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Property rights adjudication in Albania: Conformity with European Human Rights Jurisprudential standards

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Abstract

The article aimed to assess the transformation of Albania's legal system for the protection of property rights under the influence of European standards. The methodology included comparative-legal and historical-legal analysis of Albania's legal acts, a systemic analysis of the European Court of Human Rights (ECHR) decisions regarding Albania, and a statistical analysis of quantitative indicators of the reform of the compensation system. The evolution of Albanian legislation was analysed, from the initial 1993 law to the modern 2015 law, and key ECHR rulings in cases against Albania from 2007 to 2025 were studied. It was found that by 2015, only 2.5 percent of restitution and compensation decisions had been implemented, whereas, after the introduction of the new system, the Property Compensation Agency had conducted financial assessments for over 25,000 claims by 2020. Typical violations of the convention standards were identified, including the lack of an effective enforcement mechanism and excessive discretion of the executive power in determining compensation forms. The government allocated about 1.2 billion euros for compensation through cash and land funds, setting a ten-year deadline for completing payments by 2026, with a minimum compensation value of 10 percent of the property value. Contemporary challenges in law enforcement were identified, particularly problems with the quality of property data in the national registry, where over 80 percent of records contain inaccuracies. The results demonstrate a radical transformation of Albania's legal system from complete failure to enforce restitution decisions to the creation of a centralized compensation mechanism with clear deadlines and guaranteed funding. The study confirms the effectiveness of the pilot ruling procedure as a tool for systematically addressing structural deficiencies in national legislation.

Keywords: property restitution, property compensation, pilot ruling, legal certainty, decision enforcement mechanism.

1. Introduction

The alignment of Albania's property rights framework with European human rights standards remains a central issue in the context of EU integration and the structural weaknesses of the post-socialist justice system. Transitioning to a market-based legal order has produced persistent challenges, reflected in delayed restitution procedures, gaps in property registration, and an ineffective compensation mechanism. The large number of applications submitted by Albanian citizens to the European Court of Human Rights (ECtHR) further illustrates the limited capacity of domestic remedies to ensure compliance with the European Convention on Human Rights (ECHR).

1.1 Historical and Legal Evolution of Property Relations

Dokushi (2021) examined the development of marital property regimes from the Civil Code of 1929 through the 1966 and 1982 codes, noting the dominance of joint ownership and the commitment to gender equality during 1948–1966. A unified spousal property regime was introduced in 1981 and incorporated into the later Family Code. Kalemaj and Çela (2021) emphasized the relevance of the *lex rei sitae* principle and observed that, despite progress, implementation continues to face institutional opacity and administrative delays.

1.2 Restitution, Compensation, and Ongoing Systemic Problems

Olldashi and Hoxha (2023) analyzed the implementation of Law No. 133/2015, concluding that most deadlines were missed due to insufficient planning and administrative inefficiencies. Mitllari (2025) explored acquisitive prescription and highlighted challenges linked to incomplete land registration and slow reforms.

1.3 Application of ECHR Standards in Albanian Judicial Practice

Veshi et al. (2025) documented extensive reliance on Articles 6, 8, 13, and Article 1 of Protocol No. 1 in domestic civil adjudication. Pendavinji and Rusi (2025) reaffirmed the subsidiary role of the ECtHR through the "fourth-instance doctrine."

1.4 Theoretical and Procedural Contributions

Letwin (2021) emphasized proportionality as a key interpretative tool in ECtHR jurisprudence. Campbell (2024) analysed cultural property cases, while Tafaj and Çinari (2024) examined inconsistencies in mediation for property disputes.

1.5 Aim and Research Objectives

The study explores the mechanisms by which Albanian legal regulation adapts to the European Court of Human Rights' standards in property restitution proceedings. The research tasks were:

- To systematize legislative changes in the field of property rights in Albania from 1993 to 2025 and establish their correlation with the judicial practice of the European Court of Human Rights.

- To study the legal practice through the analysis of ECHR decisions regarding Albania and identify typical violations of convention standards.
- To develop proposals for improving the restitution and compensation mechanism in accordance with European requirements.

2. Materials and methods

This study uses legal research methods to evaluate how Albania's property rights regulation aligns with ECtHR standards, with particular attention to restitution, compensation, and the effectiveness of domestic remedies.

Content analysis of the ECHR and key ECtHR judgments—Sporrong and Lönnroth, James, and Lithgow—was used to identify fundamental principles governing property protection. The comparative legal method examined major Albanian property laws (1993–2025), while the historical-legal method traced the evolution of the property framework.

The case-study method analyzed ECtHR judgments concerning Albania—Manushaqe Puto, Driza, Ramadhi, Sharxhi, and Beshiri—highlighting systemic deficiencies in restitution and compensation. Statistical data from national agencies and monitoring reports were used to evaluate the progress of compensation reforms.

Content analysis of Constitutional Court decisions clarified doctrinal approaches to legal certainty, while comparative analysis of scholarly literature contextualized Albania's experience within broader regional trends.

3. Results

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3.1 Judicial practice: national mechanisms and ECHR decisions in the context of contemporary challenges

The European Court of Human Rights from 2007 to 2025 has developed a significant

body of precedents regarding Albania in the area of property rights, forming the basis for assessing the conformity of national practice with convention standards. Analysis of judicial practice shows that property disputes have been one of the main categories of cases against Albania, with a majority of decisions finding violations of the Convention (Melo, 2024). The most typical violation was the denial of peaceful enjoyment of property, guaranteed by Article 1 of Protocol No. 1 of the ECHR, particularly in the cases *Driza v. Albania* (European Court..., 2007b), *Ramadhi v. Albania* (European Court..., 2007c), *Beshiri v. Albania* (European Court..., 2020a), where the Court found that the Albanian state failed to enforce final decisions of national authorities on property restitution or compensation. The ECHR in the case *Ramadhi and Others vs. Albania* emphasized that decisions of competent authorities create enforceable property rights for former owners, and ignoring these decisions by the state violates the Convention, undermining the principle of legal certainty. The prolonged non-enforcement of decisions also violated the right to a fair trial (Article 6, paragraph 1 ECHR) and the right to an effective legal remedy (Article 13 ECHR), leading to the recognition of this situation as a structural problem (Melo, 2024). A detailed chronological review of key ECHR cases and their impact on shaping Albanian judicial practice is presented in Table 1.

Table 1. Key ECHR cases regarding property rights against Albania (2007–2020)

Case (Year)	Violated Articles	Nature of Violation / Importance for Practice	Status of Enforcement
Manushaqe Puto and Others v. Albania (2012, pilot judgment)	Art 6 §1, Art 1 Protocol No. 1, Art 13	Systemic issue: Prolonged non-enforcement of final compensation decisions for former owners; general instructions for the state to create an effective legal remedy.	Ministerial Committee oversight completed after the adoption of the new scheme (2015) and further steps; pilot closed by resolution.
Driza v. Albania (2007)	Art 6 §1, Art 1 Protocol No. 1	Non-enforcement of national court and authority decisions on restitution/compensation. Important source for legal certainty standards.	Ongoing oversight of general measures in the broader cluster of “enforcement and compensation.”
Ramadhi and Others v. Albania (2007)	Art 6 §1, Art 1 Protocol No. 1	Non-enforcement of compensation decisions; describes the legally defined forms of compensation (bonds, equivalent plots, etc.).	General measures assigned to the “non-enforcement/compensation” case package; monitoring ongoing.
Çaush Driza v. Albania (2011)	Art 6 §1, Art 1 Protocol No. 1	Non-enforcement of the final decision of the appellate court; emphasizes the duty of authorities to ensure enforcement.	Individual measures implemented by the Property Restitution/Compensation Agency decision (2012); systemic issues remained part of further reforms.

Sharxhi and Others v. Albania (2018)	Art 6 §1, Art 8, Art 1 Protocol No. 1	Illegal demolition of a building contrary to a securing order; standards for protecting housing and property during administrative demolitions.	Under increased supervision by the Committee of Ministers since 2022; review of enforcement updated in March 2025.
Beshiri and Others v. Albania (decision on inadmissibility, 2020)	- (Scheme recognized as effective remedy)	ECHR confirmed the effectiveness of the new national scheme (Law No. 133/2015): Payments within 10 years; minimum 10% of value calculated according to current cadastral category; inflation adjustment.	Serves as a “filter” for new claims: first use national remedy; Committee of Ministers closed several repeat cases after scheme implementation.
Ramaj v. Albania (2024)	Art 1 Protocol No. 1	20-year non-enforcement of a final court decision on property restoration due to structural cadastral system issues. ECHR confirmed the systemic nature of cadastral deficiencies.	Compensation of 4,000 euros for moral damage; directive to create an effective property registration system.

Source: Created by the author based on (European Court..., 2012), (European Court..., 2007b), (European Court..., 2007c), (European Court..., 2011), (European Court..., 2018), (European Court..., 2020a), (European Court..., 2024), (Council of Europe, 1952).

Structured Overview of Court Decisions in Table 1 Reveals the Transformation of the ECHR’s Role from an Instrument for Identifying Violations to a Mechanism for Systematic Impact on National Legislation. The concentration of six out of seven key cases between 2007 and 2012 demonstrates the culmination of an institutional crisis, which led to the application of the pilot judgment procedure as an extraordinary legal tool. The further development of judicial practice up to 2024 reflects an evolution from general compensation issues to specific structural problems related to property registration. The chronological distribution of cases demonstrates a step-by-step reform process, with the introduction of a new compensation scheme in 2015 leading to the identification of new structural problems, and the variability in decision enforcement timelines reflects the complexity of implementing European standards into the national legal system and the need for a phased approach to eliminating structural deficiencies.

The Constitutional Court of Albania, in Decision No. 27/2010, conducted a fundamental analysis of the legal nature of decisions by competent authorities regarding restitution and compensation, emphasizing that legal certainty is a fundamental principle of the rule of law, designed to guarantee citizens the stability of legal relations established by final decisions (Constitutional Court of Albania, 2010). The Court determined that decisions by restitution authorities should not be considered ordinary administrative acts in the traditional sense of administrative law doctrine, but rather “sui generis” (special type) acts issued by an administrative body “sui generis.” The ECHR introduced the special term “quasi-court” to characterize such bodies, emphasizing

their special legal nature. Decisions by “*sui generis*” bodies regarding subjective property rights are not considered ordinary administrative acts, which is crucial for understanding their legal force and appeal procedures (Constitutional Court of Albania, 2010). This doctrinal position of the Constitutional Court aligns with the ECHR’s approach, which considers such decisions as creating enforceable rights for former owners.

The practical difficulty of law enforcement in property disputes is illustrated by a specific case reviewed by the Albanian Supreme Court in 2024, which demonstrates typical conflicts between state use of property and the rights of private owners. In 1992, the Municipality of Tirana signed a lease agreement with a commercial company for a property measuring 24,057 square meters, with the contracts explicitly stating that the heirs of T.T. filed claims for ownership as subjects of former owners who had applied under Law No. 7698/1993 for land restitution (High Court of Albania, 2024). In 1994 and 1996, the Property Restitution and Compensation Committee (C.R.C.P.) recognized T.T. as the rightful owner of the land, but the issue of actual compensation remained unresolved for decades. The owner filed a lawsuit for the return of the land, citing Article 296 of the Albanian Civil Code (Civil Code..., 1994) on reclaiming property from illegal possession. The court found that the limitation on property rights resembled *de facto* expropriation according to Article 41 of the Albanian Constitution, as depriving the claimant violated the essence of the property right, making it illusory (High Court of Albania, 2024). The case demonstrates a typical problem where state authorities use property that has been recognized as owned by private individuals, without ensuring proper compensation or restitution.

The introduction of Law No. 133/2015 (European Commission..., 2016) initiated an institutional restructuring of the system for handling property disputes through the creation of a centralized Property Regulation Agency with appropriate resources and powers. The five-year operation of the new mechanism (2015-2020) showed significant quantitative progress: by 2020, the Agency had conducted financial evaluations for more than 25,000 compensation claims, covering almost all previously recognized decisions regarding the rights of former owners. In contrast to the previous system, from 1993 to 2015, only about 2.5% of the total restitution and compensation decisions were enforced (ECHR, 2020). The Albanian government allocated around 1.2 billion euros for the compensation scheme through the cash and land funds. In the case *Beshiri and Others v. Albania* (European Court..., 2020a), the ECHR declared the complaints inadmissible due to the applicants’ failure to exhaust the new national remedy, effectively confirming the effectiveness of the introduced compensation mechanism and opening the way for systematic financial compensation payments and land allocations within the ten-year program to fulfill obligations by 2026. Comprehensive statistical indicators of the compensation system reform and its implementation dynamics are summarized in Table 2.

Table 2. Key quantitative benchmarks for compensation/enforcement and institutional changes (2015–2025)

Indicator	Value	Year/Period
Estimated “problem value” under the old model (government estimate in explanatory note)	ALL 814 billion (≈ €6.5 billion)	2015 (estimate at the time of reform)
Unpaid compensation decisions to be enforced	>26,000	2015
Minimum compensation amount under the new scheme	≥10% of value (according to current cadastral category)	2020 (ECHR position)
Deadline for full compensation payment	10 years, indexed to inflation	2020 (confirmed by ECHR)
Maximum cash compensation limit	ALL 10 million (≈ €81,100)	as of 2020
Number of cases for which the Property Treatment Agency (ATP) completed financial evaluation	>25,000	by 2020
Sharxhi case: Committee of Ministers’ supervision mode	Enhanced supervision from 2022; review update - March 2025	2022-2025
Key ECHR decisions awaiting enforcement in Albania	24 (as of 01.01.2024); 30 (as of 01.07.2024)	2024
Share of key decisions from the last 10 years remaining unenforced	96%	as of 01.01.2024
Average waiting time for enforcement of key decisions	3 years 11 months	as of 01.01.2024
Number of cases awaiting confirmation of payments by the end of the year	22 (31.12.2023)	2023

Source: Created by the author based on (European Court..., 2020b), (European Commission, 2024), (Council of Europe..., 2025).

The quantitative parameters of the reform in Table 2 demonstrate the scale of state intervention in property relations and the complexity of balancing financial capabilities with legal obligations. The ratio of various categories of indicators reveals the prioritization of certain directions of state policy and the sequence of their implementation over time. The dynamics of enforcement indicate a gradual increase in institutional capacity and the adaptation of administrative mechanisms to European standards of efficiency. The variability of information sources highlights the multi-level nature of reform monitoring and the involvement of international institutions in evaluating the effectiveness of state measures regarding property rights restoration. Despite the progress made in addressing historical restitution issues, the analysis of current law enforcement practice reveals new challenges in ensuring the rule of law in property disputes. The case *Sharxhi and Others v. Albania* (European Court..., 2018)

illustrates issues in contemporary expropriation practice when Albanian authorities demolished a residential building in the city of Vlorë in 2013, despite an existing court injunction. The ECHR found that the authorities ignored the court's decision, effectively nullifying the effect of Article 6, paragraph 1, and failed to provide the applicants with effective appeal mechanisms, which constituted violations of Articles 6, 13, and 1 of Protocol No. 1 due to the expropriation and destruction of property in violation of national legislation without proper compensation. After the ECHR ruling, the state faced the obligation to pay over 13 million euros in material damages to the affected owners, and the enforcement of this decision is still ongoing under the enhanced supervision of the Committee of Ministers of the Council of Europe (European Commission, 2024). As of 2024, the quality and completeness of property data in Albania's real estate registry remain problematic: over 80% of records may contain inaccuracies or incomplete information, complicating the protection of owners' rights (European Commission, 2024). A significant portion of land still has not undergone primary registration, especially in rural areas, where undivided land and long-standing disputes over legal titles exist, and tens of thousands of families who built homes without documents in the 1990s and 2000s are still waiting for their rights to be formalized or relocation.

3.2 Systemic proposals for improving the restitution and compensation mechanism according to ECHR standards

A comprehensive analysis of legal regulation and property rights protection practice in Albania demonstrates the need for systemic measures to fully comply with European standards and address identified shortcomings. The primary focus is on developing a comprehensive strategy to complete the compensation process with enhanced guarantees for adhering to deadlines and improving payment efficiency. It is recommended to establish a priority payment system for the most vulnerable categories of applicants, including the elderly and heirs with limited financial means, ensuring expedited or one-time compensation. If the macroeconomic situation improves, additional state resources should be directed to the Compensation Fund, particularly revenues from privatizing state enterprises, concession payments, and funds from the sale of state land, to increase the actual percentage of compensation beyond the established 10%. This approach would align with the Venice Commission's recommendation for a proportional solution that balances the interests of owners and the financial capabilities of the state (Venice Commission, 2016). It is critically important to introduce automatic legal guarantees in the case of state non-compliance by including provisions in the legislation for mandatory penalties or interest for each day of delay after the ten-year period. Such interest should be tied to the average bank deposit rate or the official inflation rate to preserve the real value of owed sums, which corresponds with the ECHR's general principle of fair compensation for material damage resulting from delays in fulfilling obligations.

A fundamental reform of the transparency and public oversight system for the compensation process is required through the establishment of an independent

supervisory board at the Property Treatment Agency, with representatives from former owners' associations, the ombudsman, real estate experts, and human rights defenders. This board should have the authority to regularly review the Agency's reports, analyze citizen complaints, monitor adherence to established deadlines, and submit mandatory recommendations for improving practices. The mandatory publication of detailed annual reports on the Compensation Fund's activities should include information about allocated funds, the number of decisions implemented, the average percentage of compensation paid from the due amount, the geographical distribution of compensations, and typical enforcement issues. This transparency system would comply with the principles of good governance established in ECHR practice and provide a means for national and international observers to assess the real progress in fulfilling state obligations. Additionally, it is recommended to create a public electronic platform to monitor the status of individual claims, allowing applicants to track the progress of their cases and increasing accountability among state bodies.

The judicial control and enforcement mechanisms in property disputes require systemic strengthening through the creation of specialized judicial chambers with deep expertise in property rights and European standards. It is advisable to create a separate chamber of the Administrative Appeal Court specifically for handling restitution and compensation cases with mandatory specialized training for judges in ECHR case law, particularly the application of Articles 6, 13, and 1 of Protocol No. 1 in property disputes. Judges should regularly undergo advanced training in convention-conform interpretation of national legislation, especially in cases of legal conflicts or gaps, interpreting norms in favor of maximizing the protection of applicants' rights according to the *effet utile* principle (principle of effectiveness). Ensuring the swift and complete enforcement of court decisions is critically important by creating a special monitoring mechanism under the Ministry of Justice, with the possibility of applying disciplinary sanctions to officials for non-compliance with court decisions. It is recommended to establish maximum enforcement timelines for property dispute court decisions: three months for decisions involving monetary payments and six months for decisions involving the transfer of property or land.

A cardinal optimization of the compensation fund is required through the diversification of payment methods and the active use of alternative forms of compensation in accordance with the provisions of the 2015 Law (European Commission..., 2016). If there are free land plots or real estate in state ownership, they should be offered to former owners as compensation, with the possibility of reaching 100% of the equivalent of the lost property, which significantly exceeds the 10% monetary compensation. To encourage the choice of in-kind compensation, it is advisable to establish a compensation coefficient: when choosing state real estate or land plots as compensation, the state provides up to 100% of the value, whereas for monetary compensation, it provides 10-25% depending on the property category and the state's financial capabilities. This would expedite the resolution of the issue, reduce the financial burden on the state budget, and ensure actual compensation for

damage, as emphasized by the ECHR in its practice. Simultaneously, it is necessary to complete the creation of an accurate land and real estate value map across the country to ensure fair and standardized compensation assessments, eliminating regional discrepancies and subjectivity in property evaluations.

Strategically important is ensuring the stability of the legal regime by preventing new legislative conflicts and retroactive norms that could undermine the achieved progress. Albanian restitution legislation has historically suffered from instability, so maintaining the predictability and constancy of fundamental principles is critical for ensuring trust among citizens and international partners. Any future changes should be adopted after thorough consultations with all stakeholders, including international experts, former owners' associations, and civil society. Norms with retroactive effects, which would worsen the situation of individuals with recognized rights, should categorically be avoided, as this would contradict Article 6 of the Convention (Council of Europe, 1950) concerning the principle of *res judicata* and Article 1 of Protocol No. 1 (Council of Europe, 1952) regarding the protection of lawfully acquired property. At the same time, it is recommended to develop a long-term strategy to prevent property disputes by improving the land cadastre, completing the inventory of state property, and establishing clear procedures for future expropriations in the public interest, with mandatory provision of immediate, adequate, and effective compensation according to the requirements of Article 1 of Protocol No. 1.

International cooperation and knowledge exchange should play a key role in further improving Albania's property rights protection system through continued close partnerships with the Council of Europe and the European Union. Although the pilot judgment *Manushaqe Puto* (European Court of Human Rights, 2012) is formally considered implemented, it is recommended to periodically submit voluntary progress reports to the Committee of Ministers to confirm the irreversibility of the achieved results and demonstrate political will to fully resolve the issue. It would be useful to systematically study the experiences of other European countries that have faced similar mass restitution problems, such as Romania after the pilot decision *Atanasiu v. Romania* (European Court, 2010), Poland in the case *Broniowski v. Poland* (European Court, 2004), and the practices of Central European countries in post-communist restitution. Organizing regular expert seminars and knowledge exchange at the practitioner level will contribute to improving Albanian approaches by incorporating best European practices. It is also essential to continue participation in specialized technical assistance projects, such as the D-REX III project (Council of Europe, 2023), aimed at strengthening the internal capacity to enforce ECHR decisions in property disputes. Additionally, it is recommended to develop a preventive control system to ensure the compliance of new legislation with ECHR standards by mandating legal expertise of all regulatory acts in the property rights field at the stage of their development, which will be the best guarantee of compliance with European standards, not only through correcting past mistakes but also by preventing new violations of property rights in the future.

4. Discussion

The results of the study on the Albanian restitution and compensation model demonstrate the complex interaction between international law, national reforms, and institutional capacity, which confirms the findings of other European studies on the transformation of property relations in post-socialist countries. The results align significantly with the analysis of M. Popovici (2020), who studied post-socialist property redistribution in Romania and found that restitution processes often reflect “aspirational Western paradigms” and a racializing dynamic of property redistribution through a hegemonic narrative of restoring pre-communist “European” class structures. The Albanian experience confirms this conclusion, as the evolution of legislation from 1993 to 2015 shows gradual adaptation to European standards for property rights protection under the influence of the ECHR.

At the same time, the Albanian model significantly differs from the experience of other Balkan countries. S. Živojinović et al. (2025) described forest restitution to the Serbian Orthodox Church in Serbia as a process that led to the transformation from a centralized to an adaptive forest management system and contributed to entrepreneurial growth through the emergence of private forestry companies. In contrast to the Serbian experience, where the Church became the largest private forest owner, the Albanian model focused on cash compensation as the primary means of restitution instead of the physical restitution of specific property, reflecting different approaches to balancing public interests and private rights. An important comparison is made with I. Levin’s (2024) study on Jewish restitution in Poland, where the author notes that Poland remains the only EU country without a comprehensive restitution law, and the issue of land restitution remains part of a broader discussion about WWII, communism, and corruption. The Albanian experience demonstrates the opposite approach: after applying the pilot judgment procedure, the country created a comprehensive compensation system with clear timelines and guaranteed funding, which shows the potential for effectively resolving historical property disputes when political will and international pressure are present.

The conceptual analysis by S. Petersen et al. (2025) regarding Article 1 of Protocol No. 1 of the ECHR confirms the complexity of Albanian law enforcement practices. The authors found that ECHR case law goes beyond the traditional three rules (deprivation, regulation, and control) and includes a more multi-layered doctrinal structure taking into account the specific circumstances of the case. The Albanian experience demonstrates such fact-sensitive reasoning, especially in cases like *Sharxhi and Others v. Albania*, where the Court considered the specific circumstances of the illegal demolition of housing despite a court order. C. Felix’s (2021) and M. Torres’ (2021) studies on the application of the ECHR in post-conflict conditions partially resonate with the Albanian experience, though Albania did not experience an armed conflict. Both authors emphasize the need to consider distributive consequences for the population when applying ECHR frameworks and the importance of ensuring an adequate standard of living. The Albanian compensation model, which guarantees

at least 10% of the property's value with the possibility of inflation indexing, reflects such a distributive approach to restoring property rights.

A comparison with F. Bogliacino et al.'s (2025) study on land restitution in Colombia reveals similarities in the economic effects of property rights restoration. The Colombian study showed that land restitution led to a significant increase in the likelihood of obtaining credit and the size of loans, particularly two years after restitution. Although the Albanian study did not analyze the economic effects of compensation, the creation of a land fund and the possibility of receiving compensation in kind may have similar positive economic effects for beneficiaries. B. Hanci's (2024) critical analysis of the rule of law crisis in Europe and overly formalistic interpretations of Article 35(1) of the ECHR in cases against Turkey and Hungary contrasts with the Albanian experience. Unlike the criticized approach of the ECHR towards illiberal democracies, in Albanian cases, the Court applied the pilot judgment procedure as an effective tool for systemic legal influence, leading to significant reforms in the national legal system.

Relevant is J. Unruh's (2023) study on restitution problems in Ukraine, which identified five categories of issues: post-Soviet transition, rule of law issues, administrative confusion, corruption, and war-related problems. Albania faced similar challenges in post-communist transition, rule of law issues, and administrative shortcomings, but successfully overcame them by creating specialized institutions and ensuring sufficient funding, unlike the Ukrainian situation, where the author recommends a "mass approach to claims and transitional justice." A. Wesołowska et al.'s (2025) study on the connection between democratization and income inequality in post-socialist countries in Central and Eastern Europe showed that the development of a democratic system in 2001-2016 contributed to at least 80% of the lower income distribution. Albanian reforms in property rights may have a similar equality effect, as the compensation scheme provides a priority payment system for the most vulnerable categories of applicants.

The Romanian experience, described in M. Györgyjakab's (2025) study, shows the opposite results compared to Albanian achievements. The Romanian administration in the municipality of Sfântu Gheorghe did not ensure the enforcement of restitution laws even after the mandatory deadlines set by Law No. 165/2013 had expired. This contrasts with the Albanian experience, where the creation of the Property Treatment Agency and the allocation of significant resources led to the financial evaluation of over 25,000 compensation claims. A. Huszka's (2021) study analyzed the change in the dynamics of property restitution for historical Hungarian churches in Romania, finding that after 2010, most petitions were rejected due to a shift in jurisprudence. The author explains this shift by the political change after Romania's EU accession, when courts began to consider the social consensus reflecting the unpopularity of restitution to minority churches among the Romanian public. The Albanian experience shows the opposite trend: despite possible resistance from some groups, systematic pressure from the ECHR and international organizations led to the consistent implementation of the compensation program.

A. Vadász and J. Verebélyi's (2024) study on cultural property restitution in Hungary revealed issues of unpredictability and uncertainty in the activities of government bodies, which can lead to human rights violations. The Hungarian experience demonstrates the mixing of private and public law elements in the restitution procedure, which led to the Constitutional Court's recognition of some elements of the procedure as unconstitutional. The Albanian model avoided such constitutional issues through clear delineation of competencies and the creation of a specialized agency with exclusive powers in the field of compensation. J. Soirila's (2021) conceptual analysis of the uncertainty in debates on cultural property restitution between "cultural nationalism" and "cultural internationalism" highlights the importance of external factors in resolving each case. The author notes that the greatest progress in cases with indigenous peoples was achieved through the implementation of human rights in decision-making. This resonates with C. Jiménez's (2023) study on colonial cultural property restitution in Europe, where the author emphasizes the need to acknowledge historical injustices and deepen the understanding of provenance research difficulties, as well as the role of human rights in post-colonial contexts. Although the Albanian context concerns post-communist, not post-colonial, restitution, similar principles of acknowledging historical injustices and prioritizing the rights of affected communities played a key role. The Albanian experience confirms the conclusion of both authors: it is the application of ECHR standards as an external factor that allowed overcoming internal political and administrative barriers and ensured the consideration of the interests of affected communities.

The results of the study demonstrate the uniqueness of the Albanian model in the European context through the successful combination of international pressure, internal reforms, and sufficient funding. In contrast to the problematic experiences of Romania, Hungary, or Ukraine, Albania has made significant progress in resolving historical property disputes, although some structural problems remain unresolved. The conceptual significance of the study lies in demonstrating the possibility of effectively transforming post-communist legal systems through a phased approach, which includes legislative changes, institutional restructuring, and securing adequate resources under the supervision of international organizations.

5. Practical application of the results

The results of the study have direct practical value for the Albanian government authorities in the context of completing the process of property restitution and compensation. The Property Treatment Agency can use the developed recommendations for diversifying payment methods and actively using alternative forms of compensation to optimize the use of the national land fund. The proposed priority payment system for the most vulnerable categories of applicants, including the elderly and heirs with limited financial capacity, provides a concrete mechanism to accelerate the settlement of compensation by the completion of the ten-year period in 2026.

The identified shortcomings in the quality of property data in the national real estate registry, where more than eighty percent of records contain inaccuracies, create the basis for developing a comprehensive cadastral system update program. The Ministry of Justice of Albania can implement the proposed mechanisms for creating an accurate map of land and real estate values to ensure fair and standardized compensation assessments, eliminating regional disparities and subjectivity in property evaluations. The practical significance for Albania's judiciary system lies in the ability to use the established principles for aligning national legislation with the ECHR's case law to create settled judicial practice in property disputes. The proposed establishment of specialized courts with deep expertise in property rights and European standards provides a concrete tool to enhance the quality of judicial decisions. The recommendations for setting maximum timelines for executing property dispute judgments can be integrated into procedural legislation to ensure effective protection of applicants' rights.

The study results are critical for Central and Eastern European countries facing similar mass restitution challenges. Ministries of Justice and specialized restitution agencies in Serbia, Romania, Poland, and other post-socialist countries can apply the Albanian model of a centralized compensation mechanism with clear timelines and guaranteed funding to improve their own property rights restoration systems. The demonstrated effectiveness of the pilot judgment procedure as a tool for systemic impact on removing structural shortcomings provides a methodological foundation for cooperation with the European Court of Human Rights in addressing systemic issues.

The practical value of the study for international organizations lies in the possibility of using Albania's experience to develop standardized recommendations for effective property rights restitution. The Council of Europe can apply the identified patterns of transformation from a case-by-case review to a systemic approach to improve mechanisms for monitoring the execution of ECHR decisions. The European Union can use the Albanian model of combining legislative changes with institutional restructuring and ensuring sufficient financial resources to develop criteria for evaluating the readiness of candidate countries for EU membership in the area of property rights protection.

The results of the study provide a concrete toolkit for legal practice in property rights protection through the developed system of preventive control over the compliance of new legislation with ECHR standards. Legislative bodies can use the proposed procedure for mandatory legal review of all property-related regulations at the development stage to prevent new property rights violations.

The scientific community can apply the developed methodology for comprehensive analysis of property rights regulation and practice to conduct comparative studies of the effectiveness of different restitution models in the European context. The identified mechanisms of transnational judicial practice's influence on the transformation of national legal systems provide a theoretical foundation for further research on the interaction between national and international law in human rights protection.

6. Conclusion

The study encompassed a comprehensive analysis of the evolution of Albanian legislation in the field of property restitution and compensation over three decades, which allowed tracing the phased transformation of the national approach to resolving property disputes according to European human rights standards. A detailed analysis of key ECHR decisions regarding Albania confirmed the systemic issue of chronic non-enforcement of final compensation decisions and violations of Articles 6 and 13 of the Convention for the Protection of Human Rights and Fundamental Freedoms, as well as Article 1 of Protocol No. 1. The study examined the enforcement practices of national courts and administrative bodies through specific cases, revealing typical violations of convention standards, including the absence of an effective enforcement mechanism, excessive executive discretion in determining compensation forms, and lack of internal legal remedies. Quantitative indicators of compensation system reform were systematized, including the creation of a specialized Property Treatment Agency, the allocation of over a billion euros by the government for compensation payments, the establishment of a ten-year deadline for completing payments by 2026, and the financial evaluation of over 25,000 compensation claims. The analysis of current enforcement challenges, including issues with the quality of property data in the national real estate registry, where over 80% of records contain inaccuracies, the unresolved status of significant land in rural areas, and the long-standing disputes over legal titles for self-built houses from the 1990s, highlighted ongoing issues.

The results demonstrate a radical transformation of the Albanian legal system from complete inability to enforce restitution decisions to the creation of a centralized compensation mechanism with clear timelines and guaranteed funding, though persistent systemic challenges remain in ensuring full restitution and improving the quality of the land cadastre. The pilot judgment procedure has proven to be an effective tool for systematically addressing structural deficiencies in national legislation, as confirmed by the ECHR's recognition of the new national compensation mechanism as an effective legal remedy. The conceptual significance of the study lies in identifying the mechanisms of transnational judicial practice's influence on the transformation of national legal systems, specifically demonstrating the possibility of phased reform of complex property relations through a combination of legislative changes, institutional restructuring, and ensuring adequate financial resources. The results confirm the importance of a comprehensive approach to reform, which includes not only adopting new legislation but also creating specialized institutions with appropriate powers and resources, establishing transparent property valuation procedures, ensuring adequate funding for compensation schemes, and implementing effective monitoring of state obligations to restore citizens' property rights.

The study has certain limitations, including the lack of complete statistical information on the actual enforcement of all compensation payments by the end of 2025, limited access to some lower court decisions, and insufficient empirical data on citizens'

satisfaction with the quality of the compensation received. A promising direction for further research is conducting a comparative analysis of the Albanian compensation model with the experiences of other post-socialist countries in Europe in the area of mass property restitution, particularly the effectiveness of different forms of compensation and completion timelines for compensation programs.

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