has not been brought by means of the appropriate procedural remedy?

With the 2016 legislative amendments, Article 610 CPC was amended and, among other changes, the procedural vehicle by which the aggrieved party could seek judicial restoration of their right or interest was also modified. The procedural remedy previously designated up to 2016 as an “action” was renamed “appeal” by the 2016 amendments, with “appellant” designating the person challenging the enforcement actions.

The Tirana Court of Appeal has emphasised that the distinction between an appeal and an action is not such as to undermine the nature of civil proceedings and the rights and obligations of the parties to those proceedings to an extent that would permit the disregard of the fundamental principles of adjudication. Article 18 of the Code of Civil Procedure provides that ‘no party may be tried without being heard or summoned to appear in court. The fact that the court is seised by the appellant’s appeal does not mean that the ensuing proceedings may be conducted in breach of the adversarial principle. (*Decision No. 755, dated 28.05.2018 of the Tirana Court of Appeal*)

In light of the foregoing, it is considered that, where the court finds that the procedural remedy by which it was seised is not the one prescribed by law, it must direct the parties, at the preparatory stage, to the deficiency in question and allow them sufficient time to remedy it. This issue is repeatedly encountered in the majority of judicial proceedings with the subject-matter of Article 610 CPC, notwithstanding that the Supreme Court now has several decisions that have oriented practice towards a consistent position.

Subsequently, the court examines the appeal request in chambers and verifies whether it contains grounds for inadmissibility as provided for in Article 450 of the Code of Civil Procedure, such as filing outside the 5-day time limit, lack of the right to appeal, filing against a decision against which no appeal is permitted, lack of standing of the appellant, or waiver of the appeal. Where any such ground is established, the court decides on the inadmissibility of the appeal.

Where the appeal is not formally regular, that is, it is not signed, does not identify the creditor and debtor parties, does not specify the judicial enforcement officer, does not identify the actions or omissions being challenged, does not state the grounds of the appeal or the specific relief sought from the court, or is not accompanied by copies for notification purposes and the relevant evidence, as well as where a power of attorney is absent in cases where the appeal is filed by a lawyer, the court identifies the deficiencies and allows the party a 5-day period to remedy them.

Once the parties are familiarised with the appeal, they are entitled to file a written cross-appeal and to submit evidence that they wish to be considered in the proceedings.

An important procedural matter relates to the court's obligation to notify the parties and the enforcement officer even when the appeal is examined in chambers. The Tirana Court of Appeal has clarified that the fact that the first-instance court examines the appeal against the actions of the judicial enforcement officer in chambers, without the parties being present, does not mean that the parties and the enforcement officer will not be notified of the filed appeal and the date of its examination. As with other adversarial proceedings, the court must follow and require compliance with the adversarial principle in this type of proceedings as well. The persons who must be parties to the proceedings are those considered to be parties to the enforcement proceedings (the creditor(s) and the debtor(s)), together with the judicial enforcement officer. (*Decision No. 81, dated 31.05.2021 of the Tirana Court of Appeal*)

The court then sets a date for the examination in chambers of the challenge to the actions or omissions of the judicial enforcement officer and notifies the parties, or, if the court considers that oral argument is necessary, holds a hearing and notifies the parties to appear. At the conclusion of the examination, the court decides on the upholding or dismissal of the appeal, in accordance with the parties' requests.

Against the first-instance court's decision, an appeal may be filed with the Court of Appeal, which shall examine it within 30 days of receiving the case file in chambers. If the court considers that oral argument is necessary, it shall hold a hearing and notify the parties to appear within 45 days. In this case, the court may take new evidence or re-evaluate existing evidence where this is necessary for an accurate determination of the factual situation, particularly where the appellant proves that through no fault of their own they were unable to present it earlier, or where the first-instance decision is based on serious procedural violations or on an incorrect assessment of the facts.

IV. Conclusions

From the above analysis of Articles 609 and 610 of the Code of Civil Procedure, as well as the case-law of the Supreme Court, the following conclusions may be drawn:

4.1. The fundamental distinction between Article 609 and Article 610 CPC. The action for the invalidity of the enforcement title (Article 609) attacks the very substantive right contained in the enforcement title, claiming that this right did not exist from the outset or was extinguished after the formation of the title. The appeal for challenging enforcement actions (Article 610) attacks the procedural manner in which the enforcement officer exercises his functions, thereby implicitly accepting the validity of the title.

4.2. The preclusive nature of the 30-day time limit under Article 609. The 30-day time limit for filing the action for the invalidity of the enforcement title, calculated from the date of becoming aware of the commencement of compulsory enforcement, is preclusive rather than merely prescriptive in nature. The Constitutional Court has confirmed that this time limit does not infringe the right of access to a court, as it serves the legitimate aim of legal certainty and proportionality.

4.3. Subject-matter jurisdiction is determined by the nature of the legal relationship. The fundamental criterion for determining subject-matter jurisdiction during the enforcement phase is the legal nature of the relationship that generated the

enforcement title.

4.4. Active standing of the guarantor in an action under Article 609. Unifying Decision No. 106/2023 of the Supreme Court has resolved that the appropriate procedural vehicle for seeking the extinguishment of the guarantee is an action with the subject-matter 'Invalidity of the enforcement title, in so far as it concerns the guarantor's obligation' under Article 609 CPC.

4.5. The action under Article 609 is a merits action, the appeal time limit is 15 days. The action for the invalidity of the enforcement title is a merits action subject to ordinary adversarial proceedings. Accordingly, the ordinary 15-day appeal period applies to the final judgment, even where the principal claim is accompanied by a request for the annulment of enforcement actions. The special 5-day period applies only to interlocutory decisions on the suspension of enforcement.

4.6. The proceedings under Article 610 are sui generis, a 5-day special appeal against all decisions. Unifying Decision No. 392/2022 of the Supreme Court has clarified that Article 610 CPC allows a special appeal within 5 days against all types of decisions of the first-instance court relating to the challenge of enforcement actions, both those concerning the suspension of enforcement and those finally disposing of the appeal. This position resolves the long-standing debates in judicial practice regarding the type and time limit of the challenge.

4.7. The adversarial principle applies even during examination in chambers. Even when the appeal under Article 610 is examined in chambers, the court is under an obligation to notify all parties to the enforcement proceedings and the judicial enforcement officer.

4.8. The court's active role in directing parties to the appropriate procedural remedy. Where the court finds that a party has used the wrong procedural remedy e.g., (has filed an action instead of an appeal under Article 610), it may not continue the proceedings by disregarding this fundamental deficiency. The court's duty, under Article 154/a and subsequent articles of the CPC, is to direct the party and allow sufficient time for the rectification of the deficiencies, thereby preserving the procedural integrity of the proceedings.

V. References

Legislation

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Legal analysis of Albania's electoral law and empirical examination of women's quota legislation in the context of European Union standards (1991–2025)

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Abstract

This article examines the approximation of Albania's electoral legislation with European Union (EU) standards and broader European democratic principles, with particular emphasis on women's quota legislation, electoral rights, and recent electoral reforms. Using a qualitative legal and empirical methodology, the study analyzes the evolution of Albania's electoral framework from the collapse of the communist regime in 1991 through the 2025 parliamentary elections. The paper evaluates the extent to which Albania's electoral reforms have aligned with the EU *acquis*, the European Convention on Human Rights (ECHR), Organization for Security and Co-operation in Europe (OSCE) commitments, and democratic standards related to free and fair elections, equality of the vote, political participation, and gender representation. Particular attention is devoted to the introduction and implementation of gender quotas in parliamentary elections in Albania and to the legal reforms enabling diaspora voting for the first time through postal voting mechanisms in the 2025 parliamentary elections. The study combines doctrinal legal analysis with empirical electoral data concerning women's political representation, electoral participation, and the functioning of Albania's proportional electoral system. The findings demonstrate that Albania has achieved substantial formal harmonization with European standards, especially regarding women's representation and electoral inclusiveness. However, important structural challenges remain, including the continued dominance of party leadership over closed candidate lists, inequalities in vote distribution across electoral districts, and limitations affecting the effective exercise of preferential voting rights. The article concludes that although Albania has made significant progress in approximating its electoral legislation with EU democratic standards, further reforms are necessary to strengthen electoral equality, internal party democracy, voter influence, and democratic accountability within the electoral process.

Keywords: Albania; electoral law; European Union *acquis*; gender quotas; democratic elections.

1. Introduction

The *acquis* of the European Union (EU) refers to the collection of common rights and obligations that constitute the body of EU law incorporated into the legal systems of the EU Member States (Petrov & van Elsuwege, 2016). It includes:

- the content, principles, and political objectives of the EU Treaties;
- all legislation adopted for the implementation of those treaties, as well as the jurisprudence developed by the Court of Justice of the European Union;
- declarations and resolutions adopted by the EU;
- measures in the field of the Common Foreign and Security Policy and justice and home affairs; and
- international agreements concluded by the EU and agreements concluded among the Member States in relation to EU activities.

Albania signed the Stabilization and Association Agreement (SAA) with the EU on

12 June 2006 (Law No. 9590, 2006). The SAA established a framework of reciprocal commitments concerning a broad range of political, trade, and economic issues and was ratified by all 27 EU Member States. Consequently, since 2006, the process of harmonizing Albania's domestic legislation with EU law has been driven by the binding legal force deriving from the ratification of the Stabilization and Association Agreement between the Republic of Albania and the European Communities and their Member States. Within the framework of approximating national legislation with EU law and international conventions through the signing of the SAA, Albania also undertook the legal obligation to respect human rights and the rule of law in accordance with the principles enshrined in the Universal Declaration of Human Rights (United Nations General Assembly, 1948), as further defined in the European Convention on Human Rights (Council of Europe, 1950). In addition, Albania committed itself to respecting democratic principles through a multiparty system based on free and fair elections, while fully implementing the principles and provisions of the United Nations Charter, the Organization for Security and Co-operation in Europe (OSCE), particularly the Helsinki Final Act, the concluding documents of the Madrid and Vienna Conferences, the Charter of Paris for a New Europe, and the Stability Pact for South Eastern Europe, in fulfillment of the obligations arising from its status as a candidate country for EU membership. From a legal perspective, the essence of the SAA lies not only in recognizing the importance of approximating existing Albanian legislation with EU law, but also in ensuring the effective implementation of such legislation. For this reason, Albania bears the obligation to ensure that its existing legal framework, including electoral legislation, progressively advances toward compliance with the *acquis communautaire* of the European Union. The *acquis* of the European Union refers to the body of common rights and obligations that form the legal order of the EU and are incorporated into the domestic legal systems of Member States (Costa, 2023). It is also important to emphasize that the EU *acquis* is not static; rather, it evolves continuously over time (Foster, 2023). From the perspective of the hierarchy of EU legislation, the *acquis* includes the content, principles, and objectives of the EU Treaties; legislation adopted to implement those treaties; the jurisprudence of the Court of Justice of the European Union; declarations and resolutions adopted by the EU institutions; measures relating to the Common Foreign and Security Policy and justice and home affairs; and international agreements concluded by the EU and between Member States concerning EU activities (Chalmers et al., 2010). Candidate countries such as Albania are required to accept and implement the *acquis* prior to accession to the EU. Derogations from the *acquis* are granted only under exceptional circumstances and are limited in scope. The EU *acquis* must therefore be incorporated into the domestic legal order of candidate countries before the date of accession, and those states are obliged to fully implement and enforce it from that date onward.

2. Electoral law reform in Albania and its alignment with European democratic standards

2.1 Albania's EU Accession Process: Historical and Institutional Developments

Following the collapse of the communist regime, Albania formally established diplomatic relations with the European Community in 1991, marking the beginning

of its long-term European integration process. In 2000, the European Union officially recognized Albania as a potential candidate country. A significant milestone was reached in 2003, when the Thessaloniki Summit of EU Heads of State and Government reaffirmed the European perspective of the Western Balkan states through the Stabilization and Association Process, explicitly including Albania within the future enlargement agenda of the European Union.

Negotiations concerning the Stabilization and Association Agreement (SAA) between Albania and the European Union were concluded on 12 June 2006, and the Agreement was formally signed at the General Affairs Council in Luxembourg. The SAA entered into force on 1 April 2009 and established the principal legal and institutional framework governing Albania's approximation with the EU acquis. In the same month, Albania formally submitted its application for membership in the European Union. Subsequently, in November 2009, the European Commission initiated the evaluation process concerning Albania's preparedness for accession through the accession questionnaire procedure. On 27 June 2014, Albania officially obtained EU candidate country status (Ministry for Europe and Foreign Affairs, 2018). Progress toward accession negotiations accelerated after the implementation of substantial institutional and judicial reforms. On 9 November 2016, the European Commission recommended for the first time the opening of accession negotiations with Albania, conditional upon credible progress in judicial reform, particularly the vetting process concerning judges and prosecutors. The Commission reiterated this recommendation within the 2018 Enlargement Package, emphasizing Albania's continued progress in implementing reform priorities. On 26 June 2018, the General Affairs Council acknowledged Albania's reform efforts and outlined a conditional pathway toward the opening of accession negotiations. The European Commission repeated its recommendation in May 2019, while the Council reaffirmed its support in June 2019. Although the European Council postponed a final political decision in October 2019, the EU General Affairs Council formally approved the opening of accession negotiations with Albania on 25 March 2020. One day later, the European Council endorsed this decision, thereby officially initiating the accession negotiation process (Ministry for Europe and Foreign Affairs, 2018). A further important development occurred on 15 October 2024, when Albania opened the first negotiation chapter with the European Union under the revised enlargement methodology. The revised accession framework places particular emphasis on rule of law reforms, democratic governance, and institutional accountability, treating progress in these areas as the principal determinant of the pace of negotiations (Várhelyi, 2020). The remaining stages of the accession process include the completion and closure of negotiation chapters, approval by EU institutions, the signing of the Accession Treaty, and its ratification by all Member States of the European Union.

2.2 The Introduction of Diaspora Voting and the Europeanization of Albania's Electoral Legislation

General parliamentary and local elections in the Republic of Albania are primarily regulated by the Constitution and the Electoral Code of the Republic of Albania. The most recent amendment to the Electoral Code was adopted by the Assembly on 26 July 2024 (Law No. 81/2024, 2024). These amendments specifically addressed diaspora

voting, namely the participation of Albanian citizens residing outside the territory of Albania, as well as the allocation of parliamentary mandates among political entities competing in national parliamentary elections. Almost all EU Member States permit their citizens residing abroad to vote in European and national elections (Viola, 2018). In some Member States, voters are required to register with national electoral authorities in order to vote abroad, whether by mail or through embassies and consulates, while in others voting abroad may take place directly through diplomatic missions. Within the European Union, the right to vote and stand as a candidate in elections to the European Parliament in the Member State of residence is established in Article 8b(2) of the Treaty establishing the European Community and represents an important example of the principle of non-discrimination between nationals and non-nationals, as well as a consequence of the right to move and reside freely guaranteed under Article 8a of the Treaty (Consolidated Version of the Treaty on European Union, 2009). Article 8b (2) of the EC Treaty concerns the exercise of voting and candidacy rights in elections to the European Parliament without replacing the right to vote or stand as a candidate in the Member State of nationality. Its implementation does not require harmonization of national electoral systems. Furthermore, pursuant to the principle of proportionality under Article 3b of the EC Treaty, EU legislation in this field must not exceed what is necessary to achieve the objectives of Article 8b (2). The objective of Article 8b (2) is to ensure that all EU citizens, regardless of nationality, may exercise their right to vote and stand as candidates in European Parliament elections in their Member State of residence under equal conditions. Accordingly, the conditions applicable to non-national EU citizens, including residence requirements, must be identical to those applied to nationals of the respective Member State. At the same time, Article 8b (2) preserves the freedom of Union citizens to choose the Member State in which they participate in European elections, while preventing abuses such as voting or candidacy in more than one Member State. Any derogations from these general principles are permitted only in exceptional circumstances and must remain proportionate and subject to periodic review. In the context of diaspora voting for Albanian citizens, the 2024 amendments granted the Central Election Commission of Albania (CEC) explicit authority concerning out-of-country voting. The amendments assigned the CEC the legal responsibility to administer and supervise the preparation of conditions and implementation of measures enabling voting from outside the territory of the Republic of Albania for parliamentary elections. According to the amendments introduced in July 2024, pursuant to Article 24 of the Electoral Code, every Albanian citizen with voting rights who is located outside the territory of Albania on election day is entitled to vote from abroad. The recent amendments further establish that all Albanian state institutions and any public or private entities involved in the diaspora voting process are legally obliged to implement the rules established in the Electoral Code and the secondary legislation adopted by the Central Election Commission in accordance with the Code.

2.3 European Standards for Free and Democratic Elections

The right to vote is also widely recognized as a standard of international law. One of the most important international treaties protecting fundamental human rights and freedoms is the European Convention on Human Rights (Law No. 8137, 1996),

adopted in 1950 and ratified by Albania on 2 October 1996. The Convention contains several interrelated provisions guaranteeing equality and non-discrimination. Article 3 of Protocol No. 1 guarantees the right to free elections, which includes equality before electoral law, ensuring that all citizens possess both the right to vote and the right to stand for election.

According to the United Nations framework on human rights, rights cannot exist without responsibilities, as unrestricted exercise of rights may result in violations of the rights of others. Consequently, the right to vote is not absolute, and States Parties enjoy a margin of appreciation in regulating exceptional limitations, provided that such restrictions are grounded in legal reasoning and judicial review. From an international perspective, the fundamental principles of democratic elections include: (1) equality of the vote, (2) voluntary voting, and (3) free elections (Goodwin-Gill, 1994). Equality of the vote constitutes one of the foundational principles of elections in the European Union and derives from the broader principle of equality before the law. Its central requirement is the principle of “one person, one vote,” according to which each citizen’s vote carries equal legal value. Voluntary voting refers to the principle that citizens are not under a legal obligation to participate in elections and are not subject to sanctions for abstaining from voting. The only obligation in this regard is considered a moral obligation to participate in democratic processes (Lowenstein et al., 2017). Free elections represent another core democratic principle and require the establishment of conditions and guarantees ensuring the free expression of the will of voters (Krennerich, 2021). One of the most essential elements of this principle is the secrecy of the ballot (Guinier, 1994).

2.4 Electoral Reform and Democratic Electoral Processes in Albania (1991-2025)

In 1991, following a prolonged period of authoritarian rule, the democratic parliamentary system was re-established in Albania. Political pluralism, formally introduced on 17 December 1990, received broad public support and led to the establishment of new political parties (Assembly of the Republic of Albania, n.d.). The first pluralist elections were held on 31 March 1991. The People’s Assembly emerging from these elections, which convened on 15 April 1991, consisted of a unicameral parliament with 250 deputies representing several political entities. The electoral law established a pure majoritarian system with two rounds and 250 electoral districts, corresponding to the number of deputies that had existed during the communist period. According to official data from that period, voter lists included approximately 1,985,000 registered voters, of whom nearly 95% participated in the elections (Assembly of the Republic of Albania, n.d.). However, international observers identified serious irregularities. In a statement issued on 3 April 1991, the United States Department of State declared that “based on reports from American and international observers, the electoral process suffered from serious shortcomings in several areas relevant to OSCE standards for free and fair elections.” Similarly, the National Republican Institute concluded that “the election campaign in Albania could not be characterized as either free or fair.” Since 1991, Albania has held a total of 21 electoral processes. Eleven of these were parliamentary elections (1991, 1992, 1996, 1997, 2001, 2005, 2009, 2013, 2017, 2021, and 2025), while the remainder consisted of local elections

(1992, 1996, 2000, 2003, 2007, 2011, 2015, 2019, and 2023) and two referenda (1994 and 1998). Throughout Albania's pluralist history, four different electoral systems have been applied. In the first elections of 31 March 1991, a pure majoritarian system was implemented, in which candidates competed directly against one another in electoral districts. Subsequently, a mixed majoritarian system with two rounds was introduced: 100 deputies were elected through direct majoritarian contests, while 40 deputies were elected through closed-list proportional representation. The proportional component functioned by converting the percentage of votes obtained by political parties at the national level into parliamentary mandates. Under the closed-list proportional system, political parties submitted ranked candidate lists, while the competent electoral authority distributed the 40 proportional mandates according to the electoral results achieved by each political party. In the 2005 elections, a mixed electoral system was applied consisting of a single-round majoritarian system for 100 deputies and proportional representation lists for the remaining 40 seats. In 2009, Albania implemented for the first time a regional proportional representation system, which remains in force today. Under this system, currently Albania is divided into 12 electoral districts corresponding to administrative regions, each allocated a number of parliamentary seats proportional to its population.

2.5 Gender Equality and the Approximation of Albania's Electoral Legislation with the EU Acquis (1991–2024)

Democratic systems of governance are also distinguished by the opportunities they provide for ensuring equal opportunities and expanding citizens' rights both to vote and to stand for election. Scholars argue that gender equality constitutes one of the most fundamental components of a democratic system (UN Women & OSAGI, n.d.). In the case of the Republic of Albania, gender equality in political elections has been promoted through electoral legislation in accordance with the obligations arising from Albania's membership in international organizations and its commitment to harmonizing legislation with EU standards. The most significant legal reforms promoting gender equality in parliamentary elections were the 2008 amendments to the Electoral Code, which introduced a mandatory gender quota requiring that at least 30% of candidates be women (Institute for Political Studies & UN Women Albania, 2017). Since 2008, paragraphs 6 and 7 of Article 67 of the Electoral Code of the Republic of Albania (Law No. 10019, 2008) have provided that "for each electoral district, at least 30% of the multi-name list and one of the first three candidates on the multi-name list must belong to each gender." In cases of non-compliance with these requirements concerning the composition of candidate lists, the Central Election Commission applies sanctions pursuant to Article 175 of the Electoral Code. Specifically, electoral subjects failing to comply with Article 67(6) are subject to a fine of 1,000,000 Albanian lek and additional sanctions in parliamentary elections (Electoral Code of the Republic of Albania, art. 175, 2008). Furthermore, amendments introduced in 2012 established that when a parliamentary vacancy concerns a mandate obtained under the gender quota provisions of Article 67, the vacancy must be filled by the first candidate of the corresponding gender on the list, regardless of ranking order (Law No. 10019, art. 175, 2008). As a result, following the 2013 elections, a number of parliamentary

vacancies caused by resignations, incompatibility of office, or removal of mandates by the Constitutional Court were filled predominantly by female candidates, thereby increasing women's representation in Parliament (UN Women & OSAGI, n.d.). Under the majoritarian system applied in the 1991 elections, only 4% of parliamentary seats were held by women. During the mixed electoral systems used between 1992 and 2005, women's representation increased modestly, ranging between 5.7% and 15%. Following the introduction of the regional proportional representation system in 2008, the parliamentary elections of 2009, 2013, 2017, and 2021 produced a progressive increase in the representation of women in Parliament. Comparative electoral data demonstrate that the proportion of female candidates increased from 8.6% under the mixed system to 31.9% in 2009 and 39.6% in 2013. In the 2017 parliamentary elections, women's representation reached approximately 39%, the highest level recorded in any parliamentary election since 1991 (Central Election Commission of Albania, n.d.).

Electoral Year	Electoral System (Majoritarian/Proportional)	Total Number of Candidates	Nr. Of Female Candidates	Nr. Of Male Candidates
2005	Direct candidates (majoritarian)	1235	98 or 7,94%	1137 or 92,06%
2005	Party-list candidates (proportional)	1968	169 or 8,59%	1799 or 91,41%
2009	Party-list candidates (proportional)	3713	1185 or 31,91%	2528 or 68,09%
2013	Party-list candidates (proportional)	7149	2834 or 39,64%	4315 or 60,36%
2017	Party-list candidates (proportional)	2666	1073 or 40,25%	1593 or 59,75%
2021	Party-list candidates (proportional)	1841	732 or 39.76%	1109 or 60.23%

3. The EU institutional legal framework and electoral legislation

3.1 *The History of European Integration and the Institutional Legal Framework of the European Union*

The legal framework of the European Union (*EU acquis*) originated in 1958 and consists of primary legislation, including the founding and currently applicable EU Treaties, as well as secondary legislation, which includes directives, regulations, and other legal instruments adopted for the implementation of the policies established in those treaties (Costa, 2023). The EU legal order currently contains more than

20,000 directives, regulations, and decisions, which are continuously amended and expanded. In addition, the jurisprudence of the Court of Justice of the European Union, together with international agreements concluded by the EU, constitute an essential component of the Union's legal framework (Schütze, 2021). It is estimated that EU legislation expands by approximately 5,000 pages annually, while the current body of legislation exceeds 150,000 pages connected to the 35 chapters of the accession negotiation process (Tridimas, 2006). The complexity and dynamic development of the *acquis communautaire* reflect the evolving political, economic, and institutional character of the European Union itself. Three principal concepts are commonly used to describe the political and legal nature of the European Union: sovereignty, intergovernmentalism, and supranationalism. Sovereignty refers to the legal authority of national decision-making institutions to adopt decisions independently and without external limitations. Intergovernmentalism refers to forms of cooperation through which nation-states collaborate in pursuit of common objectives under conditions that remain substantially under their control. Supranationalism, by contrast, involves forms of cooperation among states in which participating states no longer retain complete control over the development and operation of the cooperative framework itself (Glencross & Trechsel, 2010).

3.2 Theories of European Integration

The European Union is a supranational organization, namely a *sui generis* entity within the international legal order, which scholars describe as situated between a classical international organization and a federal state, sharing more characteristics with the former and fewer with the latter (Neill, 2006). The term *sui generis* is a Latin expression meaning "of its own kind" or "unique in its class." In legal contexts, *sui generis* refers to an autonomous legal classification used to describe legal relationships, rights, or institutional arrangements that are unique and limited to their specific factual circumstances and therefore may not have broader application. Consequently, legal norms may either apply to narrow and specialized circumstances (*sui generis*) or be intended for broader categories of subjects, activities, or legal relations. Scholars argue that the European Union is more than a classical international organization because it possesses its own form of sovereignty, albeit partial and limited, based on the principle of conferral by the Member States (Glencross & Trechsel, 2010). By contrast, traditional international organizations such as the United Nations, North Atlantic Treaty Organization (NATO), the Organization for Security and Co-operation in Europe (OSCE), and the Council of Europe possess limited autonomous decision-making authority and generally cannot impose their will upon reluctant Member States. Other scholars maintain that the European Union remains less than a federal state because the four essential prerogatives of statehood, territoriality, sovereignty, legitimacy, and governmental monopoly, exist only partially within the EU framework (Neill, 2006). The classical version of federalist theory argues that federal states emerge following a fundamental political decision pursued for two principal objectives: security and prosperity. This foundational decision consists of several states agreeing to transfer part of their sovereignty to a superior federal entity (Chabot, 2005). By contrast, neo-functional theory, developed by scholars such as Haas, Lindberg,

and Schmitter, emphasizes economic interests as the principal mechanism driving integration processes (Lindberg, 1963). Meanwhile, intergovernmentalism theory argues that nation-states remain the primary actors in international affairs and that fundamental political relations among states continue to be largely mediated through national governments (Hoffmann, 2019).

3.3 The Functioning of the European Union

Article 10 of the Treaty on European Union (TEU) provides that:

- “1. The functioning of the Union shall be founded on representative democracy.
2. Citizens are directly represented at Union level in the European Parliament.”

Member States are represented in the European Council by their respective Heads of State or Government and in the Council by their national governments, which are themselves democratically accountable either to national parliaments or directly to their citizens.

This provision establishes the principle of representative democracy within the European Union. EU democracy is characterized by a dual legitimacy: the legitimacy of citizens, represented directly in the European Parliament, and the legitimacy of Member States, represented through the European Council and the Council of the European Union.

3.4 Free Elections, Electoral Harmonization, and the Rule of Law in the European Context

There is broad scholarly consensus that democracy constitutes the institutional form of a political system in which governance is exercised through free elections that delegate political authority from citizens to elected representatives (Goldman, 2015). According to Samuel P. Huntington, the first “slow wave” of democratization emerged during the nineteenth century, while the second wave followed the Second World War and the decolonization processes in Asia and Africa. The third wave of democratization began in Southern Europe during the mid-1970s and subsequently expanded to Latin America and Asia, whereas the fourth wave was associated with the fall of the Berlin Wall in 1989 and the collapse of communist regimes in Eastern Europe (Huntington, 1991). Other scholars, such as Seva Gunitsky, identify as many as thirteen waves of democratization from the eighteenth century through the Arab Spring of 2011–2012. Nevertheless, Huntington maintains that the contemporary era of democratic transitions represents the third major wave of democratization in modern world history (Huntington, 1991). Within democratic systems of governance, the right to vote is essential for ensuring that democracy functions effectively by enabling citizens to direct the political life of society through electoral participation. Scholars therefore argue that the ideal outcome of a functional democracy is to guarantee citizens both the right to vote and the right to have a meaningful voice within the political system (Gleditsch & Ward, 2001). Consequently, free and fair elections may be regarded as the cornerstone of a healthy and inclusive democratic order. Scholars further contend that in order to establish governing institutions that genuinely represent the people to whom they are accountable, participation in political elections must be accessible and manageable for all eligible citizens, thereby encouraging full electoral participation (Schultz, 2016). In 2020, the European Commission introduced

the European Democracy Action Plan with the objective of empowering citizens and strengthening democratic resilience throughout the European Union (European Commission, 2020). Academic literature additionally emphasizes that voting constitutes the foundation of a functional democracy and the principal mechanism through which citizens influence governmental policy and decision-making (Ellis, 2021). For this reason, scholars conclude that the act of voting not only empowers individuals in the exercise of their civic rights, but also reinforces the legitimacy and stability of democratic political systems (Schultz, 2016).

4. Conclusion

The electoral system currently in force in the Republic of Albania is a regional proportional representation system containing several characteristics, including regional competition, a national threshold, multi-member candidate lists submitted by electoral subjects, preferential voting, and gender representation mechanisms. The most recent amendments to the Electoral Code provide that parliamentary candidate lists will no longer be entirely open. More specifically, one-third of the list will remain closed and under the exclusive control of party leaders, thereby not being subject to preferential voting. By contrast, candidates included in the remaining two-thirds of the list will compete equally among themselves in order to obtain a favorable ranking through preferential votes. It should also be emphasized that, for the first time in the history of political pluralism after 1990, Albanian citizens residing abroad were able to participate in the May 2025 parliamentary elections through diaspora voting mechanisms. Regarding the practical application of the new electoral legislation, it may be estimated, based on the results of the 2025 parliamentary elections, that approximately 100 deputies in the 2025 elections were effectively selected through placement on the closed lists determined by party leaders, while approximately 40 deputies were elected through competition in the open or preferential component of the lists. It is important to underline that Article 163 of the Electoral Code currently limits the ability of voters to directly determine winning candidates and instead transfers substantial influence to electoral subjects, thereby strengthening the authority of political parties as the entities responsible for determining candidate rankings on closed lists. Furthermore, the restrictions created by Article 163 concerning the equal exercise of preferential voting rights may arguably exceed the limitations permitted under Article 17 of the Constitution of the Republic of Albania, particularly in light of Constitutional Court Decision No. 28, dated 30 June 2021. For this reason, there exists a significant risk that closed lists may become an obstacle to free political competition by restricting internal democratic competition within political parties during the candidate selection process. Under the current legal framework, party leaders retain the authority to determine the ranking of candidates on closed lists, thereby potentially distorting the political and legal process of accountability between elected deputies and voters. In practice, voters participating under a closed-list system do not possess the direct ability to select individual parliamentary representatives.

Another important problem associated with the current electoral system concerns the inequality of votes among electoral districts. For example, according to the official

results of the 2021 parliamentary elections, approximately 12,642 votes were required on average to obtain one parliamentary mandate in the Kukës regional electoral district, whereas in the Vlorë district approximately 7,596 votes were sufficient to secure one mandate. This discrepancy demonstrates that votes under the current electoral system do not possess equal value on a national level, thereby potentially undermining Article 45(4) of the Constitution of the Republic of Albania, which provides that “the vote is personal, equal, free, and secret.” Consequently, it may be argued that a new electoral system based entirely on open lists could positively address part of the existing problem concerning the distortion of electoral representation and vote equality. The amendments adopted by the Assembly in July 2024 introduced, for the first time, postal voting for Albanian citizens residing outside the territory of the Republic of Albania. This represents a highly significant and modern development in the practical expansion of the legal right to vote for Albanian citizens regardless of their country of residence.

In addition, the progressive increase in the percentage of women and girls elected as members of Parliament constitutes another important achievement within the broader framework of the political and legal emancipation of the Albanian state and the approximation and harmonization of Albania’s electoral legislation with the legal standards and democratic principles of the European Union.

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The Second Five-Year Plan and the Full Sovietization of the Economy

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Abstract

The period 1955-1960 marked a decisive phase in the economic transformation of communist Albania through the implementation of the Second Five-Year Plan and the progressive adoption of the Soviet model of centralized planning. This study examines how the Albanian leadership promoted rapid industrialization, agricultural collectivization, and state control over economic activity as instruments for both economic modernization and political consolidation. The research highlights the crucial role of Soviet financial assistance, technical expertise, and industrial investments in supporting the development of key sectors, including mining, energy production, manufacturing, and infrastructure.

The article also analyzes the social consequences of economic Sovietization. The collectivization of agriculture reshaped traditional rural life, while industrial expansion fostered the emergence of a new working class and increased urbanization. Although the Second Five-Year Plan contributed to economic growth and institutional development, it also deepened Albania's dependence on Soviet support and generated social and economic challenges that would shape the country's socialist trajectory for decades.

Keywords: Albania, Sovietization, Second Five-Year Plan, industrialization, collectivization, economic planning, Soviet Union, communist regime.

1. Introduction

The period 1955-1960 represents a decisive phase in the economic development of communist Albania, characterized by the Sovietization of the economic system and the implementation of centrally planned economic policies. During these years, the Albanian economy was increasingly aligned with the Soviet economic model, prioritizing rapid industrialization, the collectivization of agriculture, and strict state control over economic activities. The Second Five-Year Plan (1956-1960) played a pivotal role in this process, aiming not only to increase industrial output but also to bring about a profound transformation of society through the mobilization of the labor force and the restructuring of economic relations.

Economic Sovietization was not merely a technical or economic undertaking; it also possessed significant ideological and political dimensions. Following the Soviet example, the Albanian government sought to consolidate the authority of the Party of Labour across all sectors of the economy by establishing a centralized planning system and eliminating market mechanisms. In this context, financial institutions, agricultural cooperatives, industrial enterprises, and resource-allocation systems were reorganized according to the Soviet model, resulting in an economy that was almost entirely controlled by the state.

At the same time, Sovietization produced far-reaching social and economic consequences. On the one hand, it led to a substantial expansion of industrial capacity and the consolidation of state structures; on the other, it generated considerable

challenges for the population as it adapted to agricultural collectivization and the accelerated pace of industrialization. The study of this period provides valuable insights into the ways in which Soviet influence shaped not only the Albanian economy but also social structures and labor relations, laying the foundations of a socialist economic system that would dominate the country until the 1980s.

The Sovietization of the Albanian economy profoundly affected the country's social structure. The collectivization of agriculture and the centralization of industry transformed labor relations by restricting the autonomy of farmers and imposing state discipline in the workplace. In rural areas, farming families were incorporated into agricultural cooperatives, where decisions regarding production and distribution were no longer made at the local level but by central authorities, fundamentally altering traditional patterns of life and community relations. In urban centers, rapid industrialization and population migration toward industrial enterprises gave rise to a new working class that faced strict production requirements and a rigid bureaucratic hierarchy. Meanwhile, the press, the educational system, and social organizations were employed as instruments for promoting communist ideology, with the aim of shaping the socialist citizen and strengthening state control over social life. These transformations combined industrial growth with significant social tensions, leaving a lasting impact on the structure of Albanian society and on the population's experience of economic change.

2. Literature Review

The economic transformation of socialist Albania has attracted scholarly attention primarily in relation to the country's adoption of the Soviet model of development after the Second World War. Authors such as V. Spinazzola have emphasized that Albania's economic policies during the 1950s were heavily influenced by Soviet planning principles, particularly through centralized state control, industrialization, and agricultural collectivization. Studies of socialist economies in Eastern Europe have similarly highlighted the role of Five-Year Plans as instruments for accelerating modernization while simultaneously strengthening political control over economic resources. Within this broader context, Albania represented one of the most faithful examples of Soviet-style economic organization in the region.

A second body of literature focuses on the role of Soviet financial and technical assistance in Albania's economic development. Researchers have demonstrated that Soviet credits, industrial investments, and technical expertise were essential for the construction of factories, energy facilities, mining enterprises, and transportation infrastructure during the 1950s. Statistical analyses and contemporary government reports indicate that many of Albania's most important industrial projects were realized through Soviet support. Historians have argued that while this assistance facilitated rapid industrial growth and institutional development, it also created a significant degree of economic dependence on the Soviet Union, limiting Albania's capacity for autonomous development.

Another important strand of scholarship examines the social consequences of economic Sovietization. Studies on collectivization have shown that the reorganization

of agriculture transformed traditional rural communities, altered patterns of land ownership, and increased state influence over everyday life. At the same time, the expansion of industry encouraged urbanization and contributed to the emergence of a new industrial working class. Educational historians have further noted that the establishment of technical schools and the University of Tirana formed part of a broader strategy to create a skilled workforce capable of supporting socialist industrialization. Collectively, these studies suggest that economic Sovietization was not merely an economic process but a comprehensive social transformation that reshaped Albanian society during the late 1950s.

2.1 The Second Five-Year Plan as an Instrument for the Consolidation of Communist Power in Albania

The Second Five-Year Plan was launched at the Plenum of the Central Committee of the Albanian Party of Labour (APL) in December 1955 and was subsequently approved by the Third Party Congress, hastily convened in late May 1956.¹ Its primary objective was not only to address the shortcomings of the First Five-Year Plan but, above all, to eliminate the structural imbalances that had emerged during its implementation. The new plan imposed an ambitious program of industrial expansion on an economy already strained by the efforts required to fulfill the objectives of the First Plan. Consequently, the establishment of new industrial enterprises and factories became a central priority.

At the Third Congress of the Albanian Party of Labour, this approach provided the foundation for the directives of the Second Five-Year Plan (1956–1960), whose principal objectives were defined as follows: *“the development of industry, particularly the mining sector, primarily through the full utilization of existing productive capacities and the exploitation of internal reserves; the rapid development of agriculture, mainly through the socialist reorganization of agricultural production; and the improvement of the material and cultural living standards of the population.”*²

The first priority was to ensure the full utilization of the productive capacity of the equipment and facilities installed during the First Five-Year Plan, to increase labor productivity within the working class, and to complete projects initiated under the previous plan that remained unfinished. Furthermore, the implementation of the Plan required the organization and completion of an extensive geological survey campaign aimed at determining the quantity and quality of Albania’s mineral resources, with significant assistance from Soviet specialists and technicians.

In the agricultural sector, efforts continued toward land reclamation and the collectivization of agricultural land. At the same time, the government pursued the training of new technical and administrative cadres, expanded the educational system through the establishment of new schools, and promoted the creation of a comprehensive national university to replace the separate higher education institutes established during the First Five-Year Plan.³

¹ For the chronology of the Congresses, Plenums, and major meetings of the Albanian Party of Labour, see *Historia e Partisë së Punës së Shqipërisë* (History of the Party of Labour of Albania), a work repeatedly reissued and revised according to the ideological orientations of different periods, published in Tirana in several editions and languages.

² *Historia e Partisë së Punës së Shqipërisë*, cit., p. 313.

³ V. Spinazzola, *L'economia albanese prima e dopo la rottura con l'URSS*, p. 360

The structure of investments allocated under the Second Five-Year Plan, calculated at 1955 prices, was organized as follows.

Table 1. Planned Investments under the Second Five-Year Plan (1956-1960)

Investment Sectors	First Five-Year Plan 1951-1955 (million lek)	Second Five-Year Plan 1956-1960 (million lek)	First Plan as % of Second Plan	Share in the Second Plan (%)
Industry	8,357	9,690	116	44.1
Agriculture	2,746	4,010	146	18.3
Communications	1,901	2,110	111	9.6
Social and Cultural Sectors	2,155	3,210	149	14.6
Miscellaneous	2,087	2,932	140	13.4
Total	17,246	21,952	127	100.0

Source: *Activity Report of the Central Committee of the Albanian Party of Labour (APL) to the Fourth Congress.*

The volume of investments allocated to the industrial sector, which continued to account for the largest share of total planned expenditures shown in Table 1, appears at first glance to be consistent with the objectives outlined above. However, this impression is somewhat misleading.

A substantial portion of these allocations was devoted to financing equipment and machinery that had already been installed during the First Five-Year Plan. Consequently, the actual distribution of resources for new construction projects was more limited than the overall investment figures might suggest. Indeed, the structure of construction works investments, calculated at 1955 prices, was distributed as follows: **Table 2.**

Table 2. Volume of Construction Works under the Second Five-Year Plan

Investment Sector (Construction Works)	Volume of Construction Works (million lek)	Share (%)	Percentage Compared to the First Plan
Industry	4,552	34.9	106
Agriculture	2,818	21.5	143
Communications	1,323	10.1	97
Social and Cultural Sectors	2,482	19.0	127
Miscellaneous	1,873	14.5	114
Total	13,400	100.0	116

Source: *Activity Report of the Central Committee of the Albanian Party of Labour (APL) to the Fourth Congress.*

The most significant challenge in implementing the Second Five-Year Plan was addressed, in part, through savings achieved by reducing imports of goods that were increasingly being produced domestically. These included a substantial share of textile products, sugar, timber, cement, and various spare parts. Additional support

came from the export of crude petroleum products and minerals, as well as from a series of substantial loans provided by the Soviet Union and the other socialist countries of Eastern Europe.

On 15 April 1957, an Albanian delegation led by Enver Hoxha visited the Soviet Union with the objective of strengthening relations between the two countries. During an official reception held at the Albanian Embassy in Moscow, Nikita Khrushchev declared his agreement with the views expressed by the "Albanian comrades," emphasizing that there existed "no disagreements" and "no divergences regarding state, economic, ideological, or international affairs" between the two countries.⁴ On 17 April 1957, following a joint declaration by the two prime ministers, the Soviet Union "granted" Albania twenty-two major industrial projects as a form of economic assistance, with a total value of approximately 422 million rubles. The projects included the Velvet Factory in Tirana, the Wool Mill in Tirana, the Tannin Extract Factory in Vlora, the Spinning Mill in Tirana, the Plywood Factory in Elbasan, the Wood Impregnation Plant in Elbasan, the Timber Processing Plant in Elbasan, the Rice Processing Plant in Vlora, the Sugar Factory in Korçë, and the Cement Factory in Vlora. Additional investments comprised cotton-processing plants in Fier and Rrogozhinë, the Refinery Plant in Elbasan, the Tobacco Fermentation Plant in Shkodër, the "*Stalin*" Textile Combine in Tirana, and the "*Nako Spiru*" Wood-Processing Combine in Elbasan. Energy infrastructure projects included thermal power plants in Tirana, Maliq, and Vlora, as well as the "*Lenin*" Hydroelectric Power Station near Tirana and the "*Karl Marx*" Hydroelectric Plant on the Mat River at Ulëz. The list also included the "*Shqipëria e Re*" Publishing House in Tirana.

By 1958, the combined output of these facilities accounted for approximately 25 percent of Albania's total industrial production.⁵ In addition, the Soviet Union granted a loan of approximately 34 million rubles to facilitate the complete abolition of the rationing system and to support reductions in consumer prices.⁶ On 1 November 1957, rationing was fully abolished for essential food and consumer goods, including flour, bread, meat, pasta, oil, barley, beans, soap, and milk. These products were subsequently sold at prices lower than those previously available through the state-controlled market. Another measure introduced to support Albanian households after the abolition of rationing was a financial compensation scheme designed to preserve workers' purchasing power. This compensation was provided in two forms⁷:

A) Salary increases;

B) Financial assistance for workers with dependent children.

Salary increases for workers and public employees were not applied uniformly but varied according to occupational category and the degree of professional difficulty associated with each position.⁸ Furthermore, monthly pensions for the elderly and

⁴ AQSH, V. 1957, D. 2, p. 14

⁵ Statistical Yearbook of the People's Republic of Albania 1959, Directorate of Statistics, Tirana, 1959, p. 144.

⁶ K. Dervishai, *Historia e shtetit Shqiptar*, p. 663.

⁷ PLSH (Party of Labour of Albania), Main Documents, Tirana, 1970, p. 126.

⁸ For coal mine workers, the compensation amounted to 1,900 lek per month; for skilled forestry workers (sawmills), the compensation was 1,600 lek per month; for workers in the glass industry, the compensation was 1,500 lek per month. Workers employed in other mining sectors, tractor operators in the State Machine and Tractor Stations (SMTs) and state agricultural farms, as well as truck and bus drivers, received 1,350 lek per month. Workers in the cement and construction materials industries, the mechanical industry, the electric power industry, the footwear and textile industries, and the construction sector received 1,300 lek per month. Workers in the tobacco, soap, and

disabled were increased. Group I disabled persons received an additional 1,250 lek per month, while family pensioners received increases of up to 375 lek per month.⁹ In the three key sectors of agriculture, education, and mineral exploration, the Second Five-Year Plan was largely successful. Indeed, by February 1958, a Plenum of the Central Committee of the Albanian Party of Labour (APL) was able to raise the Plan's original targets due to the progress already achieved.¹⁰

The continuous growth of production enabled Albania to establish an expanding network of trade relations with foreign countries. Although the country's trade balance remained negative throughout the period, the overall volume of trade increased steadily during the five-year period, producing tangible benefits for the national economy. It can be argued that the fundamental reason for the success of the Second Five-Year Plan across all sectors was the extensive financial support provided by the Soviet Union and the other socialist countries. These credits were granted at highly favorable interest rates of approximately 2 percent and were repayable over periods ranging from ten to fifteen years. During an electoral rally held in preparation for the general elections of 1 June 1958, Enver Hoxha publicly acknowledged the importance of Soviet economic assistance to Albania. He praised the "great support" provided by the Soviet Union, including the cancellation of loans amounting to 422 million rubles granted before 1955, an additional 31 million rubles allocated to support the abolition of the rationing system, and 161 million rubles devoted to agriculture and the training of public officials.¹¹

Furthermore, in his end-of-year address in 1959, Hoxha emphasized the Soviet contribution to the implementation of the Second Five-Year Plan and to the financing of the forthcoming Third Five-Year Plan. He declared:

*"Allow me to inform you that only thirty minutes of discussions between our delegation and the Soviet comrades, led by our dear friend Nikita Sergeyevich Khrushchev, were sufficient for all of our requests for assistance for the Third Five-Year Plan to be accepted. Apart from the substantial aid already provided to our country in the past, of which you are all aware, the Soviet Union has allocated a new loan of 300 million rubles for the Third Plan. In addition, it has granted 35 million rubles for the development of the petroleum sector during the final two years of the Second Plan, while approximately ten million rubles will be provided as a grant for the development of the economy and culture."*¹²

brewing industries, as well as agricultural workers and postal employees, received 1,250 lek per month. Other workers in the food-processing industry and railway transport received 1,200 lek per month, while employees in the trade sector received 1,000 lek per month.

Decision of the Council of Ministers of the People's Republic of Albania and the Central Committee of the Albanian Party of Labour on the Complete Abolition of the Rationing System, the Reduction of Prices of Industrial and Agricultural Products, and the Increase of Workers' Wages, in Party of Labour of Albania (PLA), Main Documents, Tirana, 1970, p. 123.

⁹ *Zëri i Popullit*, Nr. 262, dt.31 tetor 1957.

¹⁰ The work of the Eighth Plenum of the Central Committee of the Party of Labour of Albania (PLA), held in Tirana from 3 to 5 February 1958, focused on three main points. The first concerned the report on the results achieved in the implementation of the 1957 plan and the objectives for the following year, presented by Prime Minister Mehmet Shehu. The second report, delivered by Deputy Prime Minister Abdyl Këllezi, focused on the execution of the State Budget for 1957 and the tasks for implementing the 1958 budget. The third report, presented by the Chairman of the Planning Commission, Spiro Koleka, addressed the increase of targets for the country's economic and cultural development.

¹¹ *Zëri i Popullit*, 30 maggio 1958.

¹² *Zëri i Popullit*, 30 maggio 1958.

Through this assistance, consisting of industrial goods, grain supplies, technical expertise, and investment support, the resources available for development far exceeded the 21.952 billion lek originally allocated by the Third Congress of the APL. The total value of Soviet and Eastern Bloc assistance reached approximately 47 billion lek.

2.2 *Collectivization, Industrial Development, and Social Transformation*

In agriculture, collectivization proceeded alongside substantial imports of agricultural products and a significant expansion of output from state farms. These farms supplied approximately 15 percent of the country's meat consumption, 25 percent of its milk production, and 42.4 percent of its legumes, in addition to providing important raw materials for industrial production.¹³ Virtually all peasants either voluntarily joined or were incorporated into agricultural cooperatives, with the partial exception of farmers owning mountainous landholdings, a provision that was not always respected in practice. By 1960, cooperatives controlled 83.2 percent of formerly privately owned agricultural land.¹⁴

As Enver Hoxha stated in his report to the Party:

*"For the triumph of the cooperative system in the countryside, the Party had to engage in a fierce struggle against both internal and external enemies, against the kulaks who made every effort to obstruct the progress of working peasants on the path toward socialism by exploiting the individualistic tendencies of the small rural landowner."*¹⁵

Hoxha did not elaborate on the methods through which this struggle was won, although the evidence suggests that the Party and the government employed considerable pressure to achieve their objectives.

During the five-year period, the total value of agricultural production increased from 14.502 billion lek in 1954-1955 to 16.500 billion lek in 1958-1959. Particularly notable was the growth of industrial crops, whose value nearly doubled from 1.845 billion lek to 3.247 billion lek. However, grain production failed to increase. In fact, by 1959 the value of bread-grain production had declined to 7.305 billion lek, compared with 7.474 billion lek in 1955.¹⁶ The previously mentioned expansion of cultivated land by approximately 71,000 hectares primarily benefited specialized crops, leaving Albania dependent on foreign imports for the supply of bread and pasta products.¹⁷ The industrial objectives of the Second Five-Year Plan focused primarily on improving workforce qualifications in order to maximize the utilization of existing industrial facilities. With the assistance of foreign specialists, significant progress was achieved despite the country's modest starting point. After five years of continuous employment in the same occupations, a large proportion of workers had acquired specialized skills, while factory schools produced a growing number of trained personnel each year.

As a result of these developments, and through industrial investments amounting to 9.690 billion lek, industrial production expanded significantly, particularly in the electricity-generation and mining sectors. Although all branches of industry recorded

¹³ V. Spinazzola, *L'economia albanese prima e dopo la rottura con l'URSS*, p. 368

¹⁴ *Vjetari Statistikor i Republikës Popullore të Shqipërisë*. Drejtoria e Statistikës Tiranë 1969, p. 59.

¹⁵ PPSH, Dokumenta op. cit., p. 160

¹⁶ *Vjetari Statistikor i Republikës Popullore të Shqipërisë* 1960, p. 66

¹⁷ *Vjetari Statistikor i Republikës Popullore të Shqipërisë* 1960, p. 66

growth, the most impressive achievements occurred in mining.

Throughout the five-year period, geologists and specialized researchers surveyed the entire national territory in order to identify and assess mineral resources, producing the first comprehensive inventory of Albania's underground wealth. Their discoveries were sufficiently important to justify, and indeed shape, the objectives of the Third Five-Year Plan. New deposits were identified not only for minerals already being exploited—such as copper, chromium, nickel, and coal—but also for cement marl, silica sands, kaolin, and a major iron-nickel deposit located in central Albania.

Living standards generally improved during this period, owing not only to increases in personal income but also to reductions in the prices of consumer goods, many of which were increasingly imported from abroad. Domestic textile products, particularly cotton fabrics, remained relatively inexpensive, although their quality continued to be poor. Electricity for public and private use was extended to all urban centers and to several villages, while modern water-supply and sewage systems were constructed in many towns.

The process of industrialization contributed substantially to the development of modern urban infrastructure in the cities where factories were established. At the same time, however, it widened the gap between urban and rural living conditions.¹⁸ The limited scale and quality of many new projects remained evident, with the notable exceptions of the educational and agricultural sectors.

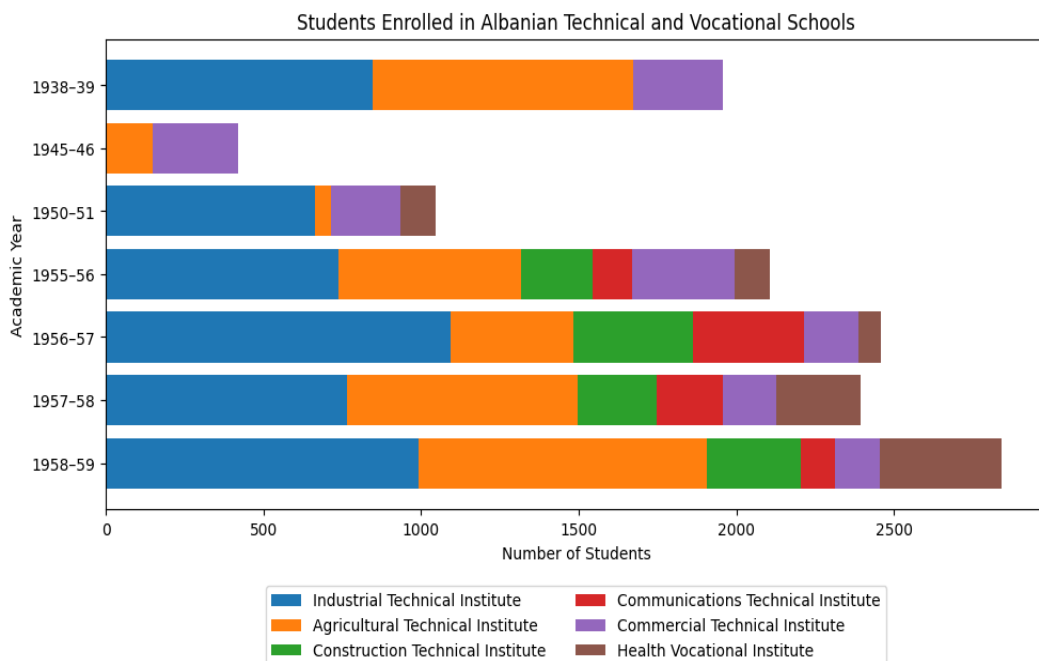
The national education system was assigned the crucial task of providing the technical personnel required by the economy. According to calculations cited by Enver Hoxha, Albania needed approximately 70 percent more technicians than were currently available in order to meet the country's development needs.¹⁹ In addition to the Soviet engineers and technical experts who had arrived following the break with Yugoslavia, Albania invested heavily during the Second Five-Year Plan in the establishment of technical secondary schools throughout the country. These institutions offered specialized training in industry, agriculture, construction, communications, commerce, and nursing.²⁰ The data presented in Figure 3.1 further illustrate the Albanian government's commitment to technical and vocational education during this period.

The ultimate objective was to create a large corps of Albanian technicians capable of supporting the transition toward an economy in which the industrial sector occupied a leading position. On 16 September 1957, the University of Tirana was established, becoming the first university founded in Albania since the creation of the Albanian state on 28 November 1912.

¹⁸ The Albanian Communist Party convened a National Conference on this issue, during which Hoxha delivered a brief speech, leaving Liri Belishova (later expelled for pro-Soviet sympathies) with the task of addressing this extremely difficult problem. In her report, Belishova noted that in the most backward areas peasants were slaughtering dozens of heads of livestock for their own consumption and continued to spend thousands of lek on religious festivals, weddings, banquets, etc. See "Information Bulletin of the PLA", no. 1, Tirana 1960, p. 39: Report of Comrade Liri Belishova to the National Conference on the development of culture in the countryside.

¹⁹ According to the communist leadership, the economic losses caused by the shortage of cadres and technicians amounted to "tens of millions of lek." See: M. Shehu, *Raporti në Kongresin e II (Report to the Second Congress)*, Institute of History, Tirana, 1952, p. 65.

²⁰ V. Misja, *Aspects of the Development of Higher Education in the People's Socialist Republic of Albania*, in "Studime Historike", no. 3, Tirana, 1986, p. 19.



Source: *Statistical Yearbook of the People's Republic of Albania 1959 (Anuari Statistikor i Republikës Popullore të Shqipërisë 1959)*, Directorate of Statistics, Tirana, 1959, p 198–199.

During its initial years, the State University of Tirana consisted of six faculties: the Faculty of Natural Sciences, the Faculty of Medicine, the Faculty of History and Philology, the Faculty of Engineering, the Faculty of Economics, and the Faculty of Law.²¹

Beyond serving as the country's first center for scientific research, the University of Tirana played a significant role in the modernization of Albanian society. The number of female students enrolled at the university increased steadily over time. In 1960, women accounted for 19 percent of the student population; a decade later, in 1970, they represented 24 percent of all university students, while by 1983 the proportion of female students had risen to 46.3 percent. These figures were broadly comparable to those recorded in both Eastern and Western European countries during the same period.²²

3. Conclusion

The Second Five-Year Plan (1956-1960) represented a crucial stage in the economic and social transformation of communist Albania. Through the implementation of Soviet-inspired centralized planning, the Albanian leadership sought not only to accelerate economic development but also to consolidate political control and reshape society according to socialist principles. Industrialization, agricultural collectivization, and

²¹ V. Misja, *Aspects of the Development of Higher Education in the People's Socialist Republic of Albania*, in "Studime Historike", no. 3, Tirana, 1986, p. 19.

²² Compendium of social statistics. Ed. United Nations, New York 1980, f. 842-845

the expansion of state institutions became the principal mechanisms through which this transformation was pursued.

The findings of this study demonstrate that the Plan achieved significant results in several strategic sectors. Industrial production expanded considerably, particularly in mining, energy generation, and manufacturing. Large-scale investments, combined with geological exploration and infrastructure development, contributed to the creation of a broader industrial base than had previously existed in Albania. The education sector also experienced substantial growth, culminating in the establishment of the University of Tirana and the expansion of technical and vocational training, which aimed to provide the skilled workforce required by a modernizing economy.

At the same time, the success of the Second Five-Year Plan was closely linked to the extensive financial, technical, and political support provided by the Soviet Union and other socialist countries. Soviet credits, industrial projects, technological assistance, and specialist expertise supplied resources that far exceeded Albania's domestic capacities. Consequently, while the Plan strengthened the country's productive potential, it also increased its dependence on Soviet assistance and integrated Albania more deeply into the Soviet sphere of influence.

The process of Sovietization also produced important social consequences. Agricultural collectivization fundamentally altered rural life by reducing private ownership and placing production under collective structures. Industrial growth encouraged urbanization and the emergence of a new industrial working class, while education and state institutions became key instruments for promoting socialist ideology. Although living standards improved in several respects, particularly through greater access to education, electricity, and consumer goods, significant disparities between urban and rural areas remained, and many economic achievements were accompanied by social tensions and political coercion.

In conclusion, the Second Five-Year Plan can be regarded as a period of both modernization and dependency. It laid important foundations for Albania's industrial and institutional development, while simultaneously reinforcing the centralized structures that characterized the socialist system. The legacy of this period extended far beyond 1960, shaping Albania's economic trajectory, social organization, and political orientation for decades to come.

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Forms and Gender Patterns of Adolescent Aggression - Evidence from Albania and the Changing Digital Landscape

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Abstract

Adolescent aggression is a significant concern that affects the individual adolescent, their family, their school and the wider community. The paper synthesizes a decade of research conducted on adolescent aggression in Albania, taking into consideration a systematic review of research on aggression and antisocial behaviour, two quantitative studies on adolescents' self-reported levels and types of aggression, one qualitative study on bullying among young people between the ages of 11 and 13, as well as a recently published cross-national paper that discusses how artificial intelligence impacts adolescent development. The findings show high levels of aggression in adolescents of both genders. Male adolescents report higher levels of physical, covert, females have been shown to engage in internalizing types of aggression, indirect and relational aggression. Bullying reported to be relatively high in both male and female adolescents. It then goes on to discuss how the online environment represents a new, unexplored risk factor for aggression in Albania. The results contextualize these results by relating them to existing theories and discusses the multifaceted risks schools, peers, and family.

Keywords: Albania, gender differences, aggression, bullying, antisocial behaviour, digital environment.

1. Introduction

is one of the most rapid and emotionally intense stages of human life, during the transition from childhood to an adult identity in the family and in society. This is a period in which aggression and antisocial behaviour surface as problematic, sometimes alarming, accompaniments. Such behaviour appears increasingly common in Albanian society, particularly in verbally and physical forms within school environment (Kruti, 2021).

The study of adolescents' aggression has a rich tradition abroad, having been studied extensively over the course of many decades. Such research in Albania has generally been limited to conducted at one school or city, mostly descriptive in nature, rather than analytical, and often using a standard procedure not calibrated for the population there. This paper synthesizes findings from five areas of research conducted primarily in Albania and examines what can be learned about the nature of adolescent aggression (Kruti & Melonashi, 2015), gender differences in its expression, its underlying causes, and the potential influence of digital era (Kruti, et al., 2026).

2. Defining Aggression and Antisocial Behaviour

The term aggression has been described as an emotional state that is characterized by willingness to be aggressive to other due to internal and/or external. The word

came from the Latin “aggre^{di}” which means “to attack”. Aggression entails the ability of an organisms to inflict harmful action against others. It is useful to distinguish aggression tendency-an emotional disposition or wish to attack, sometimes traced to hormonal or genetic influences-from aggression as the enacted, responsible action intended to harm another person.

The classification of antisocial behaviour is even broader, referring to actions which oppose social standards and can be harmful to other individuals, usually showing itself in early life. This behaviour includes substance use, public abuse, threatening acts, as well as racial and sexual harassment. Aggression is studied within the frame of antisocial behaviour, but they are different they are not identical.

Two issues are requiring clarification in the literature. Firstly, physical aggression is normative in early childhood but becomes atypical, if the behaviour continues to occur into late childhood and adolescence becomes abnormal; Aggression is typical till age two or three but if it is not corrected and supported by family and educators, can escalate into violent acts in adolescence and adulthood (Gemeli, 1996). Secondly, aggression is not considered negative if an organism manifests it as self-protection the response can be adaptive.

3. Theoretical Perspectives

A number of theories have provided a basis for research into adolescent aggression, with most modern explanations seeing as the outcome of various influences working together.

Instinct theory. In the psychoanalysis theory of Freud and the ethological theory of Konrad Lorenz (1976) view aggression as a natural capacity that an individual is born with and which is tied to sexual behaviour.

Frustration–aggression Theory. According to John Dollard’s (1939) frustration inevitable leads to aggression as response of blocking of primary needs — which may be expressed physically, psychologically, or socially.

Social learning. Albert Bandura’s (1971) ideas state that aggression can learned: observing another individual’s violent behaviour, which motivates children to imitate what they see. Bandura’s chain of modelling, observation, memorisation, reinforcement, behaviour — has obvious relevance to the role of television, media, and family modelling. Children who were exposed to violence frequently in school, treating it as a means of release.

Ecological and developmental models. Ecological perspectives stress that human actions are not guided by individual characteristics alone but by nested social contexts. Bronfenbrenner’s (Lopez et al., 2021) framework positions the school, after the family, as a comprehensive microsystem for examining child development.

Moffitt’s (1993) developmental taxonomy distinguishes adolescence-limited from life-course-persistent antisocial behaviour, dividing antisocial conduct into stable and episodic types that depend on conditions and on the trajectory of the adolescent (Kruti et al., 2022).

4. Forms of Aggression and Bullying

Studies were selected based on their relevance to adolescent aggression in Albania, inclusion of adolescent samples, and availability of empirical findings related to aggression, bullying, antisocial behaviour, or digital influences. Findings were synthesised using an integrative review approach.

Two main dimensions can be found in all literature related to the topic in question that allow the understanding of gender differences (Kruti, 2021): Direct/ overt Aggression-hitting, kicking, punching, using physical object, and verbal assault. Indirect/ covert/ relational Aggression-spreading excluding from social contacts, lying, and anything else that hurts social connections and causes emotional harm without involve direct interaction.

Bullying entails a particular form of interpersonal aggression, involving a disparity in power between the more powerful bully and less powerful victim over a prolonged period. Types of bullying include physical and verbal bullying (including insults, threats, and racist taunts), relational bullying (bullying by destroying social relations), and the relatively new form know as cyber-bullying, made easier due to the rapidity and ease of internet usage for making threats and false phone calls and the spreading hurtful pictures. Issues of skin colour, appearance, physical disabilities, beliefs, ethnic identity, sexual orientation and social status have become a focus of bullying (Kruti et al., 2022)

5. Gender Differences: The Central Finding

The single most consistent finding across these studies is that adolescent aggression is highly prevalent in both, but that the form of aggression is gendered. Internationally, males have long been reported to display more direct and physical aggression — a difference often attributed to higher testosterone and greater physical strength — while females display more indirect and relational forms. It is important to note that early in life these gender differences are not pronounced; they become evident, when they start attending school.

These three empirical studies summarised below converge on this gendered pattern while differing in age band and instrument.

Study / instrument	Sample	Key gender finding	Notes
Buss-Durkee Hostility Inventory (2000) (17-year-olds)	N = 250 (108 M, 142 F); 200 urban, 50 rural	Direct aggression higher in boys; indirect aggression and negativism higher in girls	High overall prevalence (mean 54–56%);
ARES (15–19-year-olds)	N = 816 (389 M, 427 F); 12 prefectures	Boys higher on physical ($p=.001$), covert ($p=.009$) and revenge ($p=.001$)	No gender gap for general expressed aggression, displacement or bullying
Bullying Victimization Scale (11–13-year-olds)	N = 150 students (65 M, 85 F); 3 schools	Boys report higher bullying behaviour ($p=.009$)	Equal victimisation; only ~30% of teachers feel equipped to prevent it

5.1 Aggression among 17-year-olds (*Buss-Durkee Hostility Inventory*)

A study conducted 250 17-year-olds Albanian. 108 participants were males and 142 females, with 200 living in urban areas and 50 in rural areas. The Buss-Durkee Hostility Inventory is the instrument used, with subscales grouped into hetero-directed aggression (includes direct assault, indirect assault, irritability, negativism, verbal assault) and intra-directed aggression (includes resentment, suspicion, guilt). The finding showed a very high prevalence rate of both types of aggression direct and indirect aggression, with means in the mid-50% range. Males were more inclined to direct assault than indirect assault. Furthermore, data suggest that females were more pronounced negativism. Negativism was the one dimension on which girls outscored boys, while direct assault was reported by the smallest subjects of the female sample. Resentment, suspicion, and guilt, were dimensions, where the females outnumbered the males. The three dimensions associated with internalising anger and the roles dictated by a transitional society. The study stressed that the gender differences, while present, were subtle, and that the family and the school stood out as the two settings most implicated.

5.2 Aggression among 15–19-year-olds (*ARES*)

In a more extensive study involving 816 adolescents between ages of 15–19 years in all twelve regions of Albania. The participants were 427 females (52.3%) and 389 male adolescents (47.7%), It was used the ARES self-report instrument. The variables investigated included aggression expression (physical and verbal aggression), covert aggression, displacement (include relational and passive aggression), revenge, and bullying. There were notable gender differences in relation to the following variables: physical aggression, higher in males $t(814) = -3.733$, $p = .001$, covert aggression, higher; in males $t(814) = -2.638$, $p = .009$, and revenge, higher in males $t(814) = -5.416$, $p = .001$. There was no significant gender differences appeared for overall expressed aggression, displacement, or for bullying. These findings do not confirm the classic notion that males are more aggressive. This deviation can be explained by the emphasis on physical aggression in historical studies, which were undertaken by male researchers.

5.3 Bullying in 11–13-year-olds

The study conducted by a combination of quantitative methods and qualitative semi-structured interview techniques included 150 students aged between 11–13 years (85 females, 65 males) across three lower-secondary schools, combined with semi-structured interviews of 50 teachers. In both groups, although males reported higher levels of bullying behaviour (males mean ≈ 3.06 , females mean ≈ 2.96 ; $t = -2.638$, $p = .009$). No difference in terms of being bullied emerged for two groups of students, thus rejecting the idea that one group has more victims than another. This confirmed the study's first hypothesis — that level of observed bullying was higher in males than in females. The second hypothesis was not confirmed since only 30% of them considered themselves competent in handling and preventing strategies.

All the evidence from these studies suggests a coherent reading: males lead on overtly

physical and vengeful forms, females on covert and internalising forms, and certain composite measures (general expressed aggression, bullying) show high prevalence across both gender without a clear gender gap.

6. The Albanian Context and Its Risk Factors

The Albanian family and society have passed through a long transition since the change of political system in 1991. Under the preceding dictatorship, adolescence as a developmental period — with its desires and emotions — received little attention, the priority being to form a young person fit for the values of the system. Research interest in adolescent aggression has grown markedly since 2000, but it remains uneven (Kruti, 2025). Reviews of the available Albanian evidence point to several recurring risk factors:

Family and lifestyle. Aggressive children often have parents who use similar confrontational tactics; loss of family, role reversals, lack of attention, exposure to violent role models, restrictive or inconsistent parenting, and the absence of emotional warmth all feature as contributors. National data have indicated very high exposure of children to physical or psychological violence in the home, with a large share reporting victimisation by a family member.

Availability of weapons: The wide circulation of firearms in many households after 1997 has been identified as an aggravating factor associated with sharp rises in violent acts.

Media: Television and other media have been identified as traditional promoters of aggressive, antisocial behaviour, especially when the depiction of such behaviours involves an absence of consequences.

The climate of schools and academic pressure: Schools with more demanding and difficult academic programs and high expectation for students will experience less bullying. The school environment can affect aggression.

Peer group: The peer group can demonstrate antisocial tendencies, and who possess behavioural problems reinforces antisocial behaviour, manifested in absence, disrespect for authority and lack of interest in studying.

Teachers: Teacher becomes critical or sustaining a culture of aggression. The literature identifies various types of teaching styles like narcissistic, democratic, authoritarian, indifferent and tolerant. They can promote bullying, because many teachers fail to recognise verbal and social/emotional abuse as bullying even though these are the most common forms.

A major methodological limitation apparent through the Albanian research: small sample sizes, that do not generalize to the population. The instruments were not standardised for the Albanian population, student self-reports, and a lack of nationally coordinated data.

7. The Emerging Digital and AI Dimension

A more recent strand of research extends the question of adolescent development into the digital environment, where artificial intelligence is now woven into how young people learn, communicate, and seek support. A cross-national review spanning

thirteen countries, including Albania, frames the effects through two competing models: a stimulation hypothesis, in which technology can create a safe space for socially anxious or neurodivergent adolescents to practise communication and can extend learning and emotional support; and a displacement hypothesis, in which heavy reliance on AI reduces motivation for face-to-face interaction and may foster social isolation and cognitive outsourcing.

For the Albanian setting specifically, adolescents aged roughly 13–24 are described as highly fluent and continuously engaged with social media and digital platforms, but also as vulnerable to misinformation and manipulation within those environments. This matters for the study of aggression for two reasons. First, cyber-bullying is already recognised in the earlier bullying literature as a fast-growing channel for harm. Second, the concentration of adolescent social life online opens a new arena — relational and covert aggression, precisely the forms most associated with girls in the offline studies — that the existing Albanian aggression research has not yet examined. The reviews of offline aggression themselves note that the influence of the “cyber world” on adolescents was not within their focus, marking it as an open and pressing question.

8. Implications and Recommendations

The convergent message of these studies is that aggression among Albanian adolescents is highly prevalent, gendered in form, and comparable to the levels that were problematic in the European Union and the United States in the 1980s and 1990s — countries that subsequently reduced those levels through sustained intervention programmes. Several implications follow:

Whole-school approaches. Effective anti-bullying programmes are the ones that transform the culture and climate at the school, by aligning curriculum, policy, and classroom rules, as well as the school, family, class, and the individual.

Teacher training. Because teachers carry decisive weight but frequently lack both recognition skills and management strategies, training to identify the full range of aggression — including verbal, social, and relational forms — and to intervene is necessary rather than optional.

Family engagement. Given how strongly the family setting predicts aggression, involving and supporting parents, and notifying both victims’ and aggressors’ families to build joint action plans, should be central to any programme.

Positive behaviour, not only penalties. School regulations should describe and promote expected positive behaviours rather than merely prescribing punishments, and schools should evaluate prevention programmes periodically to learn what works.

National policy. There is a clear need for national-level anti-bullying and anti-violence policy from the responsible ministry, since no single actor can address the phenomenon alone.

Attention to the digital arena. Future intervention must focus on the cyber-bullying and AI-supported environments, pairing digital-literacy education and safeguarding with adult support.

9. Limitations and Directions for Future Research

The studies synthesised here share important limitations: samples that are small or restricted to age bands and regions, instruments not validated for the Albanian population, reliance on adolescent self-report, and the absence of data on confounders such as economic status, family structure, comorbid conditions, ethnicity, or lifestyle. Age groupings used did not always align with national statistical categories, and certain populations — out-of-school adolescents, those in detention, and the youngest and oldest adolescents — were excluded.

Future research should therefore aim for nationally representative samples with a clear and consistent methodology; should standardise instruments for the Albanian context; should capture family structure, socio-economic status, and exposure to violence as explanatory variables; and should bring the digital and AI environment into the study of aggression rather than leaving it, as at present, outside the frame. Longitudinal designs would help distinguish adolescence-limited from persistent trajectories and would allow the evaluation of prevention programmes over time.

10. Conclusion

Across studies of 11–13-year-olds, 17-year-olds, and 15–19-year-olds, adolescent aggression in Albania emerges as common, serious, and shaped by gender in its expression rather than its mere presence: boys lead on physical, covert, and vengeful forms, girls on indirect and internalising ones, while bullying and general expressed aggression run high in both sexes. The drivers are layered — family, school climate, peer groups, media, the availability of weapons, and the legacy of social transition — and they now extend into a digital and AI-mediated world that the existing research has only begun to map. The phenomenon is not one that the education sector can address alone. Reducing it will require coordinated, evaluated, whole-school and whole-society intervention, trained teachers, engaged families, national policy, and a research base far stronger than the one currently available.

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The Fearful Symmetry and the Sacred Discourse of William Blake's "The Tyger"

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Abstract

William Blake's "The Tyger" deliberately appropriates the interrogative style and prophetic discourse of the King James Bible, particularly the Book of Job, to stage a theological and social crisis: the same Creator who fashions innocence (the Lamb) must also forge terrifying energy (the Tyger). Blake introduces the Tyger as a novel and unsettling figure, questioning the nature of the creator and the origins of evil. As Kathleen Raine argues, the Lamb symbolises the selfless world of innocence, or Eden, whereas the Tyger represents the self-interested world of experience (Raine, 1954). Far from mere philosophical speculation, Blake's rhetorical questions function as prophetic protest, urging readers to take collective responsibility in confronting systemic evil rather than accepting it as a divine inevitability.

The linguistic patterns that echo Job's voice in the King James Bible suggest that Blake believed both good and evil originated with the same creator (Book of Job 2:9-10). Furthermore, Blake employs this discourse to critique the societal transformations brought about by the Industrial and French Revolutions, which negatively impacted the lives of many citizens. The poem thus functions as both a protest against the pervasive evil in eighteenth-century England and a call for collective responsibility to address contemporary injustices.

Keywords: Creator, good, evil, rhetorical questions, revolution, transformation.

Introduction

William Blake's "The Tyger" (1794), published in *Songs of Experience*, remains one of the most enduring poems in English Literature. Paired with "The Lamb" from *Songs of Innocence*, the poem confronts readers with a stark theological question: How can the same Creator be responsible for both innocence and terror, good and evil? Rather than offering doctrinal answers, Blake frames this problem through a poetic discourse that closely resembles the language and structure of the *King James Version of the Bible* (KJV), particularly the Book of Job's interrogative voice.

Written during a period of profound social upheaval, marked by the Industrial Revolution (1760–1840) and revolutionary movements in America and France, "The Tyger" reflects Blake's deep unease with systems of power that justified suffering as inevitable or divinely sanctioned norm. By adopting the authoritative tone of the Scripture, Blake positions himself as a modern prophet who speaks within sacred language while simultaneously contesting its traditional moral conclusions.

This article argues that Blake's imitation of KJV discourse is central to the poem's meaning. Through archaic diction, repetitive interrogatives, and images of divine forging, Blake mirrors biblical speech to interrogate the origins of good and evil and to critique the social realities of his age.

Historical and Intellectual Context

The Industrial Revolution fundamentally altered daily life in England, marking a shift from an agrarian society to one characterised by factories, mechanisation, and rapid urbanisation. Despite the celebrated progress of industrialisation, this era was also marked by widespread poverty, child labour, and the exploitation of the working class, as Blake condemned in works such as *"London"* and *"The Chimney Sweeper"*. According to Mark Cartwright, "the price to pay for progress was often a working life that was noisy, repetitive, and dangerous, while with the increased urbanisation of cities in Britain grew to become overcrowded, polluted, and crime-ridden" (Cartwright, 2023). *"The Tyger"* not only questions the origins of good and evil but also confronts contemporary social injustices, notably the Industrial Revolution, challenging both state and church authorities.

At the same time, the American and French Revolutions challenged established political and religious authority, inspiring Blake's belief in the possibility of radical transformation. The Tyger's fierce energy may represent the excitement of revolution - the "burning bright" fire of change in the "forests of the night," or the darkness of oppression. Scholar Derek Furr, in his critical essay *"An Overview of the Tyger"*, notes that "these words reflect the sudden social changes that disrupted daily life, from bread riots to fears of invasion" (Furr, 2013).

The Tyger embodies a "fearful symmetry" of both terror and beauty, symbolising the power of industrial machinery and its devastating effects on communities. This imagery also alludes to the dehumanisation and exploitation of workers, particularly children, in hazardous factory environments, which Blake regarded as manifestations of everyday evil.

Against the backdrop of the historical context, it is interesting how Blake deliberately adopts the archaic language, rhythm, and interrogative style of the *King James Bible*, such as the repeated "What" questions reminiscent of the Book of Job, Chapters 38-41, to instil his poem with a biblical resonance while simultaneously challenging its authority. According to David V. Erdman, "Blake's entire poetic system derives from the rhythms, imagery, and interrogative mode of the *King James Bible*". (Erdman, 1969) The *King James Version of the Bible*, published in 1611, was the principal religious text in England and significantly influenced everyday language. As the most authoritative English-language text (Lewis, 1950), the *KJV Bible* shaped moral values, religious beliefs, and everyday speech. By adopting its discourse, by matching its prophetic tone and employing terms such as "thy," "thine," "didst," and "durst," Blake does not seek literal answers but rather aims to assert his perspective. Blake speaks in a language his contemporaries understood and recognised as sacred and binding, allowing him to challenge both theological orthodoxy and social injustice from within the framework of authority itself.

Theoretical framework: Methodology and purpose

Methodology

This qualitative study employs a multi-faceted approach to analyse William Blake's *"The Tyger"* (from *Songs of Experience*, 1794), focusing on its adoption of King James

Bible (KJV) linguistic patterns to interrogate the Creator's role in good and evil while critiquing societal transformations. The central research question is: How does Blake's use of KJV syntactic, lexical and rhetorical patterns in "*The Tyger*" create a theological crisis about divine creation, and how does this discourse serve as a prophetic protest against the dehumanising effects of the Industrial and French Revolutions?

The methodology integrates three interconnected methods: (1) close textual analysis of the poem's language and structure; (2) critical review of the work of scholars preoccupied with Blake's poetry, the historical context of the revolutions of the time, and their social aspects; and (3) comparative analysis of biblical passages echoed in key verses of the poem which help in decoding the message Blake sought to convey through his poetry.

For the close textual analysis, the poem is examined with attention to rhetorical questions (e.g., "What immortal hand or eye"), archaic diction (e.g., "thy," "durst"), and symbolic imagery (e.g., "fearful symmetry," "forge tools"). This reveals how Blake mimics the KJV prophetic tone to challenge authority.

The comparative biblical analysis draws on specific KJV passages to illuminate echoes in the poem:

- Job 38-41 for interrogative questions about creation (e.g. comparing God's "Who hath laid the measures thereof?" to Blake's "What the hammer? What the chain?")
- Isaiah 14:12-14 for Lucifer's fall (linked to the "stars threw down their spears" stanza)
- John 1:29 ("Behold the Lamb of God") linked to the contrast Blake makes between the Lamb (innocence/good) and the Tyger (experience/evil/fire).
- Psalm 139 ("fearfully and wonderfully made") for the paradoxical creation themes.

This study's framework for methodology ensures a logical progression, supported by the literature and cited interpretations.

Purpose

The purpose of this study is to investigate how the use of exceptional diction made the author a powerful instrument, who portrayed himself as a modern prophet addressing contemporary issues, such as the consequences of industrialisation. The purpose of this research is to examine how "*The Tyger*" echoes the syntactic, lexical, and rhetorical patterns of the *King James Bible* and how Blake uses these biblical resonances to stage a linguistic and theological crisis about creation and the Creator. This study considers Blake's poem in the historical moment when the King James Version exerted a profound influence on the English language and culture across all levels of society. While the Lamb was a familiar Christian symbol of Jesus and innocence, Blake introduces the Tyger as a new, fearful, and unsettling figure that challenges conventional notions of divine goodness.

Literature Review

This study provides a detailed exploration of William Blake's "*The Tyger*" from the "*Songs of Experience*" (1794), emphasising its linguistic and rhetorical echoes of the King

James Bible, particularly the interrogative style found in the Book of Job, Chapters 38-41, arguing the issue of the single Creator who is responsible for both good and evil. The study also interprets the poem's imagery (hammer, chain, furnace, anvil) as a critique of the Industrial Revolution and its dehumanising consequences for society as a whole. The study draws on scholars such as Kathleen Raine, Northrop Frye, Samuel Foster Damon, and David V. Erdman to frame Blake as a modern prophet who challenges divine authority and contemporary evils.

Northrop Frye, in his book *"The Fearful Symmetry: A Study of William Blake"*, argues convincingly that Blake's universe is built on contraries. (Frye, 1947) Kathleen Raine, in her influential 1954 Essay *"Who Made the Tyger?"*, argues that the poem poses "the deepest of all questions: what is the origin of evil?", associating the Tyger's origin with Urizen. Raine linked this to the biblical questions concerning the origin of evil. Her analysis of the Tyger aligns with Blake's subtitle of *"The Songs of Innocence and of Experience: Shewing the Two Contraries of the Human Soul"* (Blake, 1794). The image of the Tyger has also intrigued Sir Maurice Bowra, who highlights that "the images of this poem are so compelling that for the most part they explain themselves, and we have an immediate, overwhelming impression of an awful power lurking in the darkness. (Bowra, 1969)

Samuel Foster Damon (1988) provided a comprehensive symbolic dictionary, interpreting the Tyger's "forests of the night" as revolutionary upheaval consuming the Church and the State amid the French Revolution. In the same way, Harold Bloom notes the Tyger's connection to revolutionary energy, influenced by the French Revolution's "burning" force of change. (Bloom, 2004) John Beer highlights that "Blake's Tyger remains politically resonant in modern society as a symbol of the sublime force of human technological and military power" (Beer, 1969). Robert N. Essick reminds the readers that Blake's Tyger is not only speaking against the Industrial Revolution of centuries ago, but also that the poem's "industrial imagery - hammer, furnace, anvil - anticipates modern anxieties about mechanisation and destructive innovation". (Essick, 1989)

While these scholars have illuminated the poem's biblical resonances and revolutionary symbolism, they have revealed Blake's masterful use of biblical rhetoric to challenge both theological tradition and the oppressive realities that emerged during the Industrial Revolution.

Sacred Discourse and the Interrogative Voice of Job in The Tyger

From its opening lines, *"The Tyger"* establishes a sacred tone through diction and rhythm similar to the tone of the King James Version of the Bible, with rhyming verses, painting this in its most blazing and fearful form, showing the Tyger in its most intense and frightening form:

*Tyger Tyger, burning bright,
In the forests of the night;
What immortal hand or eye,*

Could frame thy fearful symmetry? (Blake, 1794) (The Tyger, Stanza 1)

The archaic pronoun "thy", elevated syntax, and formal cadence immediately situate

the poem within biblical discourse. More importantly, the poem is dominated by rhetorical questions. As stated by Foster S. Damon, "The whole poem is an extended query. Blake uses the Bible's cadence not to affirm doctrine but to interrogate it". (Damon, 1988, p. 414) Therefore, the rhetorical questions in the Tyger echo the God of Job, the angry God, for whom, as Foster Damon states, "Blake knew the answers, but he wanted to force his reader to find the answer himself" (Damon, 1988, p. 414). There are fourteen questions in the poem for readers to consider, not just about the Tyger's looks but also about its creator, encouraging readers to find their own answers. Morris Eaves, in *The Cambridge Companion to William Blake*, argues that "*The Tyger*" is the most anthologised English poem, known for its challenging language and the way it invites readers to answer its questions, maintaining that "the poet is in awe of this creature, with its wildness, burning eyes, and its strength, and therefore he is moved to dare and ask the question of what kind of divine power was able to create it." (Eaves, 2003, p. 207)

The poetry has been read and studied alongside its opposite poem from the *Songs of Innocence*, "*The Lamb*". While both poems ask rhetorical questions, they reflect a strong linguistic pattern of the King James Version of the Bible. The Lamb is asked directly who created him, who gave him life and woolly clothes, "making all the vales rejoice!" (Blake, 1794, *The Lamb*). In contrast, the Tyger is captured in the wilderness, and Blake is struck by the beast's beauty, strength, and balance and questions the inspiration behind its creation. Samuel Foster Damon notes that "the poem describes the forging of the Tyger ... in sudden flashes through the chaos," (Damon, 1988, p. 414) something that is entirely in opposition to the creation of the lamb.

According to Sir Maurice Bowra, "the images in this poem are so compelling that for the most part they explain themselves, and we have an immediate, overwhelming impression of an awful power lurking in the darkness of being and forcing on us questions which pierce to the heart of life" (Bowra, 1969, p. 48). Therefore, it can be stressed that the words in the first stanza emphasise the Tyger's beauty and strength as a fierce animal and a night hunter, stirring fear in all who dare to look at it. Yet, the primary focus is not on the identity of the Tyger, but on the identity of the Tyger's creator. The author seeks to determine who this creator, immortal hand, or God is who could design or frame such a terrifying beast as the Tyger.

*And what shoulder, & what art,
Could twist the sinews of thy heart?
And when thy heart began to beat.*

What dread hand? & what dread feet? (Blake, 1794) (*The Tyger*, Stanza 2)

This poem is also seen as a counterbalance to "*The Lamb*" from "*Songs of Innocence*", in which the lamb symbolises the Loving God, whereas the Tyger in "*The Tyger*" symbolises the Angry God. According to Samuel Foster Damon, the poem describes the creation of the Tyger, which is glimpsed, as it were, in sudden flashes through the chaos, while Blake repeats the question "who" – or rather "what" the creator is. Damon further argues that Blake reaches his climax when posing the question "Did he who made the Lamb make thee?" further arguing that "at last, when the Tyger's form is completed, the stars threw down their spears in terror and watered heaven with their pitying tears..." (Damon, 1988, p. 413)

*When the stars threw down their spears
And water'd heaven with their tears:
Did he smile his work to see?*

Did he who made the Lamb make thee? (Blake, 1794) (The Tyger, Stanza 5)

Hence, the striking comparison between the good and evil is found in this stanza. The Lamb is used by Blake to contrast the fearful creature of the Tyger and to emphasise the values and features of the two animals. The Lamb is used to symbolise all that is gentle, tender, innocent, playful, and mild in creation. However, it is also widely used as a symbol of the divine, self-sacrificing, and loving God found in Jesus.

Moreover, it should be noted that stars are often regarded as symbols of angels and when Blake writes "*When the stars threw down their spears*," he is most probably referring to the "War of Angels" and the fall of Lucifer (Isaia 14), whereas "*And water'd heaven with their tears*" must be referring to the sadness that must have been felt in heaven due to the rebellion of one of the angels. Samuel Foster Damon states that Blake raises the question whether the all-loving Father God be responsible for these horrors without Mercy and Justice, by stating that "Of course not! The Tyger is not the contrary of the Lamb, but its negation or denial." (Damon, 1988, p. 413)

Blake's questions in Stanza 5 are, in fact, statements that the Creator was not satisfied with the outcome of his creation, in striking contrast with what KJV *Genesis 1:31* emphasises that "*God saw everything that he had made, and, behold, it was very good*". Instead, Blake reminds his readers of a different situation in which the entire heaven was filled with tears because of what God's creation had become. Recalling the War of Angels, the Tyger can be representing the fallen angel Lucifer, Blake visits the *Book of Isaiah* from the KJV, where the fall of this angel, known as "*the sun of the morning*," is depicted: "*How art thou fallen from heaven, O Lucifer, son of the morning! How art thou cut down to the ground, which didst weaken the nations!*" (Isaiah 14:12, KJV Bible).

The Fearful Symmetry: The Paradox of Divine Creation and Human Forging

Central to "*The Tyger*" stands the phrase "fearful symmetry," which encapsulates the core tension: a creature of astonishing beauty and proportion that simultaneously inspires terror. As Northrop Frye argues in his seminal "*Fearful Symmetry: A Study of William Blake*", that Blake's universe is grounded on contraries (Frye, 1947, p. 390). The Tyger's lines and form suggest divine artistry, echoing Psalm 139's wording "fearfully and wonderfully made," yet this same symmetry frames a predator whose existence challenges benevolent creation.

It is the very symbolic language that makes this poem especially powerful and impressive, and by far the most well-known of all Blake's poems. Charles Lamb, in a Letter to Bernard Barton, written on May 15th, 1824, called this poem "glorious." (Lamb, 1824) Samuel Foster Damon dates the composition of the "*The Tyger*" to around 1793, a period when the French Revolution was raging the English Channel, metaphorically devouring the oppressive institutions symbolized by the poem's "forests of the night" (symbolizing the powers of the Church and the State). In Damon's view, the Tyger's unleashed wrath aligns with the revolutionary force: "when the wrath breaks forth, it is revolution consuming with its flames the forests of the night, and thus is part of

the divine scheme." (Damon, 1988, p. 413)

In the first stanza, we encounter the Tyger as a luminous creature roaming in the forest at night. We also encounter a writer who is struck by the beast's beauty, strength, and balance, questioning what inspired its creation. Some scholars believe the Tyger is Blake's version of the angel Lucifer. A close examination of "*The Tyger*", particularly the lines "When the stars threw down their spears / And watered heaven with their tears....", reveals the Tyger as a symbol of the fallen angel, known as Lucifer, and, more than that, represents the fallen nature of human beings. It embodies evil in the world of Experience, contrasting sharply with the Innocence, while also standing as the Lamb's opposite (representing Jesus) or God's angry side. Therefore, it is very clear that the Tyger is not a literal figure, but a symbolic one. In the first stanza, the "forests of the night" suggest places of darkness, as a symbol of destructive and dark aspects of human nature and experience, whereas "burning bright" suggests the power and strength of this creature, which lurks in the forests of the night. (Bloom, 2004) The second stanza continues the powerful imagery, comparing the fire in the Tyger's eyes to the fire that created it, suggesting that the Tyger is a reflection of Hell's fires.

In what distant deeps or skies.

Burnt the fire of thine eyes?

On what wings dare he aspire?

What the hand, dare seize the fire? (Blake, 1794) (*The Tyger*, Stanza 2)

In each verse, we see the Tyger growing more powerful and more frightening. It becomes a "beast without boundaries" as Bloom concludes. (Bloom, 2004) This "fearful symmetry" is no detached symbol; it provokes the reader. The "stars throwing down spears and watering heaven with tears" (stanza 5) suggest cosmic horror at such creation, foreshadowing the climactic question: "Did he who made the Lamb make thee?" By echoing Job's acceptance of good and evil from one source (Job 2:10), Blake refuses passive resignation, instead urging collective responsibility against the "deadly terrors" forged in factories and revolutionary fires. In this way, the Tyger embodies not only the divine contraries but also the urgent need for humans to confront systemic evil.

Kathleen Raine states that "*The Tyger*" was plainly not written "by a devout simpleton, for it asks the deepest of all questions: what is the origin of evil?" (Raine, *Who Made the Tyger*, 1954) This question leads us to the central topic of good and evil found in the Book of Job, a subject that preoccupied Blake throughout his life. We read in Job that both good and evil come from God, and that we should be willing to accept both equally: "*Then said his wife unto him, Dost thou still retain thine integrity? curse God, and die. But he said unto her, Thou speakest as one of the foolish women speaketh. What? Shall we receive good at the hand of God, and shall we not receive evil?*" (KJV, 1769) (*The Book of Job* 2:9-10).

Tyger's Comparison to the Lamb: Creation and Origin of Evil

The poem's most famous question "Did he who made the Lamb make thee?" forces a confrontation between Innocence and Experience. It would be simplistic to reduce

Blake's vision to naivety or to state that "The Lamb" is purely good and that "The Tyger" is purely evil, as this does not align with Blake's intentions. Rhetorical questions are used in every stanza, leaving the reader in awe at the beauty of this fearful yet beautiful creature. Answers can be found by reading between the lines, alluding to the symbols drawn from Mythology as well as Biblical Literature. A strong emphasis is underlined in the final stanza, which is actually the first stanza, only to be repeated with a slight yet significant difference. The difference therein is the word *could* which is replaced by the word *dare*.

*Tyger Tyger burning bright,
In the forests of the night;
What immortal hand or eye,*

Dare frame thy fearful symmetry? (Blake, 1794) (The Tyger, Stanza 6)

According to Harold Pagliaro, "*could*" in the context of the poem implies the speaker's willingness to search for the capacity to create the Tyger, whereas "*dare*" means the knowledge that a creator needs to do his work and create it. The movement from "*could*" to "*dare*" represents no shift in objective fact, only a changed perception of the speaker. (Pagliaro, 1981)

To understand the origin of the Tyger, one must take a deeper look into Blake's other works, such as the "Four Zoas". Kathleen Raine, in her essay "Who Made the Tyger?" (1954), explores the origin of the Tyger, implying that "Urizen created it" and that "the Tygers and lions, created by Urizen, are called 'dishumanised men' and belong to his world of separate entities... For Blake, the Tyger is a symbol of competitive, predatory selfhood. The lamb belongs to the selfless world of innocence – Eden; the Tyger to the selfish world of experience". (Raine, Who Made the Tyger, 1954)

Now the question that Blake is presenting before us is this: Did the same God create both the Lamb and the Tyger, both of their worlds, or, even more precisely, did the same God create good and evil at the same time?

The question "Did he who made the Lamb make thee?" - comparing the Tyger with the Lamb - is a direct reference to Blake's famous poem from the Songs of Innocence "The Lamb" which portrays the figure of Jesus; more than that, Blake uses this question to raise a profound theological dilemma about the nature of God, hence the reference of the verse from John 1:29 where we see Christ being depicted as "*the Lamb of God*" – underscores this duality, showing that God encompasses both gentle innocence (the Lamb) and also fierce God (like the Tyger).

The tension found in this question echoes Job 2:10, where Job acknowledges that both good and evil come from God. By repeating this question, Blake transforms acceptance into a challenge. In this comparative analysis with KJV biblical references, it can be stated that Blake uses the symbolic imagery, such as "fire" to represent the sovereignty of the divine presence in all circumstances and that while Blake questions the creation of good and evil, he still implies God's presence in everything, even amidst the turmoil of the Industrial Revolution, which was affecting England in many ways.

The shift in the final stanza from "*could*" to "*dare*" marks a crucial change in perception. Creation is no longer a matter of ability but of moral courage.

Conclusion

William Blake's "*The Tyger*" derives its enduring power not merely from its imagery or symbolism, but from its deliberate adoption of the linguistic and rhetorical patterns of the *King James Version of the Bible*. By echoing the Book of Job's interrogative discourse, particularly its relentless questioning of creation, Blake transforms biblical language into a poetic instrument of crisis. The poem does not seek answers, but it challenges the reader to think and confront the unsettling possibility that the same creative power created both good and evil, innocence and terror. The *King James Version of the Bible*, published in 1611, was the principal religious text in England and significantly influenced everyday language, including Blake's entire poetic system, as David Erdman argued in his work "*Blake: Prophet Against Empire*" (Erdman, 1969). Therefore, through the archaic language he chooses, Blake mirrors, in particular, the authoritative tone of the KJV. His rhetorical questions do not need answers, as they are statements about the creator and the creation; they speak in symbolic language against the tyranny, oppression, and silence of the state and the church in the face of the Industrial Revolution.

The Tyger's "fearful symmetry" recalls biblical affirmations of divine design, yet comparing it with the Lamb, Blake reframes the biblical discourse of good and evil: not as opposites governed by two different powers, but as contraries deriving from a single creative power. The linguistic reflecting Job's acceptance of the fact that both good and evil come from the same creator "*But he said unto her, Thou speakest as one of the foolish women speaketh. What? shall we receive good at the hand of God, and shall we not receive evil?*" (KJV, Job 2:10) – is not an act of submission, but an act of poetic resistance.

On the other hand, in light of the historical context, Blake employs this tone to challenge the social and economic transformations occurring amid the Industrial Revolution and the American and French Revolutions of the period. Blake aligns the origin of the evil not only with theology but also with the material conditions: factories, smoke, child labour and exploitation, poverty and institutional violence. Scholar Eleonore Howe interprets Blake's observation of the Industrial Revolution through the Tyger's symbolism in the poem. She argues that, unlike a creature that evolves naturally in the wild, the Tyger is depicted as artificially forged with industrial tools: a hammer, a chain, a furnace, and an anvil. In the relevant stanza, Blake views the act of creation as a mechanised, factory-like process – shifting from organic, natural life to something produced in an industrial setting. By labelling the method as "dread" and "deadly", Blake expresses clear condemnation of industrialisation's dehumanising and unnatural approach to existence. Ultimately, this imagery equates the rise of manufacturing with a terrifying distortion of life's origins, highlighting the profoundly artificial and frightening character of industrial production. (Howe, 2016). Ultimately, it can be stated that the poem "*The Tyger*" functions as a prophetic re-inscription of biblical speech on the theme of creation, but moreover as an instrument to challenge the negative outcomes of the social and economic changes that resulted from the revolutions of the time, even at the cost of people's lives.

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The Korça Region in the Period of the Proclamation of Albanian Independence

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Abstract

At the dawn of the twentieth century, the Albanian territories were catalyzed by a series of major insurrections aimed at establishing an independent nation-state. While these uprisings significantly destabilized Ottoman hegemony in the Balkans, they initially yielded only a qualified autonomy following the major insurrection of 1912.

This trajectory toward sovereign independence was abruptly disrupted by the outbreak of the First Balkan War. Driven by geopolitical ambitions to expel the Ottoman Empire and annex its territories, neighboring Balkan states formed the Balkan League and initiated military hostilities. In response to this escalating crisis, Albanian political elites mobilized to formally proclaim national independence.

This sovereignty movement was reinforced by regional elites across various urban centers, such as Tirana, Durrës, Elbasan, who proactively issued localized declarations of independence in reaction to the rapidly evolving geopolitical climate.

A parallel effort was initiated in Korça, the region's primary cultural and administrative hub. However, in contrast to the developments in the aforementioned municipalities, these local initiatives did not culminate in a symbolic proclamation of independence. Consequently, this study analyzes the socio-political conditions of the region, evaluates the structural impediments that precluded the execution of this symbolic act in Korça, and examines the subsequent historical developments that unfolded in its aftermath.

Keywords: Albania, independence, Korça, war, invasion, insurgent detachment.

1. Introduction

During the 1880s, the Korça region emerged as the primary epicenter of the Albanian national movement. Operating in close coordination with the vibrant Albanian diaspora colonies in Bucharest and Istanbul, prominent local nationalists, including Jovan Cico Kosturi, Orhan Bey Pojani, Thimi Marko, and Emin Ismail Zhurka, successfully established the first official Albanian school (*Mësonjëtorja*) on March 8, 1887. (Stralla, 2017) This milestone laid the groundwork for an expanding educational infrastructure across the wider region, with subsequent schools opening in Pogradec, Ohrid, Erseka, and their surrounding villages. (Myzyri, 1973) The proliferation of these Albanian-language institutions catalyzed a broader cultural renaissance throughout the area.

By the dawn of the 20th century, the struggle for national rights escalated to a more structured and revolutionary phase. A defining milestone of this era occurred in November 1905 with the founding of the Secret Committee "For the Freedom of Albania". The pioneering nucleus of this organization included Bajo Topulli, Gjergj Qiriazi, Halit Bey Bërzeshta, and Fehim Bey Zavalani, later expanding to include key figures such as Sejfi Vllamasi, Nuçi Naçi, Shaban Biloshmi, Sabri and Shefqet Frashëri, Mehdi Zavalani, and Jashar Bitincka. (Lloshi, 2022) The foundational objective of

this secret committee was to systematically awaken and cultivate a unified national consciousness among the Albanian population. It sought the rebirth of Albania by fostering internal fraternity, cultural cohesion, and enlightenment through the dissemination of Albanian publications. To achieve these aims, the committee deployed dedicated emissaries throughout the Albanian territories to actively propagate these nationalist and civic ideals. (*Historia e popullit shqiptar* II, 2002)

The Secret Committee also prioritized the formation of armed insurgent detachments, which were tasked with awakening the population to the necessity of an armed struggle for liberation. The first such unit was established in 1905 under the command of Bajo Topulli, who abandoned his post in Monastir to relocate to Korça, finding sanctuary at the Melçan Bektashi Tekke. There, they were welcomed by Baba Hysen and his dervishes, who were deeply committed to the national cause. The creation of the of small armed group was formally resolved within the walls of the Melçan Tekke, with its foundational members including Bajo Topulli, Qamil Panariti, Sefer Panariti, and Selim Pojani.¹ After 1909, the network of armed bands began to expand significantly. In 1910, Qamil Panariti and Spiro Ballkameni formed an insurgent detachment comprising about twenty young men drawn from both the Orthodox Christian and Muslim faiths. This multi-confessional unit included Stefan Kondillari, Mihal Ballkameni, Sabri Panariti, Odise Kotta, Bajazit Rehova, Llambi Bimbli, Kristaq Furrxhi, Nuçi Lapi, Fehim and Musa Roshanji, Tosun Selenica, Pasho Butka, and Koçi Disho.²

Throughout the years 1909-1912, the Albanian-inhabited territories of the Balkans were convulsed by widespread unrest. During this timeframe, three major uprisings erupted; though systematically suppressed by the Ottoman military, the armed conflict increasingly spilled over into a political confrontation within the Ottoman Parliament. On the eve of parliament's dissolution in early 1912, fierce polemics broke out between the Ottoman Grand Vizier, Ibrahim Hakki Pasha, and the Albanian deputies. Notably, Hasan Prishtina defiantly declared that if the Young Turks persisted with their oppressive domestic policies, he would be among the first, if not the absolute first, to raise the banner of armed rebellion. (Prishtina, 1921) The obstinate indifference of the Young Turk authorities further aggravated relations, prompting Albanian leaders to initiate concrete preparations for a general insurrection. The uprising was orchestrated by the Albanian political group in Istanbul, which included prominent figures such as Ismail Qemali, Hasan Prishtina, Essad Pasha Toptani, and Myfit Libohova. It was strategically determined that the rebellion should ignite in Kosovo, with Hasan Prishtina entrusted with its organization on the ground. The uprising officially commenced in late April 1912 in the Gjakova Highlands under the leadership of Bajram Curri, rapidly spreading across other regions of the country. (Gurakuqi, 2012) By August, the insurrection scored momentous tactical breakthroughs. The Albanian rebels successfully liberated Kosova and entered Skopje, the administrative capital of the Kosova Vilayet.

Within the Korça region, local nationalist insurgent detachments were highly active and successfully organized the local execution of the general uprising. In the Pogradec

¹ Albanian Central State Archive (Arkivi Qëndror Shqiptar), thereafter, *AQSH*. Fondi, thereafter F, 170. Viti thereafter V. 1937, Dosja thereafter D. 50. p. 17. Biografia e Qamil Panaritit.

² *AQSH*. F 170. D 50. V. 1937, p. 121.

sector, the insurrection was spearheaded by Kajo Babjeni. In August 1912, Babjeni and his insurgent forces encircled Pogradec; following sporadic engagements at the local fortress and within the surrounding villages, they successfully entered and secured the town. (Çela, 2019) Concurrently, the insurgent detachment in the Kolonjë district were commanded by Sali Butka. In August, leading his detachment, Butka liberated Ersekë before advancing toward Korça. (Katro, 2020) On August 12, 1912, the combined insurgent detachment led by Spiro Ballkameni, Themistokli Gërmenji, Sali Butka, and Qamil Panariti made a triumphant entry into the city of Korça. Documenting this historic moment, the contemporary newspaper "Koha" noted that the first column to enter the city was the detachment of the renowned patriot and fighter Spiro Ballkameni, who led the insurgents with the Albanian national ribbon proudly displayed across his chest. The second column was commanded by the prominent patriot Sali Butka, while the third insurgent band was led by Captain Kajo Babjeni.³ Following these primary vanguard detachments, additional insurgent units from the Devoll region and surrounding rural settlements streamed into the city to consolidate the nationalist victory.

Faced with this situation, the Ottoman Empire entered into negotiations with the insurgents, with the Albanian delegation being led by Hasan Prishtina. On 18 August 1912, the Sublime Porte announced that it accepted, subject to certain modifications, the demands formulated at Ferizaj. Following the acceptance of these demands, Hasan Prishtina declared the uprising concluded and instructed Albanian committees throughout the country to cease hostilities. However, when the text of the agreement was published several days later in the official gazette, it became evident that its wording had been altered and deliberately rendered ambiguous so as to avoid conveying the impression that Albania had been granted autonomy. Notably, the terms "Albanian," "Albania," and "Albanian language" were omitted from the document. (Frashëri, 2008) Events in Albania hastened the efforts of the Balkan states to form the Balkan Alliance. The prospect of Albanian autonomy or independence conflicted with their expansionist agendas and territorial claims over Albanian-inhabited lands. For this reason, Russia, as their principal ally and patron, urged them to accelerate the process of reaching an agreement and consolidating their alliance.

2. Literature review

While the foundational groundwork for the overarching proclamation of independence was unfolding in Vlora, Albanian nationalists across several urban centers, cognizant of the rapidly shifting geopolitical landscape and the imminent encroachment of the Balkan League armies, preemptively declared autonomy within their respective municipalities. Elbasan constituted the pioneering urban center to execute this measure on November 25, followed sequentially by Tirana and Berat on November 26, and subsequently by Durrës, Lushnje, and various other peripheral municipalities on November 27, 1912. These localized administrative bodies systematically dispatched telegraphic notifications to Vlora, confirming the elevation of the Albanian national flag and the unilateral declaration of independence within their jurisdictions (Nosi, 2007).

³ Koha, nr 21. 19 gusht 1912. p. 1. Fundi i çështjes shqiptare

The micro-region of Korça has historically occupied a paramount position within the historiography of the late nineteenth and early twentieth-century Albanian national movement. A broad consensus of historians underscores the strategic role of Korça as a primary locus of the National Awakening, driven inherently by the institutionalization of vernacular Albanian-language education and the subversive political activism of key ideological figures such as Bajo Topulli, Gjergj Qiriazi, and Themistokli Gërmenji (Myzyri, 1973; Lloshi, 2022). Furthermore, specialized monographs by Stralla (2017) and Katro (2020) offer comprehensive analyses of the socio-cultural and patriotic mobilization within this specific catchment area, meticulously charting the proliferation of the pedagogical network and the operational trajectories of irregular nationalist guerrilla detachments during the crucial transitional period of 1905-1912. Notwithstanding this extensive scholarly coverage, a significant historiographical lacuna persists regarding the precise chronological window of the declaration of independence. Seminal narratives detailing the genesis of the independent state, most notably the monographs of Frashëri (2008) and Ikonimi (2012), alongside the authoritative volumes published under the aegis of the Academy of Sciences (*Historia e popullit shqiptar III*, 2002; *Historia e shqiptarëve gjatë shek XX*, 2017), exhibit a disproportionate analytical focus on the diplomatic maneuvers in Vlorë and the singular state-building role of Ismail Qemali. Consequently, socio-political dynamics in the southeastern periphery remain under-theorized. Even localized historical accounts, such as those authored by Harizi (2009) and Zoi (2001) concerning the wartime administration of Korça during the Balkan Wars, fail to systematically interrogate the structural anomalies and geopolitical constraints that prevented this major urban center from orchestrating a localized declaration of independence, in stark contrast to the precedents set by Elbasan, Tirana, or Durrës.

The sole deviations from this historiographical trend are found in the editorial contributions of scholars like Peppo who archived and annotated the primary ego-documents and memoirs of contemporary actors, including Kerenxhi (1962) and Mborja (1962). While these primary sources document the abortive attempts of regional elites to elevate the national flag, their accounts remain analytical fragments. They lack integration into a systematic investigation of the overarching political, military, and strategic variables that physically obstructed the execution of this civic act. Thus, while a substantial volume of literature addresses the cultural phase of the national movement in Korça, the specific political phenomenon of its non-proclamation of independence remains a critically unexamined question in modern Albanian historiography.

3. The Korça Region During the First Balkan War

In October 1912, a coalition of Balkan states launched a unified military campaign against the Ottoman Empire. Over the course of October and November 1912, within a few weeks of sustained engagements, the Balkan League armies decisively defeated the Ottoman forces across all operational fronts. The Serbian army occupied Kosovo and advanced from Prizren toward Northern Albania. Simultaneously, the Montenegrin army initiated an offensive from the north, laying siege to Shkodra

and occupying its peripheral territories. Concurrently, Greek forces advanced into Epirus, encircled Janina, and maintained their northward push toward the southern territories of contemporary Albania. (Frashëri, 2008)

By late November 1912, pursuing the retreating Ottoman armies following the collapse of Ottoman resistance at Kumanovo, Serbian troops occupied Ohrid. During this offensive, they also captured Starova. The vanguard units of the Serbian military subsequently penetrated the Korçë plain, reaching the settlements of Pojan, Zvezdë, Progër, and Tren. (Harizi, 2009) Assessing that the advance of the Serbian military posed an imminent threat to Central Albania, on November 24, 1912, the Prefecture of Elbasan instructed the Municipality of Qukës to maintain its defensive positions at Qafa e Thanës in the event of a Serbian assault, while concurrently requesting intelligence reports regarding enemy troop movements near the Qafa e Thanës strategic pass and within Starovë.⁴ Notwithstanding these defensive efforts to impede the Serbian advance, by the first days of December 1912, Serbian forces penetrated deep into Albanian territory, extending their operational reach into the Shkumbin Valley toward Gramsh, as well as south of Pogradec toward Moglicë. (Murzaku, 1987) Following the decisive defeats sustained on the Macedonian fronts, the troops of the 17th Division, comprising approximately 30,000 Ottoman soldiers under the command of Mustafa Pasha and Mehmet Ali Pasha, retreated into the region of Korça⁵, though their deployment there remained brief. Following their departure, on November 23, 1912, another Ottoman force, advancing from the Prespa region and led by Xhavit Pasha,⁶ entered the city of Korça. Despite the degraded operational state of his forces and the severe casualties suffered during the Battle of Monastir, Xhavit Pasha implemented rigorous organizational measures to prevent the disintegration of his army. He issued strict orders commanding his troops to maintain proper conduct toward the local population and summarily penalized any infractions or misconduct. (Harizi, 2009, p. 21) He deployed military detachments to destroy the bridges of Maliq and Devoll, anticipating a potential offensive by the Serbian army. For defensive purposes, he also dispatched reinforcing troops to the Mborje gorge, fortifying the position with two artillery pieces. Concurrently, he issued a series of sanitation directives aimed at cleansing the city to mitigate the risk of epidemic outbreaks.⁷ During this period, Xhavit Pasha dispersed his forces across an operational line extending from Korça to Leskovik. Despite the strategic measures he implemented between November 23 and December 18, 1912, no significant military developments occurred within the Korça region, with the exception of several minor engagements fought in the Devoll area.⁸ The primary operational fronts of the war had by then

⁴ AQSH, F 145, Viti 1912, Dosja 2, pp. 4-5. Telegram nga Elbasani krahinës së Qukësit. 24 nëntor 1912.

⁵ *Brenga e Ballkanit. Raporte konsullore britanike nga Maqedonia gjatë viteve të fundit të Perëndorisë Osmane*, përgatitën Bejtullah Destani, Robert Elisie, (Prishtinë: Artini, 2018), Zvendës-konsulli Grejg dërguar Sër Xh. Louddër (konfidenciale), Manastir, 8 dhjetor 1912, p. 91.

⁶ * Xhavit Pasha was one of the most prominent generals of the Ottoman Empire. He was deployed at the helm of the Ottoman armies to suppress the Albanian uprisings of 1909-1912 and to re-establish control over Kosova and Northern Albania. He implemented severe measures in quelling the anti-Ottoman insurrections, which included the bombardment of Albanian villages. Following the suppression of the uprising, he sustained these repressive measures by launching campaigns for the disarmament of the population and the arrest of the insurrectionist leaders.

⁷ The Archive of the Institute of History, thereafter AIH, A. IV. 295, *Ditët e fundit të gjysëmshënës në Korçë*. p. 13. Marrë nga gazeta Pelasgos.

⁸ *Raporte konsullore britanike nga Maqedonia...*, Nën-konsullata e Madhërisë së tij britanike Manastir dërguar Sër

shifted southward, concentrating around the besieged city of Janina. Meanwhile, after conducting the necessary reconnaissance and receiving intelligence that only a nominal number of Greek troops were stationed within the villages of Devoll, he dispatched forces that successfully repelled the Greek detachments beyond Bilisht. (Harizi, 2009) At this juncture, the Greek military was massing its forces for a comprehensive offensive directed toward Devoll and Korça. The troops of the Fourth and Sixth Divisions maintained control over Florina, while the detachments of the Third Division were positioned in Kostur.⁹

During the period when the Balkan League armies were inflicting severe defeats upon the Ottoman Empire, Ismail Bey Qemali recognized that the Empire would be incapable of maintaining its hegemony in the Balkans. The comprehensive collapse of the Ottoman state apparatus within the Balkan theater threatened the future of the Albanians, imperiling not only their prospects as a distinct political entity but also their survival as a separate nationality within the region. Consequently, he concluded that the Albanians could no longer afford to contend merely for regional administrative autonomy; rather, they had to strive for full sovereignty, mirroring the state-building trajectories executed by other Balkan nations during earlier historical periods. (Frashëri, 2008)

4. Korça During the Proclamation of Albanian Independence

With the conviction that the time had come to take a definitive step, Ismail Qemali departed for Albania. Accompanied by Luigj Gurakuqi, Pandeli Cale, and other associates, he set out from Istanbul and made his first stop in Bucharest. On November 5, 1912, the Albanian colony of Bucharest organized a meeting to deliberate on the future of Albania. The discussions spanned two days, during which he received unanimous backing; however, operational developments in the theater of war were moving rapidly as the Balkan armies continued to occupy Albanian territories. During this assembly, Ismail Qemali stated: *"There is no other salvation for Albania, except for a few courageous patriots to unite, enter Albania, and proclaim its self-government; if we act in this manner, the Great Powers will recognize our rights, and otherwise we will be lost forever."* (Peppo, 1967) Despite the deliberations in Bucharest, no formal decision was reached to declare immediate independence; nevertheless, he secured the necessary mandate and endorsement for his subsequent actions.

Following his visit to Romania, driven by the imperative for international endorsement, he departed for Vienna to meet with the highest-ranking officials of the dual monarchy. In Vienna, Ismail Qemali met with General Blasius Schemua, the Chief of the General Staff of the Austro-Hungarian Armed Forces, who advised him to travel to Budapest to meet with Count Leopold Berchtold. Following the consultations conducted in Vienna, in interviews granted to the local press, he articulated for the first time the objective of full Albanian independence. (Ikonimi, 2012) The diplomatic backing he secured in Vienna convinced him that independence was now the only

Xh. Loudhër, Kostandinopojë, 23 janar 1913, p. 118.

⁹ *Raportë konsullorë britanike nga Maqedonia... Zëvendës-konsulli Grejg dërguar Sër Xh. Loudhër, Manastir, 8 dhjetor 1912, p. 91.*

viable trajectory. On November 9, he dispatched a telegram to the notable leadership of Vlorë, declaring that *“the independence of Albania was secured”* and that he would soon depart for Albania. He instructed them to cooperate harmoniously, preserve public order, and manage general administrative affairs. (Frashëri, 2008)

Before departing for Vlorë, at the invitation of the Austro-Hungarian Minister of Foreign Affairs, Count Leopold Berchtold, he traveled to Budapest. The meeting between the two dignitaries was not made public. Berchtold expressed to Ismail Qemali that *“his government harbored the greatest sympathy for the national development of the Albanian people and desired that Albania emerge from these entanglements as an independent, compact state encompassing all Albanians, who should stand as equals with the other Balkan peoples.”* (Bezeraj, 2016)

In Vlorë, meanwhile, an organizing body designated as the Initiating Committee of the Assembly was established under the leadership of Xhemil Bey Vlorë. This committee operated in strict compliance with the directives transmitted by Ismail Qemali. On November 18, he dispatched a second telegram to the Initiating Committee, instructing that delegates from across all Albanian regions convene in either Durrës or Vlorë. The telegram emphasized: *“Summon everyone. Until my arrival, maintain tranquility and preserve unity. Our political cause has been secured.”*¹⁰ This telegraphic directive was subsequently forwarded by the Initiating Committee¹¹ to municipal mayors, nationalist clubs, local elites, and the general populace of Janina, Gjirokastër, Filat, Igumenica, Tepelenë, Delvinë, Përmet, Margëlliç, Leskovik, Kolonja, Korçë, Dibër, Monastir, Resen, Kostur, Struga, Ohrid, Berat, Pogon, Skrapar, Lushnjë, Elbasan, Kavajë, Durrës, Tirana, Krujë, Mat, Shkodër, Peqin, and Fier.¹² The dissemination of these telegrams to the primary urban centers prompted delegates from throughout Albania to depart for Vlorë. However, the situation in the southeast remained highly volatile, and communication with Vlorë was severely obstructed. During the final ten days of November, Ottoman forces retreated into the Korçë region, while Serbian and Greek armies simultaneously threatened the total occupation of this territory. While Ismail Qemali was traveling toward Albania and directing the Initiating Committee, Korçë remained occupied by Ottoman troops who had retreated from the Macedonian fronts. The military authorities seized control of the post and telegraph offices. (Zoi, 2001) Consequently, Korçë was completely cut off from communications, receiving no information regarding the events unfolding in Vlorë, and remaining entirely unaware that independence had been proclaimed on November 28. In Korçë, news of this historic event was only discovered two days after the Greek occupation of the city, via Athenian newspapers circulating among the soldiers. This absolute breakdown in communication ultimately prevented any official delegates from departing from Korçë to attend the assembly in Vlorë.

The nationalist elite of Korçë made concerted efforts to formulate a viable resolution.

¹⁰ *Qeveria e përkoshshme e Vlorës dhe veprimtaria e saj. Nëntor 1912-Janar 1914.* Telegram i Ismail Qemalit drejtuar komisionit pregatitor për shpalljen e pavarësisë në Vlorë. 18 nëntor 1912, p. 26.

¹¹ * The Initiating Committee was formed in Vlorë and consisted of Xhemil Vlorë, Elmas Kanina, and Leonidha Bezhani. This committee was established to implement the instructions of Ismail Qemali. The committee dispatched telegrams throughout Albania for the election of delegates and prepared the ground in Vlorë for convening the National Assembly.

¹² *Qeveria e përkoshshme e Vlorës dhe veprimtaria e saj. Nëntor 1912-Janar 1914.* Telegram i Ismail Qemalit drejtuar komisionit pregatitor për shpalljen e pavarësisë në Vlorë. p. 26.

They increasingly recognized that the continued presence of the Ottoman military would provide the Balkan League armies with a pretext for immediate intervention. Given these critical circumstances, several prominent dignitaries of the city, including Themistokli Gërmenji, Dr. Haki Mborja, Tefik Panariti, Orhan Bey Pojani, and Koço Grameno, established contact with Albanian officers serving within the Ottoman military hierarchy, who agreed to deliberate upon their proposals. To this end, convocation was arranged at the residence of Themistokli Gërmenji, where it was formally proposed to elevate the national flag and officially proclaim Korça part of an independent Albania. Despite the arguments presented during this session, no consensus was achieved, and the assembly concluded without a definitive resolution. (Grameno, 2018)

In their respective memoirs, Koço Grameno and Nepsi Kerenxhi document that Orhan bey Pojani, a highly influential figure within the city, strenuously dissented from these proposals, asserting that the geopolitical timing was profoundly inappropriate for such measures. Pojani argued that the local population possessed neither the defensive capability, an organized military force, nor the necessary armaments, warning that instigating hostilities under such conditions would guarantee total defeat and the systemic devastation of the region. (Grameno, 2018) (Kerenxhi, 1962) A final diplomatic initiative undertaken jointly by Dr. Haki Mborja and Orhan Bey Pojani similarly proved abortive. The two dignitaries secured an audience with the commander of the Ottoman forces, Xhavit Pasha. When they proposed the elevation of the Albanian flag in Korça by asserting that it represented the explicit will of the populace, the general responded with extreme hostility, issuing an explicit threat: *"Show me who these individuals are, so that I may hang them upside down."* (Zoi, 2001) Under these prohibitive conditions, the nationalist elite of Korça refrained from taking further action. Consequently, as a direct result of these geopolitical and military constraints, the national flag was not elevated, and independence was not proclaimed within the city.

The critical conditions prevailing within the wider Korçë region are further illuminated by a missive dispatched by the leadership of Leskovik to the Prime Minister of the Provisional Government of Vlorë, Ismail Bey Qemali, dated December 2, 1912. In this correspondence, the local elites congratulated him on the elevation of the national flag in Vlorë, while explicitly detailing the restrictive environment holding their own town captive: *"Aside from our inability to dispatch delegates, a segment of the local leadership abstained even from participating in the selection and appointment of a representative, as they remained in perpetual dread of the Ottoman soldiers who linger here like dead corpses."*¹³ Ismail Qemali arrived in Vlorë on November 27. The following day, November 28, 1912, it was resolved to initiate the proceedings of the National Assembly. Following the formal opening of the National Assembly, the credentials of the attending delegates were verified. Sali Gjuka proposed that Pandeli Cale, Thanas Floqi, and Spiro Ilo, prominent patriots who happened to be present in Vlorë at that historical juncture, be admitted as the official delegates representing Korça. This motion was

¹³ *Qeveria e përkoshshme e Vlorës dhe veprimtaria e saj. Nëntor 1912-Janar 1914. Letër e parësisë së Leskovikut dërguar Kryetarit të qeverisë së Përkoshshme të Vlorës, Ismail Qemalit. 2 dhjetor 1912, p. 49-50.*

unanimously approved by the assembly.¹⁴ Concurrently, the district of Starova, via a telegraphic mandate, authorized Hajdar Bey Blloshmi, the director of the Durrës gymnasium, to serve as its designated representative. (Frashëri, 2008)

A few days later, Stavre Karoli, Mihal Grameno, Istref Verleni, and Idhomene Kosturi, among others, departed for Vlora. (Grameno, 2018) Their departure toward Vlorë is also corroborated by Nikolla Zoi (Zoi, 2001), however, it remains clear that they did not arrive in Vlora by November 28. Consequently, none of these individuals are among the original signatories of the declaration of independence, despite claims made in Mihal Grameno's biography published on the occasion of the 25th anniversary of independence, which states that he personally participated in the assembly where Albania's independence was proclaimed.¹⁵

Meanwhile, in Vlora, within the sarays of the Vlora family, the most monumental event in Albanian history was unfolding. Following the verification of the delegates and the election of the assembly's leadership, the newly elected Chairman, Ismail Bey Qemali, took the floor. In his address, he underscored the compelling reasons for convening this assembly and emphasized the absolute necessity for Albania to stand alone and establish its own government. Following this, the assembly decreed that *"Albania become as of today independent, free, and sovereign under a provisional government"*¹⁶ An integral component of this historic act was the signing of the Declaration of Independence. The document was executed by forty delegates in attendance. Among them were three signatories representing the Albanian Colony of Bucharest who were of Korça origin, Dhimitër Zografi, Dhimitër Berati, and Dhimitër Mborja, alongside the three approved representatives of Korça: Pandeli Cale, Thanas Floqi, and Spiridon Ilo. Following this historic milestone, telegraphic notifications proclaiming independence and the elevation of the national flag were dispatched that very day to the municipalities and leadership across all of Albania, including those of Korça, Starova, and Kostur.¹⁷

5. The Occupation of Korça by the Greek Army

Notwithstanding the proclamation of independence, the situation within the Korça region remained highly critical. Around December 5, Xhavit Pasha finalized plans to withdraw his forces from Devoll and Korça. On that same day, in an offensive maneuver designed to conceal this retreat, minor Ottoman detachments assaulted Greek military positions within the Devoll zone. Following this engagement, the Ottoman army initiated its retreat toward Kolonja.¹⁸ The following day, December 6, 1912, the Greek military launched its advance. It initially penetrated the Devoll area, subsequently concentrating its primary assault on Korça. The offensive to capture Korça was executed from three tactical directions: the Third Division ascended the

¹⁴ Perlindja e Shqipërisë. Nr 6. e shtunë 31 kallenduer (janar) 1914, p. 5.

¹⁵ AQSH, F 170, V 1937, D 50, fl 4. Biografia e Mihal Gramenos.

¹⁶ *Qeveria e përkoshshme e Vlorës dhe veprimtaria e saj. Nëntor 1912-Janar 1914*. Proces-verbal i mbledhjes së parë të Kuvendit Kombëtar në Vlorë, ku u vendos Shpallja e Pavarësisë Kombëtare të Shqipërisë. Vlorë, 28 nëntor 1912, p. 31-34.

¹⁷ *Ibid*. Telegram dërguar Korçës, Starovës, Kosturit. Vlorë, 28 nëntor 1912, p. 36.

¹⁸ *Raporte konsullore britanike nga Maqedonia...*, Nën-konsullata e Madhërisë së tij britanike Manastir dërguar Sër Xh. Loudhër, Kostandinopojë, 23 janar 1913, pp. 119-120.

Morava ridge and descended into Dishnicë; the Fifth Division advanced toward Plasa; and the Sixth Division was tasked with clearing the Pilur-Cangonj route.¹⁹ After breaching the weak Ottoman rearguard, Greek troops continued their advance toward Kolonja, reaching Helmës and Qafëzez. To the west, the Greek forces also occupied Voskopojë. Approximately 20,000 regular troops and 10,000 irregular personnel participated in this operation.²⁰ By late December, the Greek military extended its zone of occupation, pushing deep into the region of Opar.²¹

The Greek forces in Devoll and Korça encountered no resistance from the local population or the Albanian guerrilla detachments, as the general populace remained largely unaware of ongoing political developments, and a major segment of the local elite and prominent nationalists had already evacuated the area. The situation unfolded differently in Kolonja. This region constituted the operational zone of the renowned nationalist leader Sali Butka, who, alongside his insurgent detachment, confronted the advancing Greek forces with armed resistance. Toward the end of December 1912, Greek andarte²² paramilitary units launched assaults against Albanian villages located beyond Mount Gramos. In response, Sali Butka mobilized his detachment and advanced toward Tuhol. A series of fierce engagements ensued in that sector, where Butka's veteran fighters secured a decisive victory over the paramilitary forces. (Butka, 2000) Renowned for his strict code of honor, the elder of Butka summarily disciplined several individuals from the Kolonja district who had crossed the mountain pass in an attempt to pillage the scorched villages.

While Butka was actively engaged against the paramilitaries beyond Mount Gramos, Xhavit Pasha withdrew the remaining Ottoman forces from Korça and established his headquarters in Borova. Seizing this tactical opening, Greek troops traversed the Qafa e Qarrit strategic pass and deployed across a substantial portion of Kolonjë. Upon receiving intelligence of this maneuver, Butka immediately retrograded his forces to Kolonja, where he organized local volunteers to resist the Greek regular military. The defensive line established by Sali Butka's forces stretched across the sector of Luaras-Blush-Vodicë-Qinam-Skorovot. Directly opposing them, along the operational axis of Qafëzez-Helmës-Shtikë-Butkë-Bezhan, the Greek regular army and andarte paramilitary units took up their offensive positions. (Butka, 2000)

On December 31, Aziz Vrioni, the Prefect of Berat, informed Ismail Qemali that Greek forces had reached Opar and occupied Lavdar.²³ The advance of the Greek military toward the borders of Skrapar deeply alarmed Ismail Qemali. Consequently, he requested immediate intelligence from the General Staff in Leskovik to ascertain whether they had any knowledge of a potential Greek troop movement from Opar

¹⁹ AIH, A.V-26, G. Bajraktari. *Kryengritja e Korçës*, p. 1.

²⁰ *Raporte konsullore britanike nga Maqedonia...*, Nën-konsullata e Madhërisë britanike Manastir dërguar Sër Xh. Loudhër. Kostandinopojë, 23 janar 1913, p. 120-121.

²¹ *Qeveria e përkoshshme e Vlorës dhe veprimtaria e saj. Nëntor 1912-Janar 1914*. Telegram i prefektit të Beratit dërguar kryesisht së qeverisë së përkoshshme. Berat, 31 dhjetor 1912, p. 94.

²² "The term "andartes" (from the Greek αντάρτης) translates literally as rebels or guerrillas. Historically, the andartes constituted Greek paramilitary and irregular armed groups operating in southern Albania throughout the period of 1913-1914. These factions were responsible for widespread atrocities, crimes, and massacres directed against the Albanian civilian population. Rather than operating as entirely spontaneous formations, these individuals were volunteers systematically organized, financed, and ideologically supported by the Greek state, the regular military apparatus, and the Greek Orthodox Church.

²³ *AQSH*, F. 145. V 1913, D 63, p. 27.

toward Berat.²⁴ The explicit rationale behind his concern is clearly documented in a telegram he dispatched to the Prefect of Berat, Aziz Vrioni, stating: *"If the advance of the Greek army in this direction is permitted, it will soon link up in Vlorë with the Greek naval forces."*²⁵

Fearing a comprehensive military expedition targeting Berat, in early January 1913, Ismail Qemali directed several urgent telegrams to the local leadership of Skrapar and Tomorricë, instructing them to implement all necessary defensive measures to halt the Greek military advance.²⁶ The subsequent mobilization of the populace across the Skrapar and Tomorricë zones resulted in sharp engagements between the vanguard units of the Greek army and Albanian volunteers. On January 4, these Albanian volunteer detachments successfully checked the advance of the Greek troops in Opar, forcing them to retrograde from the sector.²⁷

Following Ismail Qemali's appeal, several thousand volunteers rallied across Skrapar and Tomorricë. These forces were deployed along a strategic defensive line extending from Guri i Prerë to Qafa e **Çipit**, ultimately connecting to Shëmtir on the periphery of Kolonja.²⁸ In the adjacent districts of Skrapar, namely Opar and Vithkuq, both the Christian and Muslim populations responded in unison to Ismail Qemali's call, fighting alongside one another.²⁹ Meanwhile, on the Kolonja front, the guerrilla detachments of Sali Butka successfully barred the Greek troops from advancing toward the Vakëfe villages and Skrapar.

By late January 1913, the wider Korça region found itself effectively partitioned and occupied by three foreign armies: The Serbian Army: Occupied the Pogradec zone and the Mokra highlands, extending its operational reach into the Korça plain. It maintained positions on the right bank of the Devoll River, following its valley along an operational axis stretching from Zvezdë toward Lumalas, and extending onward to Moglica. The Greek Army: Occupied the Devoll zone and deployed across the Korça plain on the left bank of the Devoll River, successfully reaching Voskopoja and Opar. On the Kolonja front, Greek troops traversed the Qafa e Qarrit strategic pass, establishing a frontline along the axis of Qafëzez-Helmës-Shtikë-Butkë-Bezhan. The Ottoman Army: Established its regional headquarters in Borovë, maintaining control over the territories extending beyond this village. Positioned in the volatile sectors between these armies were the organized volunteer forces commanded by Sali Butka, maintaining a defensive line that stretched across Luaras-Blush-Vodicë-Qinam-Skorovot.

Throughout the winter, the Greek military launched several offensives designed to breach the Kolonjë route in an attempt to establish a direct corridor to Janina, but these maneuvers were repeatedly frustrated. Contemporary accounts colorfully illustrate the intensity of this resistance, noting that: *"The soldiers would advance as far as Kolonjë, but no further, for a bitter frost was sown there! On one hand, the biting winter chill, and on*

²⁴ Ismail Qemali. *Përmbledhje dokumentesh*. Përgatiti Teuta Hoxha AQSH, F. 245. D 1 pp, 135, 277-278.

²⁵ *Qeveria e përkohshme e Vlorës dhe veprimtaria e saj. Nëntor 1912-Janar 1914*. Telegram i kryetarit të qeverisë së përkohshme dërguar prefektit të Beratit. Vlorë, 1 janar 1913, p. 96.

²⁶ AQSH, F. 145. V 1913, D 63, p. 50, 2 janar 1913, p. 53. 3 janar 1913. Telegramë të kryetarit të qeverisë së përkohshme drejtuar parësisë së Skarparit.

²⁷ *Ibid*, p. 78. Telegram dërguar kryetarit të qeverisë së përkohshme. 4 janar 1913.

²⁸ *Ibid*, p. 93. Telegram i prefektit të Beratit drejtuar kryesisë së qeverisë së përkohshme të Vlorës. 8 janar 1913

²⁹ *Ibid*, p. 96. Telegram i myftiut të Skraparit drejtuar kryetarit të qeverisë së përkohshme të Vlorës. 20 janar 1913.

*the other, the valor of Sali Butka and his comrades utterly decimated them. They were struck with such terror that whenever a soldier returned from Kolonja to Korça, his mouth spoke of nothing else but 'Oh, Sali Butkas, Sali Butkas!'"*³⁰

It was only following the fall of Janina on March 6, 1913, that the Greek military managed to press forward against the positions of the Albanian volunteers. In rapid succession, Greek forces occupied Erseka, Leskovik, and Përmet. Following the capture of Erseka, the Greek army overran the villages of the Vakëfe region along the strategic line of Qafa e Martës-Qafa e Thanës-Staraveckë-Melckë. Simultaneously, separate Greek columns penetrated the Opar zone, reaching Guri i Prerë by early March. (Lilo, 2022) Beyond this operational threshold lay the free territory remaining under the direct administrative jurisdiction of the Provisional Government of Vlora.

6. Conclusion

In conclusion, this study demonstrates that although the Korça region stood as one of the most vital hubs of the Albanian national movement during the 1881-1912 period, it was unable to execute the symbolic act of proclaiming independence locally, as several other Albanian cities did. This absence was not born from a lack of national sentiment, but was rather the direct consequence of a combination of objective and subjective factors: the formidable presence of Ottoman forces under the command of Xhavit Pasha, the imminent threat of occupation by the Greek military, internal disagreements among the local elite regarding the existential dangers such an act might trigger, and a total breakdown in communications with Vlora. Confronted by this precarious reality, the political elite of Korça failed to forge a common consensus to carry out the symbolic local declaration.

Ultimately, the case of Korça illustrates the intricate complexity of the Albanian independence process. It highlights how local decisions were not merely a product of national resolve, but were strictly dictated by the immediate military and political conditions on the ground. The lack of a local proclamation in Korça does not diminish the region's immense significance; on the contrary, it underscores its pivotal role during different phases of the liberation struggle, both leading up to and following November 28, 1912.

Furthermore, Korça's direct contribution to the founding act of independence remains indelible. Three of its prominent representatives, Pandeli Cale, Thanas Floqi, and Spiridon Ilo, were among the original signatories of the Declaration of Independence. Moreover, in the wake of the Greek occupation, the armed resistance organized by Sali Butka in the Kolonja district proved that the patriotic spirit within this region remained fiercely alive, even under the crushing weight of foreign occupation.

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ESG in the Loop of the New Albanian Banking Draft Law and the Readiness of the Sector

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Abstract

The Bank of Albania's proposed draft law on the regulation and prudential supervision of credit institutions signals a significant regulatory shift — moving away from the existing Law No. 9662/2006 toward a framework aligned with the European Union's Capital Requirements Directive and Capital Requirements Regulation. This paper considers the reform not merely as a legal development, but as a transformation carrying several consequences for banking institutions. Specifically, it examines three interconnected dimensions: the ESG-related obligations introduced by the new framework, the current state of ESG governance within Albanian banks and the Bank of Albania itself, and the compliance burden that achieving full adaptation would entail. The research is performed on a comparative analysis between the draft law and the existing regulatory framework, complemented by a qualitative evaluation of banks' current positions, with the aim of measuring how far the sector stands from full alignment. The paper concludes that while the Albanian banking sector benefits from a relatively strong starting position, underpinned by solid capitalisation and sustained profitability in recent years, the compliance burden is not evenly distributed. Smaller institutions face disproportionately greater adjustment pressures, which raises important questions about the need for proportionality mechanisms and a carefully structured transition period.

Keywords: credit institutions; CRD/CRR; ESG; bank readiness; compliance; proportionality.

1. Introduction

The Albanian banking sector is experiencing the phase of substantial regulatory reform that goes beyond of just technical nature of legislative change. The draft law published by the Bank of Albania, "On the activity of credit institutions and their prudential supervision," aims to replace and complement the existing Law No. 9662/2006 "On banks in the Republic of Albania" and to align the national framework with the European Union's regulatory architecture, specifically with the Capital Requirements Directive (CRD) and the Capital Requirements Regulation (CRR) (Bank of Albania, 2026; Law No. 9662/2006). This alignment is not just an adaptation process of some existing procedures or requirements; it carries a set of new supervisory expectations, including the integration of environmental, social, and governance (ESG) risks into banks' risk-management frameworks and public disclosures.

Upon such important changes, this reform is doubly significant for a country like Albania. Concretely, on the one hand, Albania is in an advanced phase of EU accession negotiations, in which the alignment of the financial framework is an essential condition. On the other hand, the very logic of global banking supervision is shifting toward recognising climate and environmental risks as material financial risks. The European Banking Authority has issued dedicated guidelines on the management of ESG risks (EBA, 2025), while Pillar 3 disclosure requirements already include quantitative and qualitative indicators for climate-related exposures. For banks

operating in Albania, most of which are part of European groups, this means that ESG expectations are arriving simultaneously through two channels: the national channel of legal reform and the channel of the parent group.

For the sake of the study, the issue is addressed from the perspective of readiness. The central research question is: how far does the Albanian banking sector stand from meeting the ESG obligations carried by the new CRD/CRR-aligned framework, and how is the compliance burden distributed across institutions with different profiles? To answer this question, the paper follows three lines of analysis: (i) identifying the ESG obligations arising from the draft law relative to the existing framework; (ii) qualitatively assessing the current state of ESG governance and reporting in a sample of banks operating in the market, as well as the Bank of Albania itself; and (iii) assessing the financial and organisational burden that achieving full compliance implies.

By analysing the implications on 3 perspectives, the topic links the international debate on integrating ESG risks into prudential supervision with a concrete case of an EU candidate country, where legal reform and pressure from international banking groups operate simultaneously. Practically, this analyse is a structured overview of the current ESG state of the main banks operating in Albania, which may serve both policymakers in calibrating proportionality mechanisms and the institutions themselves in benchmarking their position against market best practice.

2. Literature Review

The sustainability framework in EU is built on four interconnected pillars, such as: Regulation (EU) 2020/852, known as the EU Taxonomy, establishes a classification system for environmentally sustainable economic activities (EU Taxonomy Regulation, 2020). The Corporate Sustainability Reporting Directive (CSRD, 2022) represent the set of entities required to report under the European Sustainability Reporting Standards (ESRS) and introduces the concept of “double materiality.” The Sustainable Finance Disclosure Regulation (SFDR, 2019) sets ESG transparency obligations for financial-market participants, while the Corporate Sustainability Due Diligence Directive (CSDDD, 2024) introduces obligations regarding human-rights and environmental due diligence across the value chain.

For the banking sector specifically, two developments are directly relevant. First, the EBA guidelines on the management of ESG risks require institutions to identify, measure, manage, and monitor these risks through structured transition plans across short, medium, and long-term horizons (EBA, 2025). Second, the Pillar 3 disclosure framework (Article 449a CRR) requires the publication of qualitative and quantitative ESG data. Finally, the 2025 “Omnibus” simplification package has initiated a process that narrows the scope of the CSRD primarily to companies with more than 1,000 employees and postpones certain deadlines, altering the previously one-directional trajectory toward ever-greater requirements.

Across the EU framework, environmental and climate risk are increasingly treated as financially relevant risk drivers rather than as purely reputational or voluntary sustainability concerns. The concept of double materiality makes this explicit: an

institution must report both how sustainability factors affect its financial position (the “outside-in” perspective) and how its activity affects the environment and society (the “inside-out” perspective). For banks, this translates into the need to assess exposures to carbon-intensive sectors, to model physical and transition risks, and to reflect them in lending decisions and in the risk-appetite framework.

The green-finance literature consider the banking sector as a key transmitter of sustainability policy to the real economy. Banks increasingly assess clients’ ESG exposure to anticipate “non-traditional” risks, such as climate-related physical and transition risks. Recent studies (IMF, 2022; World Bank, 2020; etc) emphasise that the effectiveness of green-finance instruments depends on the institutional context: economies with developed financial systems should focus on scaling green-bond markets, whereas less-developed markets should focus on expanding access to credit and standardising taxonomies and disclosure requirements.

In the Central and Eastern European (CEE) region, the sustainable-finance market has grown rapidly, with green bonds dominant and green lending on the rise (NGFS, 2022; OECD, 2017). This regional dynamic creates competitive and imitative pressure even for neighbouring markets outside the EU, including Albania, where the presence of European banks acts as a diffusion channel for ESG practices (SUERF, 2023.).

Croatia’s experience offers a useful parallel, since the country undertook financial-sector reform precisely within the framework of EU integration. Croatia transposed the CSRD into national legislation through amendments to the Accounting Act (Official Gazette No. 85/2024), the Audit Act, and the Capital Market Act, applying the double-materiality approach and assigning supervision to the Croatian Financial Services Supervisory Agency, HANFA (Wolf Theiss, 2024). However, studies and sector surveys indicate that implementation remains challenging: a considerable share of firms have written strategies but no reportable results, while small and medium-sized enterprises (SMEs) face particular difficulties owing to limited reporting capacity (Mercator, 2025). The supply-chain effect means that even companies outside the formal scope of application are affected through procurement questionnaires and lending conditions (Kinstellar, 2024).

The Bank of Albania has already taken concrete steps in the area of green finance. The Medium-Term Green Strategy, approved in May 2023 in cooperation with the World Bank (FinSAC), sets out an action plan for identifying, monitoring, and managing climate-related financial risks for the 2023–2025 period (Bank of Albania, 2023; World Bank, n.d.). The central bank has been a member of the Network for Greening the Financial System (NGFS) since 2020 and has published supervisory expectations for green finance (Bank of Albania, n.d.). Nevertheless, independent assessments describe the Bank of Albania as still in a “capacity-building and exploration” phase, where the main impetus comes from the presence of European banks obliged to implement the EBA’s ESG guidelines (SUERF, 2023).

Despite these developments, a clear gap exists in the literature: few empirical works directly link the new CRD/CRR-aligned draft law with the concrete readiness of individual banks operating in Albania. This paper seeks to partly fill that gap through a qualitative analysis grounded in the banks’ own official sources.

3. Methodology

The paper follows a qualitative research strategy (Bowen, 2009) based on document analysis, combined with a comparative element. The choice of a qualitative approach is justified by the nature of the research question: banks' ESG readiness is not a single quantitatively measurable parameter, but a combination of policies, governance structures, strategic commitments, and disclosure practices (Saunders, Lewis & Thornhill, 2019).

The analysis focuses on six banks operating in Albania: Banka Kombëtare Tregtare (BKT), Raiffeisen Bank Albania, Credins Bank, OTP Bank Albania, ProCredit Bank, and Intesa Sanpaolo Bank Albania. This sample was selected according to two criteria. First, market coverage: the selected banks represent a dominant share of sector assets. Second, ownership diversity: the sample includes both predominantly domestically owned banks (BKT, Credins) and subsidiaries of large European groups (Raiffeisen/RBI, OTP, ProCredit, Intesa Sanpaolo), enabling a comparison of two different models of ESG-practice "flow."

Data were collected exclusively from public and official sources (Patton, 2014) which include: annual reports and financial statements; sustainability reports and impact reports; corporate-governance reports; risk reports and regulatory disclosures, codes of ethics and conduct; and the ESG sections of the banks' official websites.

Each bank was assessed across six dimensions: (i) ESG policy/framework; (ii) ESG reporting; (iii) ESG governance structure; (iv) strategic commitments; (v) green-finance framework; and (vi) code of ethics. Based on the documentary footprint in each dimension, each bank was classified on a three-level readiness scale — "emerging," "developing," and "advanced" — where the advanced level denotes the existence of a formal ESG framework, structured reporting (e.g., under GRI or ESRS), and the integration of ESG risks into risk management.

The methodology has several limitations that must be acknowledged. First, it relies on publicly self-disclosed information; Second, for subsidiaries of European groups, many ESG documents are published at group level rather than at the local-entity level, complicating the assessment of concrete implementation in Albania. Third, the analysis is a snapshot in time (June 2026) of a framework still in motion, as the draft law is in the consultation phase and the EU's Omnibus package is still in process. Finally, the lack of access to internal financial data creates limitation on the precision of the compliance-burden assessment to a qualitative level.

4. Results

4.1 The Draft Law's ESG Obligations versus the Existing Framework

The main difference between the new draft law and Law No. 9662/2006 lies not only in the tightening of capital requirements, but in the new supervisory logic it brings. The existing law was drafted at a time when ESG risks were not recognised as a distinct category of financial risk. The new draft law, by aligning with CRD/CRR, shifts the focus toward prudential supervision, in which environmental and climate risks are expected to be integrated into the risk-management framework, internal governance,

and public disclosures (Bank of Albania, 2026; EBA, 2025).

This implies several new or strengthening obligations for credit institutions: integrating ESG risks into the risk-management framework and the decision-making process; strengthening internal governance with clear roles and responsibilities for sustainability oversight; and compliance with Pillar 3-type disclosure requirements for climate-related exposures. Although the draft law is still in consultation phase, the direction of the reform is clear: ESG moves from being a voluntary matter of social responsibility to a component of prudential supervision.

4.2 The Readiness of the Bank of Albania

As the supervisory authority, the Bank of Albania has already built the foundations of an ESG approach. The 2023–2025 Medium-Term Green Strategy, membership in the NGFS, and the publication of supervisory expectations for green finance indicate a steady institutional trajectory (Bank of Albania, 2023). However, independent assessments suggest that internal capacities, climate data, risk modelling, and specialised expertise, are still being built (SUERF, 2023). Such situation stands for an important implication: the supervisor’s ability to effectively enforce the new ESG requirements will be as decisive as the readiness of the banks themselves.

4.3 Qualitative Assessment on Banks level

The analysis of official sources revealed a clear readiness gradient. ProCredit Bank shows the most advanced level: an environmental management system operating since 2013, a sizeable green-loan portfolio at group level, practical tools such as the “CO2 Calculator,” specific green products (photovoltaics, electric vehicles), and reporting under GRI and ESRS standards with a double-materiality assessment (ProCredit Holding, 2026). Intesa Sanpaolo and OTP follow closely, owing to the mature frameworks of their groups: formal ESG governance structures, board-approved codes of ethics, TCFD reports, and ESG exclusion lists in financing; OTP, for example, signed an agreement with the EBRD for the Green Economy Financing Facility (GEFF) as early as 2020.

Raiffeisen Bank Albania is also in a good position, with a dedicated ESG/green-finance page and framework, a structured process for collecting clients’ ESG data, and reliance on the strategy, code of conduct, and Pillar 3 reporting of the RBI group. At the other end stand the two predominantly domestic banks. BKT demonstrates strong commitments at the level of social responsibility, membership in the UN Global Compact, signatory to the Women’s Empowerment Principles, a code of business ethics, and a CSR policy, but does not yet publish a separate ESG report at the Albanian-entity level, whereas the full ESG report exists for its sister bank in Kosovo. Credins Bank, the first private bank with Albanian capital, integrates ESG/SDG content within its annual reports and CSR initiatives (including the UN “SDG Business Pioneers” award), but without a separate formal ESG reporting framework.

Table 1. ESG readiness level based on public official sources

Bank	Level	Key observations (official sources)
ProCredit	Advanced	Environmental system since 2013; GRI/ESRS reporting; green products; CO2 Calculator.
Intesa Sanpaolo	Advanced	Group ESG governance; Code of Ethics; TCFD report; ESG risks in Risk Appetite Framework.
OTP	Advanced	Group ESG strategy (2021, net-zero own operations); GEFF agreement with EBRD (2020).
Raiffeisen	Developing	Local ESG page/framework; ESG data collection; group RBI strategy and Code of Conduct.
BKT	Developing	UN Global Compact, WEPs, Code of Ethics, CSR; no separate ESG report at the Albanian entity.
Credins	Emerging	ESG/SDG embedded in annual reports; ‘SDG Business Pioneers’ award; no formal ESG framework.

Source: Author’s elaboration based on the banks’ public documents (June 2026).

In conducting the qualitative analysis between the above-mentioned banks, three dimensions separates the advanced level from the developing one. The first is the presence of structured reporting under international standards (GRI, ESRS, TCFD), which is absent in the domestic banks. The second is the formalisation of the ESG governance structure, dedicated committees and clear board-level roles. The third is the existence of genuine green-finance products and impact-measurement tools, where ProCredit and, through EBRD programmes, also OTP and Raiffeisen, hold a clear advantage. This does not mean that the domestic banks lack ESG commitment; on the contrary, BKT stands out for international commitments such as the UN Global Compact, but the difference lies in the degree of formalisation, measurement, and disclosure of those commitments.

4.4 Gap Analysis and Proportionality

Subsidiaries of European groups begin the journey toward compliance from a consolidated base, because they inherit mature ESG frameworks, codes of ethics, and reporting systems from the parent group, which already respond to CSRD requirements and EBA guidelines. For these banks, the main challenge is operational implementation in the Albanian context, not building from scratch. By contrast, the domestic banks rely more on CSR- and SDG-type commitments than on a formal ESG framework integrated into risk management and disclosure.

This asymmetry has a direct implication for the compliance burden: it is not evenly distributed. Smaller institutions and those without the support of an international group face disproportionate pressures, because the fixed costs of building ESG infrastructure, data systems, specialised expertise, climate-risk modelling, and structured reporting, weigh relatively more heavily on a smaller asset base. This is precisely why the question of proportionality becomes central to the design of the new framework.

4.5 The Financial Burden of Compliance

The qualitative assessment suggests that the financial burden of compliance will stem mainly from four items: building ESG data-collection and management systems; hiring or training specialised expertise; developing reporting infrastructure aligned with ESRS/Pillar 3; and the capacity for climate-risk modelling (including stress tests). At the same time, the Albanian banking sector begins this process from a favourable starting position: the sector's capital adequacy reached its historic high at the end of 2025, while systemically important banks have already begun to meet additional MREL-type requirements (Monitor.al, 2026). Such consolidated position of strong capital base and sustained profitability provide a cushion that makes the burden manageable at the sector level, but not necessarily at the level of each individual institution.

5. Conclusions

The qualitative analysis performed based on the official sources of six banks derived three main conclusions:

First, financially the Albanian banking sector begins the CRD/CRR alignment from a strong starting position, supported by solid capitalisation and sustained profitability. However, ESG readiness is unevenly distributed, thus, subsidiaries of European groups (ProCredit, Intesa Sanpaolo, OTP and, to a good extent, Raiffeisen) are more advanced thanks to group frameworks, whereas domestic banks (BKT, Credins) still rely mainly on CSR and SDG commitments, without a separate formal ESG reporting framework.

Second, the compliance burden is not size-neutral: smaller institutions or domestic banks face disproportionate pressures, as the operational costs of ESG infrastructure weigh more heavily on them. This makes the introduction of proportionality mechanisms and a carefully structured transition period essential, so as not to undermine the stability and competitiveness of the smallest market segment.

Third, the readiness of the Bank of Albania itself as a supervisor is as decisive as that of the banks. Although the central bank has built the foundations, the green strategy, NGFS membership, and supervisory expectations, internal capacities remain in a consolidation phase. The Croatian experience suggests that stepped transposition, clear supervision, and early market awareness are the keys to a successful transition. As a closing recommendation, the paper proposes: (i) a differentiated implementation calendar by size; (ii) technical support and practical guidance for smaller banks and the domestic ones and (iii) parallel investment in the supervisory capacities of the Bank of Albania, so that formal alignment with the EU translates into real readiness.

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Beyond Legal Harmonization: Tax Evasion, Informality, and Enforcement Challenges in Albania

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Abstract

Tax evasion remains a persistent challenge for transition economies seeking to strengthen fiscal governance while simultaneously advancing processes of legal and institutional reform. In Albania, despite substantial harmonization of tax legislation with European and international standards, high levels of informality and uneven enforcement continue to limit the effectiveness of the fiscal system. This paper examines tax evasion in Albania through a governance-oriented and institutional perspective, focusing on the relationship between formal legal reform, enforcement effectiveness, and structural non-compliance. Using a doctrinal and analytical research methodology based on Albanian legislation, international policy frameworks, institutional reports, and relevant academic literature, the study explores the “enforcement gap” between formal legal harmonization and practical implementation. Particular attention is devoted to the persistence of informality, the limitations of deterrence-based enforcement strategies, and the broader role of institutional legitimacy, administrative capacity, and public trust in shaping tax compliance. The paper argues that the persistence of tax evasion in Albania reflects broader governance challenges extending beyond fiscal regulation itself. Although Albania has progressively strengthened its legal framework, sustainable improvements in tax compliance require more than stricter sanctions and expanded enforcement powers. Effective tax governance depends on institutional professionalism, administrative coordination, transparency, and the development of compliance-oriented approaches capable of strengthening public confidence in state institutions. The study concludes that combating tax evasion should be understood not solely as a legal or fiscal objective, but as part of a broader process of institutional consolidation and rule of law development within the Albanian state.

Keywords: Tax evasion; informality; enforcement gap; legal harmonization; rule of law.

1. Introduction

Tax evasion remains one of the most persistent challenges confronting contemporary fiscal systems, particularly in transition and developing economies characterized by structural informality, institutional fragility, and uneven enforcement capacity. Beyond its direct economic consequences, tax evasion affects the broader functioning of the rule of law by weakening state revenues, distorting market competition, undermining institutional legitimacy, and reducing public trust in public administration. In this context, effective tax enforcement constitutes not merely a fiscal objective, but also an important component of state governance and institutional credibility (OECD, 2021; IMF, 2022).

During recent decades, states have increasingly strengthened legal and administrative measures aimed at combating tax evasion, often through the expansion of punitive sanctions, enhanced investigative powers, and stricter compliance mechanisms. At the European level, these developments have been closely linked to broader efforts

to improve fiscal transparency, reduce informal economic activity, and strengthen administrative cooperation. Albania has followed this broader trend through substantial reforms intended to align domestic tax legislation with European and international standards, particularly within the framework of the country's European integration process.

However, despite this formal legal harmonization, tax evasion continues to represent a significant structural challenge within the Albanian economic and institutional landscape. The persistence of a large informal economy, combined with limited administrative capacity, inconsistent enforcement practices, and weak institutional coordination, has exposed the limitations of approaches focused primarily on legislative reform. In practice, the adoption of formal legal rules has not always translated into effective enforcement outcomes. This reflects a broader governance problem frequently observed in transition economies, where the existence of legal norms does not necessarily guarantee their consistent implementation or social legitimacy.

In this regard, the Albanian experience illustrates the distinction between "law on the books" and "law in action." While Albania has progressively approximated its tax legislation to European standards, important challenges remain concerning institutional effectiveness, enforcement credibility, and taxpayer compliance. The persistence of informality demonstrates that tax evasion cannot be understood exclusively as a legal violation requiring punitive sanctions, but rather as a multidimensional phenomenon influenced by broader economic, institutional, and social factors. Excessive reliance on deterrence-based enforcement mechanisms may therefore prove insufficient in contexts where public trust in institutions remains limited and enforcement practices are perceived as inconsistent or selective.

Within legal and governance scholarship, increasing attention has been devoted to the relationship between institutional quality, administrative capacity, and tax compliance. Contemporary approaches to tax enforcement emphasize that sustainable compliance depends not only on the severity of sanctions, but also on the legitimacy, predictability, and effectiveness of state institutions (Slemrod, 2018). Comparative European experiences similarly demonstrate that effective tax systems rely on integrated governance models combining enforcement, administrative coordination, digitalization, taxpayer services, and incentives for voluntary compliance.

Against this background, the present paper examines the persistence of tax evasion in Albania through a governance-oriented and institutional perspective. The paper seeks to address the following research question: to what extent has formal legal harmonization improved the effectiveness of tax enforcement in Albania, and what structural factors continue to limit compliance and enforcement outcomes? More specifically, the study analyzes the relationship between legal reform, institutional capacity, informality, and enforcement effectiveness within the Albanian context.

The paper employs a doctrinal and analytical research methodology based on the examination of Albanian legislation, international and European policy frameworks, institutional reports, and relevant academic literature concerning tax enforcement, governance, and informality. In addition, the study adopts a comparative perspective by referring to selected European approaches to tax administration and compliance-

oriented enforcement mechanisms.

The central argument advanced is that, although Albania has substantially harmonized its tax legislation with European and international standards, the persistence of tax evasion demonstrates that formal legal reform alone is insufficient in the absence of effective institutional capacity, coherent enforcement mechanisms, and broader governance legitimacy. The paper argues that sustainable tax compliance requires a systemic approach combining legal enforcement with institutional effectiveness, administrative coordination, reduction of structural informality, and measures aimed at strengthening public trust in state institutions. Ultimately, the Albanian case illustrates that combating tax evasion is not solely a matter of adopting stricter legal rules, but also of building credible and effective governance structures capable of ensuring both enforcement and legitimacy within the framework of the rule of law.

2. Tax Evasion and the Enforcement Gap

Tax evasion is commonly understood as the intentional avoidance of tax obligations through the concealment of income, falsification of financial information, or other unlawful practices designed to reduce fiscal liability. Traditionally, legal responses to tax evasion have focused primarily on strengthening sanctions and expanding enforcement mechanisms in order to increase deterrence and improve revenue collection. However, contemporary scholarship increasingly recognizes that tax evasion cannot be explained solely through the existence or absence of legal norms. Instead, the effectiveness of tax enforcement depends on a broader interaction between legal regulation, institutional capacity, administrative effectiveness, and public perceptions of legitimacy (OECD, 2021; Slemrod, 2018).

Within this context, one of the central challenges confronting many transition and developing economies is the existence of an “enforcement gap” between formal legal regulation and practical implementation. The concept refers to the discrepancy between “law on the books” and “law in action,” where states formally adopt sophisticated legal frameworks but struggle to ensure their effective application in practice. This distinction has become particularly important in governance and law-and-development scholarship, which emphasizes that legal harmonization alone does not automatically produce effective institutional outcomes (IMF, 2022).

The Albanian experience reflects this broader phenomenon. During the last decades, Albania has undertaken substantial legislative reforms aimed at aligning its fiscal legislation with European and international standards. These reforms have included the strengthening of tax administration procedures, expansion of investigative powers, digitalization initiatives, and stricter sanctioning mechanisms targeting tax evasion and informality. Formally, the Albanian legal framework now incorporates many of the regulatory and enforcement mechanisms commonly found within European tax systems.

Nevertheless, despite this formal harmonization, tax evasion and informal economic activity continue to represent persistent structural challenges. The persistence of non-compliance suggests that the problem cannot be reduced merely to insufficient legal regulation or inadequate sanctions. Rather, the enforcement gap reflects

deeper institutional and governance-related limitations affecting the credibility and effectiveness of tax administration. In practice, legal reforms have often advanced more rapidly than the institutional capacities necessary for their implementation. One important dimension of this enforcement gap concerns administrative effectiveness. Effective tax enforcement requires highly specialized institutional capacities, including financial investigation expertise, inter-agency coordination, data integration, and consistent administrative procedures. In environments characterized by limited institutional resources and fragmented administrative structures, even formally sophisticated legal frameworks may produce limited practical impact. As a result, enforcement may become inconsistent, selective, or heavily dependent on short-term administrative campaigns rather than long-term institutional effectiveness. The enforcement gap also affects perceptions of fairness and legitimacy within the tax system. Where taxpayers perceive enforcement practices as inconsistent or unequal, voluntary compliance tends to weaken. In this regard, the effectiveness of tax enforcement depends not only on the severity of sanctions, but also on public confidence in the impartiality, predictability, and professionalism of state institutions. Comparative research increasingly demonstrates that sustainable tax compliance is strongly connected to institutional trust and perceptions of procedural fairness (OECD, 2020).

In Albania, these challenges are further intensified by the persistence of a large informal sector, which limits the practical effectiveness of enforcement mechanisms and weakens confidence in the fairness of the fiscal system. The relationship between informality and enforcement is particularly significant because weak enforcement may encourage informal economic activity, while widespread informality simultaneously reduces the effectiveness of fiscal control. This broader structural dimension is examined in greater detail in the following section.

Moreover, excessive reliance on punitive and deterrence-based approaches may generate limited results where institutional legitimacy remains fragile. Although stronger sanctions and intensified inspections may temporarily increase compliance, they do not necessarily address the structural causes of evasion, such as administrative complexity, limited trust in institutions, bureaucratic burdens, and perceptions of unequal treatment. In some cases, aggressive enforcement strategies may even increase resistance to formalization and further weaken cooperative relationships between taxpayers and public administration.

From a governance perspective, the persistence of tax evasion therefore reflects broader institutional challenges extending beyond the field of fiscal law itself. Effective tax systems require not only legal regulation, but also credible institutions capable of ensuring consistent enforcement, administrative coordination, transparency, and public legitimacy. In this sense, the Albanian case illustrates the limitations of approaches focused predominantly on legislative harmonization without equivalent attention to institutional implementation and governance capacity.

Accordingly, the enforcement gap represents one of the central obstacles to effective tax governance in Albania. While formal legal approximation with European standards remains an important component of the country's integration process, sustainable progress in combating tax evasion ultimately depends on strengthening institutional

effectiveness, improving administrative credibility, and addressing the broader structural conditions that continue to sustain informality and non-compliance within the Albanian economic system.

3. Informality and Structural Non-Compliance in Albania

One of the most significant obstacles to effective tax enforcement in Albania is the persistence of a large informal economy. Although informality represents a common challenge in many transition and developing economies, its impact in Albania remains particularly substantial due to the interaction between economic structure, institutional capacity, and governance limitations. The informal sector affects not only state revenue collection but also the broader functioning of the fiscal system by weakening enforcement credibility, distorting market competition, and undermining perceptions of fairness within the legal and economic order (World Bank, 2021).

From a structural perspective, informality cannot be understood exclusively as a consequence of insufficient legal regulation or weak sanctions. Rather, it reflects a broader socio-economic and institutional phenomenon shaped by multiple interconnected factors, including limited trust in public institutions, bureaucratic complexity, inconsistent enforcement practices, and economic incentives favoring non-compliance. In many cases, informal economic activity emerges not merely as deliberate tax avoidance, but also as a response to administrative burdens, unstable economic conditions, and perceptions that formal compliance does not produce equivalent institutional benefits.

Within the Albanian context, the persistence of informality is closely linked to the historical and structural characteristics of the country's economic transition. The rapid transformation from a centralized economy toward a market-oriented system created significant institutional and regulatory challenges, particularly in relation to state capacity, administrative coordination, and regulatory oversight. Although Albania has progressively modernized its fiscal legislation, institutional adaptation has often developed more slowly than formal legal reform. As a result, important sectors of economic activity have continued to operate partially outside formal regulatory structures.

This situation creates a self-reinforcing cycle of non-compliance. Where large segments of economic activity remain informal, the tax burden falls disproportionately on compliant businesses and formally registered taxpayers. Such imbalance may reduce incentives for voluntary compliance and contribute to perceptions of unequal treatment within the fiscal system. In turn, these perceptions weaken institutional legitimacy and further encourage informal economic behavior. Consequently, informality and weak enforcement frequently reinforce one another, creating structural obstacles to sustainable tax compliance.

An additional challenge concerns public trust in state institutions and tax administration. Comparative governance research increasingly demonstrates that taxpayers are more likely to comply voluntarily when institutions are perceived as fair, predictable, transparent, and professionally administered (OECD, 2020). Conversely, where enforcement is viewed as selective, inconsistent, or politically

influenced, compliance incentives decline significantly. In Albania, concerns regarding administrative discretion, inconsistent application of rules, and uneven enforcement practices may contribute to reduced confidence in the impartiality of fiscal institutions.

Administrative complexity also represents an important factor contributing to structural non-compliance. Complex procedural requirements, bureaucratic burdens, and regulatory uncertainty may increase the practical costs of formal economic participation, particularly for small businesses and self-employed individuals. In such contexts, informal activity may appear economically rational, especially where enforcement capacity remains limited or inconsistent. This demonstrates that tax compliance is influenced not only by punitive considerations, but also by the accessibility, efficiency, and predictability of administrative systems.

The persistence of informality further limits the effectiveness of traditional deterrence-based enforcement strategies. While sanctions, inspections, and financial penalties may increase short-term pressure on taxpayers, they often fail to address the broader structural causes of non-compliance. Excessive reliance on punitive enforcement may even produce counterproductive effects where taxpayers perceive enforcement as disproportionate or disconnected from broader institutional fairness. Contemporary compliance theory therefore increasingly emphasizes the importance of cooperative relationships between taxpayers and public administration, combining enforcement with measures designed to strengthen voluntary compliance and institutional legitimacy (Slemrod, 2018).

Moreover, the challenges associated with informality extend beyond the fiscal sphere and affect broader governance objectives related to rule of law, economic development, and European integration. High levels of informal economic activity weaken institutional transparency, reduce state capacity, and complicate efforts to establish predictable regulatory environments capable of attracting long-term investment and sustainable economic growth. In this regard, combating informality represents not only a fiscal necessity but also an essential governance and development objective.

The Albanian experience therefore illustrates that tax evasion and informality cannot be addressed solely through stricter legal sanctions or expanded enforcement powers. While legal harmonization remains important, sustainable improvements in compliance require broader institutional reforms aimed at strengthening administrative credibility, reducing bureaucratic burdens, improving enforcement consistency, and increasing public trust in state institutions. Without addressing these underlying structural factors, formal legal reforms risk remaining only partially effective in practice.

Ultimately, informality represents one of the principal structural constraints limiting the effectiveness of tax enforcement in Albania. The persistence of non-compliance demonstrates that successful tax governance depends not only on the existence of legal rules, but also on the broader relationship between institutions, enforcement legitimacy, and social trust. Consequently, any long-term strategy aimed at reducing tax evasion must combine legal enforcement with institutional strengthening and governance reforms capable of promoting both compliance and public confidence within the fiscal system.

4. Enforcement Limitations, Governance Challenges, and European Perspectives

4.1. *Limits of Deterrence-Based Enforcement*

Traditional approaches to combating tax evasion have largely relied on deterrence theory, according to which taxpayers comply with fiscal obligations primarily due to the fear of detection and punishment. Within this framework, increasing the probability of audits, strengthening sanctions, and expanding enforcement powers are expected to reduce incentives for non-compliance. Consequently, many states, including Albania, have progressively intensified administrative inspections, financial penalties, and investigative mechanisms aimed at strengthening fiscal control and reducing informal economic activity.

However, contemporary scholarship increasingly questions the effectiveness of purely punitive approaches, particularly in environments characterized by weak institutional trust and structural informality. While sanctions may generate short-term compliance effects, deterrence alone often proves insufficient to produce sustainable behavioral change (Slemrod, 2018). In practice, taxpayers do not respond exclusively to economic calculations concerning penalties and enforcement risks; compliance is also strongly influenced by perceptions of fairness, institutional legitimacy, administrative transparency, and the quality of state-citizen relations.

Within the Albanian context, the limitations of deterrence-based enforcement become particularly visible due to the interaction between weak institutional credibility and widespread informal economic activity. Aggressive enforcement campaigns and punitive sanctions may increase immediate fiscal pressure, yet they do not necessarily address the structural causes of non-compliance. Where enforcement practices are perceived as inconsistent, selective, or administratively burdensome, stronger sanctions may instead reinforce distrust toward fiscal institutions and encourage further resistance to formalization.

Moreover, excessive reliance on punitive enforcement mechanisms risks producing fragmented and reactive administrative practices rather than long-term institutional effectiveness. Tax administrations operating primarily through sanctions and inspections may prioritize immediate revenue collection over broader governance objectives such as voluntary compliance, transparency, and taxpayer cooperation. As a result, enforcement strategies focused predominantly on punishment may fail to create stable and predictable compliance environments capable of reducing informality in a sustainable manner.

For these reasons, contemporary approaches to tax governance increasingly emphasize “responsive regulation” and compliance-oriented enforcement models. Rather than relying exclusively on punitive measures, these approaches seek to combine sanctions with incentives for voluntary compliance, administrative simplification, taxpayer education, and cooperative relationships between taxpayers and public institutions (OECD, 2021). Such models recognize that effective tax systems depend not only on enforcement capacity but also on institutional legitimacy and public trust.

4.2. Comparative European Perspectives on Tax Enforcement

Comparative European experiences demonstrate that effective tax enforcement depends on a broader institutional framework combining administrative coordination, digital governance, risk-based supervision, and compliance-oriented policies. In many European Union member states, tax administration reforms have progressively moved beyond traditional punitive approaches toward integrated governance models emphasizing both enforcement effectiveness and taxpayer cooperation.

One important development concerns the digitalization of tax administration systems. Several European countries have introduced advanced electronic reporting systems, integrated fiscal databases, automated compliance mechanisms, and real-time transaction monitoring tools designed to improve transparency and reduce opportunities for tax evasion. Digitalization not only strengthens enforcement capacity but also reduces administrative discretion and increases predictability within tax administration procedures.

Additionally, many European systems increasingly rely on risk-based enforcement strategies that prioritize high-risk sectors and patterns of non-compliance rather than applying generalized enforcement measures indiscriminately. Such approaches allow tax authorities to allocate administrative resources more efficiently while reducing unnecessary burdens on compliant taxpayers. More importantly, risk-based systems strengthen institutional professionalism and reduce perceptions of arbitrary or selective enforcement.

Comparative practice also demonstrates the growing importance of cooperative compliance models. In several European jurisdictions, tax administrations increasingly emphasize voluntary disclosure mechanisms, taxpayer assistance services, negotiated compliance procedures, and administrative transparency as tools for improving long-term compliance behavior. These approaches reflect the recognition that sustainable tax governance depends not solely on coercive power but also on the quality of institutional relationships between taxpayers and the state.

Nevertheless, the effectiveness of these European approaches depends heavily on institutional conditions that may not yet be fully consolidated in transition economies such as Albania. Advanced digital systems, integrated administrative coordination, and cooperative compliance mechanisms require significant institutional capacity, professional expertise, and public trust. Consequently, the direct transplantation of European enforcement models without corresponding institutional development may produce limited practical results.

4.3. Governance Challenges and Institutional Capacity in Albania

The Albanian experience illustrates the broader difficulties faced by transition economies attempting to combine formal legal harmonization with effective institutional implementation. Although Albania has substantially aligned its fiscal legislation with European and international standards, important governance challenges continue to affect the practical effectiveness of tax enforcement mechanisms. One of the principal difficulties concerns institutional fragmentation and limited inter-agency coordination. Effective tax enforcement frequently requires cooperation between tax administration bodies, financial intelligence institutions, customs

authorities, judicial institutions, and anti-corruption structures. In practice, insufficient coordination between these institutions may weaken investigative effectiveness, create procedural delays, and contribute to inconsistent enforcement outcomes.

Administrative capacity also remains a significant challenge. Complex forms of tax evasion increasingly involve sophisticated financial transactions, digital economic activity, and cross-sectoral economic structures requiring specialized investigative expertise. Without sufficient technical capacity, professional training, and institutional resources, enforcement mechanisms may struggle to respond effectively to contemporary forms of economic non-compliance.

Another important issue concerns the relationship between formal legal harmonization and substantive institutional effectiveness. Within the framework of European integration, Albania has adopted extensive legislative reforms intended to approximate domestic law with EU standards. However, formal legislative approximation does not automatically ensure effective implementation in practice. In some cases, legal reforms may advance more rapidly than the institutional capacities required to enforce them consistently and credibly.

This distinction between formal compliance and practical implementation reflects a broader governance challenge frequently identified in transition economies. Institutions may formally satisfy legislative requirements while continuing to experience operational weaknesses, inconsistent practices, and limited public legitimacy. In the field of tax enforcement, such conditions may undermine both enforcement effectiveness and voluntary compliance.

Furthermore, the persistence of informality demonstrates that enforcement challenges in Albania are closely connected to broader issues of governance credibility and institutional trust. Tax compliance depends not only on sanctions and inspections, but also on the perception that institutions operate fairly, predictably, and transparently. Where taxpayers perceive unequal treatment, inconsistent enforcement, or excessive administrative discretion, confidence in fiscal institutions may weaken significantly. Ultimately, the Albanian case demonstrates that effective tax governance cannot be achieved exclusively through stricter legislation or punitive enforcement measures. Sustainable reductions in tax evasion require broader institutional reforms aimed at strengthening administrative professionalism, improving inter-institutional coordination, increasing transparency, and enhancing the legitimacy of public institutions. In this sense, the fight against tax evasion represents not only a fiscal challenge, but also a broader test of governance capacity and rule of law effectiveness within the Albanian state.

5. Conclusion

The analysis presented in this paper demonstrates that the persistence of tax evasion in Albania cannot be explained solely through deficiencies in legal regulation or the absence of punitive enforcement mechanisms. Although Albania has undertaken substantial legislative reforms and progressively aligned its fiscal framework with European and international standards, the effectiveness of tax enforcement continues to be constrained by broader structural and institutional challenges. The Albanian case therefore illustrates the limitations of approaches focused predominantly on

formal legal harmonization without equivalent attention to governance capacity, administrative effectiveness, and institutional legitimacy.

A central finding of this study is that the enforcement gap between formal legal norms and practical implementation remains one of the principal obstacles to effective tax governance in Albania. While domestic legislation formally incorporates modern enforcement mechanisms and compliance obligations, institutional weaknesses, fragmented administrative coordination, and inconsistent enforcement practices continue to limit their practical impact. In this regard, the persistence of tax evasion reflects not only a legal problem, but also a broader governance challenge connected to state capacity, regulatory credibility, and public trust in institutions.

The paper further demonstrates that informality constitutes a structural dimension of non-compliance rather than merely an individual violation of fiscal obligations. The continued existence of a large informal sector weakens enforcement effectiveness, distorts competitive conditions, and undermines perceptions of fairness within the tax system. At the same time, weak institutional legitimacy and inconsistent enforcement practices may reinforce incentives for non-compliance, creating a self-perpetuating cycle between informality and limited enforcement credibility.

The analysis further demonstrates that sustainable tax compliance cannot rely exclusively on punitive enforcement strategies. Comparative European experiences show that effective tax systems increasingly depend on integrated governance models combining enforcement with institutional transparency, administrative coordination, digitalization, and taxpayer-oriented compliance mechanisms.

Within the Albanian context, future reforms should therefore focus not only on legislative approximation, but also on strengthening institutional professionalism, improving inter-agency coordination, reducing administrative complexity, and increasing transparency within tax administration procedures. Measures aimed at reducing informality should similarly combine enforcement with incentives for formalization and more accessible public services.

More broadly, the Albanian experience reflects a wider challenge confronting many transition economies undergoing processes of institutional modernization and European integration. Formal legal harmonization remains important, but sustainable progress in combating tax evasion ultimately depends on the capacity of institutions to operate consistently, professionally, and credibly within the framework of the rule of law.

Accordingly, the paper concludes that effective tax enforcement should be understood not solely as a question of stricter sanctions or expanded legal powers, but as part of a broader governance strategy aimed at strengthening institutional legitimacy, administrative effectiveness, and public confidence in state institutions. Only through such a systemic and governance-oriented approach can Albania achieve more sustainable levels of compliance and improve the long-term effectiveness of its fiscal and regulatory framework.

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Commercial companies facing the challenges of e - commerce and personal data protection

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Abstract

This paper aims to present the theoretical and practical experiences of adapting electronic commerce technology, the challenges faced by commercial companies in adapting to new technology, as well as its detailed treatment from a legal perspective regarding the protection of personal data during the electronic commerce process. This paper also aims to provide a general overview showing how the principles and rules of traditional contract law, which proved not to be sufficiently updated and did not enable the conclusion of electronic contracts, consequently led to the need to complete a new legal framework in this regard. Due to the specific features of this new type of legal relationship, it is important that legal adjustments be made for approximation with the European Union, also with regard to the protection of personal data during the electronic commerce process. To achieve this, several adaptation models have been reviewed in order to understand which are the main factors that encourage the adoption of this application and what benefits are obtained. In most models of the adaptation process, different authors identify different factors and different models. The study aims to determine the extent to which electronic commerce has been applied and what advantages have been achieved by those commercial companies that have adopted electronic commerce. However, it should be taken into consideration that this paper will provide a modest contribution to legislation and practice, including the environment in which small and medium-sized companies operate in Albania, in the context of the economic, legal and other related environments. The paper attempts to show whether there is a connection between the application of electronic technology and the realization of company benefits and the increase of its competitive advantage.

Keywords: Commercial Companies, Electronic Commerce, Legislation, Economic Environment, Electronic Contracts.

1. Introduction

Nowadays, and especially in the legal world, changes over time may be imaginable, but the difficulty remains in their implementation; in this context, electronic commerce in the field of law has brought innovation, particularly in relations between individuals and traders, with facilities and privileges in the commercial aspect. The Internet has created a new reality for the development of economic activities and for the achievement of the objectives of businesses and consumers. The traditional relationship between seller and buyer has changed significantly, as businesses now use the Internet to get closer to customers and to facilitate the process of commercial exchanges. In this way, electronic commerce has contributed to the creation of a more competitive market, encouraging companies to adapt their manner of operation in order to maintain and improve their position in the market.¹ The rapid development

¹ From place to space: Migrating to profitable electronic commerce business Models Jeanne Ross, Michael Vitale and Peter weill, 2001, fq3

of electronic commerce has transformed relationships between businesses, consumers and suppliers. Today, a large number of companies offer products and services online and communicate with customers through digital platforms. In order to benefit as much as possible from this form of commerce, businesses are redesigning their work processes and seeking more efficient ways to carry out economic activities. Information technology and the Internet have become essential elements of economic and social development. The increase in the use of the Internet by the population has directly influenced the expansion of electronic commerce and the growth of online sales, especially in the sectors of entertainment, travel, clothing and electronic devices. The Internet offers numerous advantages, such as saving time, reducing costs and increasing efficiency in commercial activities. The percentage of the population using the Internet has increased significantly.² However, the revolution of electronic commerce also brings challenges for businesses and state institutions. Companies must restructure their processes, create new management strategies, adapt their organizational culture and build secure electronic payment systems. At the same time, the development of this form of commerce has also encouraged the creation of an appropriate legal framework for the regulation and support of electronic activities. The wide range of Internet users has encouraged businesses to offer services and products online. The greatest growth in online sales has been achieved by the entertainment industry, event ticket sales, travel, clothing and electronics. The Internet saves time and, consequently, saves money. New methods of creating efficiency advantages are spreading very rapidly. Internet users, both individuals and businesses, are multiplying around the world, and many companies are achieving remarkable profits by serving these users. In order to adapt to the new needs, our legal environment has been enriched with a series of laws that constitute the legal framework for carrying out electronic commerce.

2. What do we understand by electronic commerce and its characteristics?

Electronic commerce (e-commerce) represents one of the most important developments of the digital economy and of the modern way of doing business. The development of information technology and the spread of the Internet have created new opportunities for carrying out commercial transactions, changing traditional relationships between businesses and consumers. Due to its dynamic and evolving nature, electronic commerce has been defined in different ways by various authors and institutions. In a general sense, electronic commerce means the process of buying, selling and exchanging products, services and information through electronic networks, mainly the Internet. It is not limited only to the performance of commercial transactions, but also includes electronic communication, cooperation between the parties and the exchange of information in real time. In this context, electronic commerce is considered a business model based on the use of digital technology to increase efficiency and create competitive advantages in the market. It may also be said that electronic commerce refers to a wide variety of Internet-based business models. In particular, an electronic commerce strategy includes different elements of the marketing mix in order to direct users to a website for the purpose of purchasing

² Chan and Lee, 2001; Hammond, 2001; OECD, 2003.

a product or service.³ According to the Organisation for Economic Co-operation and Development (OECD), electronic commerce includes all forms of commercial activities based on the electronic processing and transmission of data, including text, voice and images. This definition highlights the importance of technology in transforming economic and commercial processes. One of the main characteristics of electronic commerce is its development in a virtual space, unlike traditional commerce which is carried out in physical markets. Through the Internet, businesses can offer products and services without geographical limitations, creating greater access for consumers and reducing operating costs. Another essential characteristic is the automation of business processes, which enables the online realization of the offer, order, payment and delivery of products or services. Electronic commerce is also characterized by the speed of communication, direct interaction with the customer and the possibility of personalizing products and services according to consumer needs. This form of commerce contributes to increasing economic efficiency, reducing the time required to carry out transactions and expanding potential markets for businesses. An important element of the functioning of electronic commerce is the legal certainty of transactions. In this regard, electronic documents and electronic signatures play an essential role in guaranteeing the legal validity of contracts and the identification of the participating parties. The Albanian legal framework, through the laws "On Electronic Commerce", "On the Electronic Document" and "On Electronic Signature", establishes the legal foundations for the development and functioning of electronic commerce in the Republic of Albania. In a legal relationship, the determination of the parties is an essential element of the relationship, since its effects and consequences extend only to its subjects. Legal acts and documents prepared by natural and legal persons, public and private, may also be carried out through an electronic document to which a qualified electronic signature is attached. The electronic document that bears the name of the signatory and his or her qualified signature has the same legal validity and evidentiary force as the written form. The Law "On Electronic Signature", in addition to the concept of "electronic signature", also defines the meaning of advanced electronic signature, which:

- Exclusively assigns to a holder the specific features of the signature code;
- Enables the identification of the holder of the signature code;
- Is produced by secure means that can be kept under the control only of the holder of the signature code;
- Is linked to the data in such a way as to make it easy to detect any subsequent change to those data.

The electronic contract is completed only after electronic signature; each of the parties signs the same document with the respective electronic signatures.

3. Electronic contracts and their types

Online trading is a good way to do business because of the ease and flexibility it creates in communication. These characteristics make it possible to reach agreements easily between parties regardless of where they are located. In order to narrow the distance between parties entering into contractual relations, to promote and accelera-

³ According AMA (American Marketing Association, 2014).

te the time required for concluding contracts between subjects operating in different countries, or even in the same country but using electronic means of communication, the law, adapting to the developments of the information society, introduces an entirely new and modern way of concluding the electronic contract.⁴

According to the law, an electronic contract is a contract concluded by using electronic means. The procedure for concluding these contracts is likewise carried out by using electronic means. In this sense, both the proposal and the acceptance will no longer be carried out by traditional methods, but by using technological developments. The electronic contract is an (electronic) document that proves the expression of a party's will to conclude it. Contracts appearing on the Internet which require the user to press a keyboard button and indicate approval are usually non-negotiable and often are not read or reviewed in their entirety before being concluded, which raises the question whether there truly exists mutual consent given by the parties regarding the terms of the contract. However, there is a consensus among commentators that, when considering the conclusion of a contract, no distinction should be made between online contracts and traditional offline contracts⁵. Nevertheless, such equivalence between so-called "online" contracts and "offline" contracts has not been expressly recognized by our Law "On Electronic Commerce". However, if we refer to Article 11/2, we see that this article indirectly recognizes an equivalent status for these two methods of contracting. "In every case, in order for an electronic contract to be valid, it must fulfil all the requirements provided by the Civil Code for the general part of contracts, the requirements provided for the specific form of the contract under the Civil Code, and the special requirements provided in Law No. 9902, dated 17.04.2008, 'On Consumer Protection'. "Therefore, in this sense, the rules for the conclusion of contracts that apply to traditional contracts (concluded without the mediation of electronic means) will also apply to electronic contracts. It is understandable that there will be no distinction regarding the rules that apply when a book is bought online or when the same book is bought in a bookstore. This is because the contract itself does not change, and the Internet does not change the nature of the contract, but only the manner in which it is concluded.

According to our legislation, not all contracts may be concluded online. The law excludes a number of contracts which, because of the form required by law, cannot be concluded in the form of electronic contracts.

"This law does not apply to the following contracts:

- Contracts concluded to create, change or extinguish rights over immovable property, except for lease contracts for immovable property with a term of up to 9 years;
- Contracts which by law require the involvement of courts, public authorities and professions that exercise or provide a public service;
- Contracts of guarantee and collateral of securities, provided by persons acting for purposes other than their business, trade or profession;
- Contracts provided by the Family Code and legal acts provided by the Civil Code, Part III, Title III "Inheritance by Will";

Financial services or insurance services to which distance marketing applies. For contracts concluded to create, change or extinguish rights over immovable property, according to the Civil Code, a specific form must be followed. It must be made by notarial act and registered; otherwise it is absolutely invalid. Such a form required for the conclusion of the contract cannot be applied to the conclusion of contracts elec-

tronically, because this method does not allow it. The lease contract over immovable property with a term of up to 9 years is excluded from this qualification, since it does not necessarily require a notarial act and registration for validity purposes. For the same reason, the category of contracts included in letter b) is also excluded. The reason for excluding the contracts in point b), at least with regard to the European Union Directive, relates to the fact that "it would be too much to require Member States to digitize courts and public authorities within a short period of time".

Meanwhile, the exclusion of contracts provided by the Family Code and legal acts provided by the Civil Code, Part III, Title III (inheritance by will), is made because these are acts which, due to their interpersonal nature (*intuitu personae*), cannot be concluded as electronic contracts.⁶ The contracts included in letters d) and c) are not regulated by this law because these matters are regulated in more detail by other laws. Financial transactions and services are well regulated by the Law "On Securities" and other by-laws, while for contracts of guarantee and collateral of securities, we consider that it is very difficult to realize these forms of contracts electronically because of their specific features.

The law does not require any specific form for electronic contracts, but refers to the provisions of the Civil Code regarding the conditions it provides for the form and validity of contracts. However, it remains unclear which of the form requirements electronic contracts must respect. In any case, this is a debatable issue also for other disciplines, which have not yet reached a widely accepted conclusion.

Likewise, it should be emphasized that the Law "On Electronic Commerce" excludes certain contracts for which the electronic form of conclusion cannot be used; automatically, for all other contracts it is possible to conclude the contract by using electronic communication through electronic means.

On the other hand, since an electronic contract is an electronic document, it must meet the requirements for the form and validity of the electronic document as defined in the Law "On the Electronic Document".

4. Consumer protection and the advantages of electronic commerce

Electronic commerce has transformed the way commercial acts are carried out, offering a wide range of advantages for businesses and consumers. It enables operation without geographical and time limitations, expanding the market and increasing the possibility of attracting global customers.⁷

4.1. Consumer protection and personal data

The use of electronic commerce also includes important challenges related to the protection of consumers and personal data. Businesses must ensure the privacy and security of customer information by using protected electronic documents and secure electronic signatures. These measures are necessary for the reliability of electronic commerce and for safeguarding consumer interests.

Consumer protection, especially for contracts concluded electronically, assumes fundamental importance because these are contracts of a particular type, or more pre-

⁶ Directive 2000/31/EC on certain legal aspects of information society services, in particular electronic commerce, in the internal market, Arno R.Lodder, faqe 17.

⁷ The new CFO financial leadership manual, Stevan M.Bragg.

cisely contracts concluded in a particular market, where there is no opportunity to see the product and, moreover, where the consumer provides certain personal data that are stored in electronic message transmission systems and may be misused by the holder of those data. Within the meaning of this law, a consumer is considered to be “any natural person who buys or uses goods or services for the fulfilment of personal needs, for purposes that are not related to commercial activity, business or the exercise of a profession.” Moreover, the electronic market raises consumer concerns regarding the identity of the trader and the use of technology in carrying out transactions. Businesses always have more information than consumers and, on the other hand, consumers do not read or understand the standard terms of contracts. Consequently, businesses push consumers to accept standard terms that are not in the consumer’s interest. It often happens that, even if the consumer finds time to read the terms of the contract (electronic or otherwise), he or she does not understand its content because of the legal language used. Moreover, the consumer cannot choose in this regard a business that requires clearer legal terms during the conclusion of the contract, since businesses generally use the same terminology when referring to legal aspects. For all the reasons mentioned above, a multilateral commitment by businesses, the state and consumers is required in order to strengthen consumer protection. The position of consumers is always threatened, especially during electronic transactions. However, one of the greatest concerns of consumers remains the preservation of personal data by businesses, which may be used by the latter for various purposes, such as the violation of privacy, since the worldwide computer network has made what were considered private conversations less private. In this context, the analysis of the concept of privacy becomes important.⁸ In addition to its classical definition, privacy in the electronic dimension has been defined by Alan Westin as the right of the individual, group or institution to determine for itself when, how and to what extent information about them is communicated to others. Information about them may include a wide range of information, such as financial details, medical records, family details, home address, etc.

The Albanian legal framework recognizes a series of guarantees in function of the protection of consumer rights. This framework includes a number of laws, such as the Law “On the Protection of Personal Data”, the Law “On Electronic Communications”, the Law “On Electronic Commerce”, the Law “On Consumer Protection”, etc.

4.1.1. *Protection of personal data*

As emphasized above, electronic transactions are very sensitive with regard to personal data, since the consumer who buys the product or service publishes certain data before the relevant transaction is completed. Precisely because of this sensitivity, this aspect is regulated by a series of legal acts. Since 10.03.2008, the protection of personal data has been regulated by Law No. 9887 “On the Protection of Personal Data”, a law which transposed the provisions of Directive 95/46/EC. However, due to the particular features of electronic communications, they are also subject to regulation by other laws. Thus, the confidentiality and protection of personal data published during electronic communications are also subject to regulation by other laws. Accordingly, their confidentiality and protection are also regulated by Articles 121-131

⁸ E-Commerce at what Price? Privacy protection in the “information Economy” by Ben Macklin (SSRN).

of Law No. 9918, dated 19.05.2008 "On Electronic Communications in the Republic of Albania" (as amended). Based on the spirit of these provisions, the law has granted special protection to personal data. According to Article 121, entrepreneurs (service providers) must take measures regarding electronic communications systems and personal data, as well as to prevent unauthorized access to electronic communications systems and data processing systems. The obligation to protect personal data and the confidentiality of documents does not fall only on the entrepreneur (service provider), but also on his authorized persons and employees throughout the entire period of the activity and after its termination. Likewise, the law requires that the entrepreneur may become aware of messages or data transferred through his network only to the extent necessary to perform his duty in providing electronic communications services. The fourth paragraph of the aforementioned provision expressly provides that the interception, recording, publication and use of data and messages transmitted through the electronic communications network and not intended for publication, as well as their disclosure to unauthorized persons, is prohibited unless otherwise provided by the legislation in force. In order to guarantee data protection and confidentiality, entrepreneurs of public electronic communications networks and services are obliged, individually or, where necessary, in cooperation with one another, to implement technical and organizational measures to ensure the security of the networks and/or services offered by them.

Furthermore, entrepreneurs of public electronic communications networks and services are obliged to inform their users about the existence of any specific risk, the manner in which the risk may be reduced by users, and the possible costs that the entrepreneur must bear.

5. Conclusion

The analysis of electronic commerce in Albania shows that this sector is still in the initial stages of development, with a limited number of operators and relatively low use of electronic payments. However, electronic commerce offers important advantages for companies, including improved performance, operational efficiency, cost reduction and increased quality of consumer service. SMEs that actively adopt electronic commerce applications have a higher probability of benefiting from these advantages, while the main barriers relate to financial resources, IT infrastructure and the perception of risk. Factor analysis identifies five key dimensions of benefits: company performance, operational efficiency, cost control, effectiveness in consumer service and building relationships with consumers.

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