

The status of judges and the justice reform

An Albanian inside.

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Abstract

The judicial power in Albania is considered today as the greatest sinner in the Albanian society. But is it the only sinner? Is it treated with respect and dignity by the Albanian society? In the opinion of the writer of this article, the politicians of this country are also accomplices in this situation of the judiciary. These latter ones, when they need to purify their reputation, declare that they were pronounced not guilty by the courts. When a non-guilty decision is given to their political opponent, they hurry to curse the courts as corrupt, etc. In our opinion, the judiciary is not treated by the state equally when compared to the employees of the other sectors of the state. The Judiciary in Albanian, apart from being attacked en bloc by the politics and the media, is also paid badly and humiliated. This situation is of no service to the Albanian society and it should be changed rapidly.

Keywords: judge; reform; law; salary; housing

Introduction

Pretending to build a judiciary of Euro-Atlantic standards at a time of not taking care to meet the judges' requests is a mission impossible. A mayor started to fine his citizens for urinating underneath bridges or at the trees, at a time that his city had no public toilets. Citizens were obliged to enter into a bar and order something even when not hungry or thirsty, just to justify going to the bathrooms. Setting up public toilets and not the fines resolved the problem. Even in the case of the justice system, we are of the opinion that the solution is to meet the requests of judges and not having overthrow reforms and cutting of heads. The object of this article is the highlighting of the situation and the request to stop discriminating Albanian judges in comparison to the other categories of the state employees and in relation to their colleagues in the world.

Analysis of the situation in the Judiciary

During all these years of working experience of the writer in the judiciary, the most used key words by the Executive, when speaking about justice, were the reform and the corruption. The judiciary in Albania was highlighted as the greatest sinner by the government and the media. This approach has had its impact to the public, which is

fed every day with this kind of information. This propaganda, adding here also cases of corruption in justice, has made the public perception for the judiciary drop to its lowest historical level.

The worst in this case is that the Executive and the media generalize the phenomenon and do not deal with individual cases of the corrupted judges. Just as there are corrupted judges, there are also corrupted ministers, members of parliament, journalists, but this does not mean that the entire government or the entire media is corrupted. Consequently, we think it is urgent to stop accusations en bloc towards the judiciary.

In reply to this negative perception of the society, after the conclusion of the law on decriminalization, the legislative power has already decided as its work priority the justice reform. In the framework of the comprehensive justice reform, a special place in it is taken up by the new law on the status of the judge, which was absent until now. The judge's status was regulated summarily by the Constitution¹ and the law,² but there was no separate law regulating this status. Consequently, the draft of a special law regulating the judge's status is welcomed. However, based on the draft law content, it can be seen that just as in the past, the Judiciary is not treated equally in comparison to the other state functions, but also in relation to the judges of the regional countries and further on. Treatment of these distinctions is the object of this article, because it focuses on the legal regulations in force (*de lege lata*³).

Judges' Salary

Based on the law in force, articles 26 and 27, the first instance court judge and the appeal court judge benefit respectively a salary equal to 60% and 75% of the salary of the High Court judge. The salary of the latter is equal to the salary of a government minister. This salary is smaller than the salary of judges in any Balkan or European country, even smaller than the salary of a judge in the Republic of Kosovo, being the newest European state. However, fixing the above percentages did not allow for any bigger differentiation between the salaries in the judiciary compared to the other branches of government, the legislative and the executive.

The salaries of the Albanian judges cannot even compare with salaries of their European counterparts, where we can mention that the minimum salary of a judge in the International Court of Justice (ICJ) is \$166.000 a year, or as much as the salaries of 10-15 Albanian judges. The Albanian society should establish the model of a well-

¹ Constitution of the Republic of Albania. Approved by law no. 8417 dated 21.10.1998, as amended by law no.9675 dated 13.01.2007, by law no. 9904 dated 21.04.2008, by law 88/2012 and by law 137/2015.

² Law "On the organization and functioning of the judicial power in the Republic of Albania" no. 9877 dated 18.02.2008, amended by decision of the Constitutional Court no. 20 dated 09.07.2009 and law 114/2013.

³ *de lege lata* – law in its current condition

paid and well-educated judge, and make possible for him a life of dignity, and not the model of a judge dragging along and counting the coins to keep his family, or who seek to get paid by lawyers or citizens.

Per diems and compensation when exercising the duty away from the residence

The writer of this article has exercised the duty of the judge for 10 years in the town of Vlora, meanwhile his residence was in Kamëz, so about 150 km away. During all these years, neither was he given any per diems, nor the transportation expenses, nor any housing, and nor was his wife given any job. All his colleagues, who were living in Tirana, were treated in the same way for years, exercising the duty of a judge in the courts of Kavaja, Lushnja, Fieri, Shkodra, Lezha, Laçi, Kruja, Durrësi, etc. The same phenomenon happens even when the judges are delegated from the High Council of Justice to a different court from where they usually exercise the duty of the judge. Thus, even in this case they are not paid any per diems or any transportation expenses.

Completely the contrary happens with the other state employees. *The civil servant* of the state administration benefits "compensation for expenses made in the exercise of his duty out of his normal place of work."⁴ *The military personnel* (officer, non-commissioned officer, private or professional soldier) are given compensation for: a) house rent when the active military serviceman cannot be provided with a house from the Ministry of Defense. The compensation amount is not more than 80 per cent of the amount of rent; b) food...⁵ Further on, article 25 of the same law provides for compensation in case of appointment or acting on duty out of the residence of the military serviceman. The law says that the military serviceman and his family "are given compensation for expenses for traveling and transportation of house materials. The expenses are covered by the budget of the Ministry of Defense. When the armed forces personnel are transferred to another duty, out of his permanent residence, the Ministry of Defense provides for him the accommodation and transport. In cases when the accommodation and transport are not provided by the Ministry of Defense, he benefits per diems according to the governing legislation."

"1. When the active military serviceman..., in cases when he is appointed to exercise his duty out of his permanent residence, in or out of the country, when he moves from his residence together with his family and as a result, his spouse loses her job, when he cannot be employed in his new residence, he is given an unemployment salary in the amount and according to the requirements defined by a decision of the Council of Ministers. The unemployment salary is given in the name of his spouse. 2. The duration of unemployment of the spouse of the military serviceman, for a period of 7 years, is recognized as an insurance experience, in order to benefit the retirement pension....

⁴ Law 152/2013 as amended by the normative act no.5 dated 30.09.2013 and law 178/2014 "On the civil servants" article 40

⁵ Law 9210 dated 23.03.2004 "On the status of the serviceman of the armed forces of the Republic of Albania." Article 21

The persons, who have benefitted this right, according to article 17 of law no. 7496, dated 3.7.1991, "On the status of the serviceman of the Armed Forces of the Republic of Albania ", will continue to benefit this payment even for the period provided for by item 2 of this article, but not for more than 15 years. 3. The spouse of the military serviceman benefits an unemployment salary even for the period when the military serviceman goes on reserve, is discharged or when he dies, but not more than the period provided by item 2 of this article."⁶

The same facilitation is foreseen in the cases for the police officers. The law provides that "when the *police officer* is appointed/transferred away from his permanent residence, in or out of the country, he is paid the rent, when accommodation is not provided to him. 2. The criteria and the amount of payment of rent for accommodation are fixed by a decision of the Council of Ministers."⁷ In the same law, article 67 provides for compensation for privations to the police officer *for being distant from his residence, according to the public transport costs and the unemployment salary of his spouse*. Also, the law provides for the "c) food treatment for police officers; ç) financial assistance in the amount of *a monthly salary in cases of unfortunate events in the family*;... the immediate financial assistance in cases of *serious damages to the property*, because of the duty, according to the damage verification documents."⁸

"1. A member of parliament, who is not living in the city of Tirana, benefits *per diems* during the time he does not participate in the meetings of the Assembly, meetings of the parliamentary commissions and meetings of parliamentary groups, whereas the members of parliament living in Tirana benefit *per diems* for the working days out of Tirana..."⁹

The annual leave for judges

The status of a judge, differently from the other professions included in this study, is not regulated by a special law, but several provisions (articles 20 -30) that regulate this status, are incorporated in the law¹⁰ 'on the organization of the judiciary'. More specifically, article 24 specifies that the judge benefits payable annual leave for 30 calendar days and that this leave is granted during the month of August. The duration of this leave is apparently shorter than the leave assigned to the other employees of the state administration, etc.

⁶ Article 37 of Law no.9210 dated 23.03.2004 "On the status of the serviceman of the armed forces of the Republic of Albania."

⁷ Article 70 of Law no.108/2014, "On the State Police" Official Gazette No.137, Page:6336 published on 01.09.2014

⁸ Article 67 of Law no.108/2014, "On the State Police" Official Gazette No.137, Page:6336 published on 01.09.2014

⁹ Article 14 of Law no.8550, dated 18.11.1999 "On the status of a deputy", as amended: Law, No.8988, dated 24.12.2002; Law No.10160, dated 15.10.2009; Law No.153/2013.

¹⁰ Law no.9877 dated 18.02.2008 "On the organization of the judiciary in the Republic of Albania", as amended by law 114/2013 and by decision of the Constitutional Court no.20 dated 09.07.2009.

According to article 27 of law¹¹ *the national intelligence service inspector* benefits 40 annual payable calendar days. Regarding the *members of parliament*, article 74 of the Constitution provides that the first session starts on the third Monday of January, whereas the second session starts on the first Monday of September. According to this constitutional provision, the member of parliament benefits 15-21 calendar days of winter leave and 31-37 calendar days of summer leave. "...the duration of the paid annual leave for *active officers and non-commissioned officers* of the armed forces is 45 calendar days, whereas for privates and professional soldiers is 30 calendar days...". "The duration of the leave... for *police officers* is 28 up to 40 calendar days and is granted according to seniority and grades."¹²

Special leave for judges

The law¹³ does not provide for granting special leave to judges in cases of marriage, death, grave illness of family members, etc., as it does not provide for granting the leave without payment. Granting these types of leaves is regulated by a decision of the High Council of Justice.¹⁴

Quite the contrary happens with other state employees. More specifically, according to article 27 of the law¹⁵ the national intelligence service employee benefits: up to ten days of paid leave and up to two months of unpaid leave if he gets married; up to ten days of paid leave and up to two months of unpaid leave for a serious illness of his spouse; up to ten days of paid leave and up to two months of unpaid leave in case of the death of the spouse; up to ten days of paid leave and up to two months of unpaid leave in case of serious illness of children; up to ten days of paid leave and up to two months of unpaid leave in case of the death of a child; up to ten days of paid leave and up to two months of unpaid leave in case of the marriage of a child; up to ten days of paid leave and up to two months of unpaid leave when the other spouse gives birth to a child.

The military serviceman "has the right to unpaid leave even in cases of marriage, children's marriage, children's birth, serious illnesses or death of spouse, children, parents, brothers and sisters, suffering damages from natural disasters, change of permanent residence because of duty, preparation and defense of post-university titles for the work they do, when summoned by the justice institutions as a party,

¹¹ Law 9357 dated 17.03.2005 "On the status of the employee of the state intelligence service"

¹² Article 63 of law no. 108/2014, "On the state police", Official Gazette No.137, Page:6336 published on 01.09.2014

¹³ Law 9877 dated 18.02.2008 "On the organization of the judicial power in the Republic of Albania" as amended by law 114/2013 and the decision of the Constitutional Court no.20 dated 09.07.2009.

¹⁴ HCJ decision no.138/3 dated 19.03.2003 as amended by decision no.294/4 dated 14.09.2012.

¹⁵ Law 9357 dated 17.03.2005 "On the status of the employee of the state intelligence service"

witness or expert, and also for other unforeseen cases, which are considered by his superior".¹⁶

The unpaid leave

Similarly to the special leave, the law does not provide for the unpaid leave for judges. In the absence of the law, in this case the legal base to act upon was the normative act of the High Council of Justice. It is different with other professions where this aspect is also regulated by law.

"...The *military serviceman* of the Armed Forces has the right, in special cases, to ask for an unpaid leave, for health reasons, personal reasons, for the reason of his children, for his spouse or parents. The maximum duration of all unpaid leaves within a calendar year cannot be longer than 45 days..."¹⁷ "1. *The police employee* enjoys the right of the unpaid leave for a short-term period up to two months or a long-term period up to 3 years. 2. The short-term leave is approved by the head of the department and after the end of the leave, the employee returns to the same duty. 3. The long-term leave is granted for studies or qualifications and it is approved by the State Police Director..."¹⁸

"1. For special needs, personal or familiar, *the prosecutor* has the right to benefit an unpaid leave of 20 days per month, but not more than 30 days a year. 2. In case of marriages or deaths in the family, when the time provided for by item 1 of this article has ended, the prosecutor has the right to benefit up to 10 days of leave. 3. For purposes of personal qualifications and specializations, the prosecutor has the right to request an unpaid leave and his work position shall be kept for him for up to one year."¹⁹

Loss of life and treatment of family members

It has happened that a judge in Albania has lost his life and no support was given by the state to his family. This has happened because such a thing was not provided for by law, the opposite happens to the families of other employees. The family of a military serviceman "who loses his life in the line of duty or because of his duty, benefits a family pension in the amount of 100% of the monthly salary of the last month, in spite of the period of insurance of the belated. ...The children of the military serviceman,

¹⁶ Article 32 Law 9210 dated 23.03.2004 "On the status of serviceman of the armed forces in the Republic of Albania." Amended by Law no. 10 142, dated 15.5.2009 "on supplementary social insurance of the military personnel of the armed forces, state police employees, the Guard of the Republic, the state intelligence service, the prison police, fire protection police and the salvage of the employees of the internal control service in the Republic of Albania"

¹⁷ Law 9210 dated 23.03.2004 "On the status of the military personnel of the armed forces in the Republic of Albania." Article 32

¹⁸ Article 66 of Law No.108/2014, "On the state police" Official Gazette No.137, Page:6336 published in 01.09.2014

¹⁹ Article 51 Law, No.8737, Date of Act:12.02.2001, Approval Date:12.02.2001, Official Gazette No.5, Page:139 # Decision of the Constitutional Court, No.25, Date of Act:13.02.2002 Law, No.9102, Date of Act:10.07.2003;; Law, No.10051, Date of Act:29.12.2008,

who has lost his life in the line of duty or because of his duty, when gaining the right to follow the university studies, are granted full scholarship by the state.”²⁰

“1. When a *police officer* loses his life in the line of duty, his family members benefit: a) immediate financial assistance, up to 10 monthly salaries, according to the referring salary of the last month; b) a supplementary family pension, in the amount of 100% of the salary of the last calendar month of service, in spite of the insurance period.... c) reimbursement, in the amount of 100% of the study scholarship in the state educational institutions for the children of the employee; ç) housing free of charge for the spouse and children when they are homeless, according to the procedures defined by the Council of Ministers; d) financial assistance in the amount of one monthly salary, according to the reference salary, every death anniversary; dh) the funeral is organized by the head of the structure and the expenses are paid by the police budget; e) priority employment according to education, experience and other needed requirements for the work place. 2....”²¹

In cases when the active military serviceman “dies, suffers from a serious and long illness or suffers great property damage, as a result of a natural disaster, him or his family is given immediate financial assistance in the amount of up to six monthly salaries”²². “In cases when the wife of the active military serviceman dies, his spouse or a family member in his custody, suffers from a serious and long illness, or dies, he is given immediate financial assistance up to the amount of three monthly salaries.”²³

Illnesses, Accidents

The law does not provide any support for the judge even when he has a serious accident or illness. In practice, there have been cases of illnesses or deaths of judges from serious illnesses, and the state did not provide any financial support for them to be treated abroad, etc. Quite the contrary happens with the other professions.

The military serviceman, who interrupts his career “as a result of a mental or physical mutilation, in duty or because of his duty, losing completely the ability to work, benefits a pension in the amount 100% of the monthly salary of the active military serviceman”. When the military serviceman is discharged from service for health reasons, he “benefits a financial treatment up to his employment or up to his retirement,...”²⁴ “Military serviceman... and the family members in his charge,...benefit free health assistance in the civil and military state health institutions or in the private health centers in the country. 2. Military serviceman...and his family members...benefit free health assistance in the civil and military state health institution, or in the private

²⁰ Article 28 of Law 9210 dated 23.03.2004 “On the status of the serviceman of the armed forces of the Republic of Albania.”

²¹ Article 75 of Law No.108/2014, “On the State Police”, Official Gazette No.137, Page:6336 published in 01.09.2014

²² Article 30 of Law 9210 dated 23.03.2004 “ On the status of military serviceman of the armed forced of the Republic of Albania.”

²³ Article 30 of Law 9210 dated 23.03.2004 “ On the status of military serviceman of the armed forced of the Republic of Albania.”

²⁴ Article 29 of Law 9210 dated 23.03.2004 “ On the status of military serviceman of the armed forced of the Republic of Albania.”

health centers, when they are sent to be cured or to be diagnosed abroad.”²⁵ “1. The active military servicemen, the one in reserve, discharged or retired, are reimbursed their medicine up to the amount of 80% if other documents do not provide a higher percentage. 2. The military serviceman participating in the international operations benefits full reimbursement of his medicine, when his health was affected during such operations and the compensation lasts for as long as his health recovery will be complete...”²⁶

“1. The employees of special structures in the State Police, in function of carrying out their duties, benefit a special *health insurance* for health services, which are not part of the health service packages, offered by the Fund on Health Care Mandatory Insurance. 2. *The health insurance* for employees of the special State Police structures is done according to the contract entered into with the insurance company, selected according to the regulations of the legislation in force for public procurement. This insurance covers the expenses for the preventive check, the diagnosis and the cure, offered by the health institutions in and out of the country 3. The list of health services and the medical authority deciding on the health services, case by case, are defined by the decision of the Council of Ministers 4. The procedures about the special health insurance and the special structures benefiting from it, according to this article, are defined by a decision of the Council of Ministers.”²⁷ “*The Police Employee* benefits a life insurance, according to the regulations set out by the decision of the Council of Ministers.”²⁸

The member of parliament “...For illnesses arising during the exercise of duty and when the health personnel are of the opinion that they should be treated in a specialized way, *the member of parliament can be sent abroad for treatment. The funds for this purpose are provided by the Ministry of Health.*”²⁹

Judges’ pension; supplementary pension, premature pension

The existing law on the organization of the judiciary, just as the Constitution³⁰ provides for the retirement of the judges when they reach the age of 65 years, whereas the amount of the pension is regulated by the law on pensions³¹ and not by a special law as it happens with other state employees.

“1. Officers, non-commissioned officers and the private and professional soldiers, having an experience in the Armed Forces with 15 years for men and 12 years for women, enjoy the right of preliminary pension for service experience in the amount of 50 per

²⁵ Article 40 of Law 9210 dated 23.03.2004 “ On the status of military serviceman of the armed forced of the Republic of Albania.”

²⁶ Article 41 of Law 9210 dated 23.03.2004 “On the status of military serviceman of the armed forced of the Republic of Albania.”

²⁷ Article 68 of Law No.108/2014, “On the state police” Official Gazette No.137, Page:6336 published in 01.09.2014.

²⁸ Article 71 of Law No.108/2014, “On the state police” Official Gazette No.137, Page:6336 published in 01.09.2014.

²⁹ Article 20 of Law No.8550, dated 18.11.1999 “Status of Members of Parliament” amended by: Law, No.8988, dated 24.12.2002; Law No.10160, dated 15.10.2009; Law No.153/2013.

³⁰ The Constitution of the Republic of Albania, article 139.

³¹ Law no.7703 dated 11.05.1993 “On social insurance in the Republic of Albania” as amended.

cent of the monthly salary up to the meeting of the conditions to benefit the retirement pension. For every other year of service over the above limit, the serviceman is given a supplement in the amount of 2 percent of the monthly salary. 2. The preliminary pension for service experience is not interrupted in the case of employment of the beneficiary. 3. The requirements and the conditions of benefiting the preliminary pension for the years of service are defined by the law "On the supplementary social insurance of the serviceman of the Armed Forces of the Republic of Albania, the servicemen of the Ministry of Public Order and the State Intelligence Service", as amended"³².

"*The active serviceman,...*, benefit a supplementary pension for himself and his family, provided for by law "On the supplementary social insurance of the serviceman of the Armed Forces of the Republic of Albania, the servicemen of the Ministry of Public Order and the State Intelligence Service", as amended."³³

"*The police officer*, interrupting the work relations with the State Police, benefits: a) a transitory payment; b) a preliminary supplementary pension; c) a service pension; ç) a supplementary retirement pension. 2. The financial treatment for the cases provided for by item 1 of this law is done by a special law."³⁴

"1. *The Member of Parliament* benefits the right of a *transitory payment and the supplementary pension* based on law no. 7703, dated 11.5.1993 "On social insurance in the Republic of Albania " with the later amendments and additions and law no.8097, dated 21.3.1996 "On state supplementary pensions of persons having constitutional positions and state employees" with the later additions."³⁵

Right of housing

For judges of the district courts, law does not provide for their right of housing, making available to them habitation or a credit in favorable conditions to ensure housing. The contrary happens with other state employees.

"1. *The active serviceman* of the Armed Forces (officer, non-commissioned officer, privates and professional soldiers), without a home or with a small area of habitation, is granted a credit for housing from the State Budget. 2. The Active Servicemen of the Armed Forces (officer, non-commissioned officer, private and professional soldiers), who, when in reserve, discharged or with a retirement pension and who don't have a house or with a small area for habitation are treated as the active military servicemen. 3. The active military serviceman of the Armed Forces (officer, non-commissioned officer, private and professional soldiers), who is treated according to this article, when going on reserve or being discharged and has not paid the respective obligations; he continues to pay them as the active military serviceman. 4. Excluded from the right to

³² Article 35 of Law 9210 dated 23.03.2004 "On the status of the serviceman of the armed forces of the Republic of Albania."

³³ Article 36 of law 9210 dated 23.03.2004 " On the status of the serviceman of the armed forces of the Republic of Albania."

³⁴ Article 73 of Law no.108/2014, "On the state police" Official Gazette No.137, Page:6336 published in 01.09.2014.

³⁵ Article 20 of Law no.8550, dated 18.11.1999 "On the status of Members of Parliament" as amended by: Law, No.8988, dated 24.12.2002; Law No.10160, dated 15.10.2009; Law No.153/2013.

benefit, based on this article, are the military servicemen, who are discharged due to conviction for crimes by a final court decision. 5. The requirements for the credit and its amount are defined by the decision of the Council of Ministers.”³⁶

“1. *The police officer* benefits a credit for housing with an interest in the amount of 3 per cent. 2. Reimbursement of the credit interest is interrupted for the police officer only when he/she is removed from the police. 3. The requirements for being granted the credit for housing and its amount are defined by a decision of the Council of Ministers.”³⁷

“1. *The prosecutor* has the right to benefit a house with a credit in favorable circumstances when he does not have a house in the district where he works. 2. If the prosecutor has a house in another district different from where he is exercising his duty, he is a beneficiary, according to the item 1 of this article, but the amount of the credit will be the difference between the credit amount for the new house with the value of the house he owns. 3. The funds for housing are provided for in the annual budget of the Prosecutor’s Office.”³⁸

“1. *The Prosecutor* enjoys the right of preemption or the full reimbursement of the expenses for his transfer and his family transfer, and also the transport of housing facilities, when he is promoted to duty or transferred into another district for reasons not linked to disciplinary measures. 2. He does not benefit from this right when he is transferred upon his request.”³⁹

“...*The member of parliament* has priority in the right of housing or he is given a long term credit from the respective state institutions....”⁴⁰

Providing for the vehicle, telephone and other facilities

The state guarantees the right of leave from work in the state holiday homes for military servicemen, police officers, etc., but not for judges, who in this respect are also discriminated.

“1. *The military serviceman...* and his family have the right to rest in the military holiday homes used and administered by the Ministry of Defense. 2. The right to rest in the military holiday homes is enjoyed as well by the military serviceman (officer and noncommissioned officer) on reserve, discharged or in retirement pension, together with his family....”⁴¹

³⁶ Article 38 of law 9210 dated 23.03.2004 “On the status of the military serviceman of the armed forces of the Republic of Albania.”

³⁷ Article 69 of Law No.108/2014, “On the state police” Official Gazette No.137, Page:6336 published in 01.09.2014.

³⁸ Article 47 of Law No.8737, Date of Act:12.02.2001, Approval Date:12.02.2001, Official Gazette No.5, Page:139 # Decision of CC, No.25, Date of Act:13.02.2002 Law, Nr.9102, Date of Act:10.07.2003,; Law, No.10051, Date of Act:29.12.2008,

³⁹ Article 48 of Law, No.8737, Date of Act:12.02.2001, Approval Date:12.02.2001, Official Gazette No.5, Page:139 # Decision of CC, No.25, Date of Act:13.02.2002 Law, No.9102, Date of Act:10.07.2003,; Law, No.10051, Date of Act:29.12.2008,

⁴⁰ Article 20 Law No.8550, dated 18.11.1999 “On the status of members of parliament” as amended by: Law, No.8988, dated 24.12.2002; Law No.10160, dated 15.10.2009; Law No.153/2013.

⁴¹ Articles 33, 34, of Law 9210 dated 23.03.2004 “On the status of the military serviceman of the armed forces of the Republic of Albania.”

The member of parliament has the right to be granted a vehicle from the Assembly. The transportation expenses (driver, fuel, technical services) are provided by the Assembly up to the amount of 45.000 ALL/month. "The Member of Parliament is provided with telephone services. The amount of expenses for the telecommunication services is fixed by a decision of the Assembly. The above expenses for the Heads of the Parliamentary Commissions and the Permanent Parliamentary Commissions are 20 per cent higher than those of the members of parliament."⁴²The member of parliament is allowed for only one case during his mandate *not to pay the customs duty* for his work means, related to his activity as a member of parliament. The parliament member and his spouse are given a diplomatic passport for the duration of the parliament member's mandate and for three years after the mandate is finished. "The parliament member *is not subject to customs control*. The customs control point does not control his baggage and personal boxes, coming from abroad in his name."⁴³

Conclusions

The law on the status of the judge and other laws to be approved in the framework of the justice reform should bear in mind to regulate the disproportion created by law between the treatment of the judge and the treatment of other state employees. The new law should provide that when the judge does not have a house in the city where he works, either he is guaranteed housing and work for his spouse, or he is paid per diem and transportation expenses. In cases when the judges or his family member is sick (children, spouse) he should be guaranteed the treatment in the country or abroad for free. In cases when a judge loses his life in duty or because of his duty, the upbringing and education of his children and other needed financial support should be guaranteed. The achievement of these standards, burdens the state budget, but solutions can be found.

The solution shall be found at a better treatment of the existing judges and not to the increase of the number of courts and judges. Based on the last census, Albania has fewer inhabitants than it had in 1990; consequently it is not necessary to be overburdened with courts of many types for a small country with less than three million inhabitants. The judges' specialization and their profiling are very indispensable, but this profiling and specialization can be achieved through setting up and consolidating the relevant sections within the same court.

⁴² Article 18 Law No.8550, dated 18.11.1999 "On the status of members of parliament" as amended by: Law, No.8988, dated 24.12.2002; Law No.10160, dated 15.10.2009; Law No.153/2013.

⁴³ Article 26 Law No.8550, dated 18.11.1999 "On the status of members of parliament" as amended by: Law, No.8988, dated 24.12.2002; Law No.10160, dated 15.10.2009; Law No.153/2013.

For a small country, it is not necessary to have a criminal court, a civil court, an administrative court, a court for serious crimes, a court for family cases, a court for juveniles cases, etc. The experts, who suggest such models, are based on the experience of the developed countries like USA, Germany, Italy, France, etc., but they forget that these states have bigger populations than our country. Establishment of specialized courts is a burden to the state budget, who should foresee funds for buildings, staff and facilities for these courts. We think that the existence of the High Court and the Constitutional Court is not necessary, and worse, it is completely unnecessary to establish a High Administrative Court. A very suitable solution would be to have only one Court of Cassation, which would have 4-5 special sections that would consider constitutional issues, administrative cases, criminal cases, and civil cases.

In many cases, the experts for different issues refer to the legislations of different states, which create the collision of laws. More effective would be the selection of a similar and successful model, to which you should adhere to the end.

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