



## FROM AUTHORITARIANISM TO DEMOCRACY

Thirty-Five Years of Political  
and Social Transformation in Albania (1990–2025)

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EDITORIAL

*From Authoritarianism to Democracy:  
Thirty-Five Years of Political  
and Social Transformation  
in Albania (1990–2025)* \_\_\_\_\_

\_\_\_\_\_ *Ervis ILJAZAJ* \_\_\_\_\_

Thirty-five years after the collapse of the authoritarian regime, Albania continues to represent a compelling and complex case study for the analysis of democratic transition, institutional reform, and profound socio-economic transformation. The period between 1990 and 2025 does not merely mark a chronological shift from one political system to another, but rather a prolonged and often fragmented process of state reconfiguration, democratic experimentation, and societal change.

One of the central pillars of Albania's post-authoritarian transformation has been economic reform. The transition from a centrally planned economy to a market-oriented system involved rapid privatization, market liberalization, and a redefinition of the state's role in economic governance. While these reforms facilitated economic growth and integration into regional and European markets, they also generated structural challenges, including social inequality, informality, and weak regulatory capacity. The Albanian experience illustrates the extent to which economic reforms, when implemented under fragile institutional conditions, can both enable and constrain democratic consolidation.

Equally significant to the democratic transition have been reforms in criminal law, particularly amendments to the Penal Code and the broader system of criminal justice. Under the authoritarian regime, criminal law functioned primarily as an instrument of political control and repression. In the post-1990 period, it has been gradually reshaped to align with constitutional principles, human rights standards, and international legal norms. Nevertheless, the tension between effective crime control, judicial independence, and the protection of fundamental rights remains

a persistent challenge. Penal law reforms thus serve as a key indicator of the evolving relationship between state authority and individual freedoms in post-authoritarian Albania.

Within this broader reform agenda, corruption has emerged as one of the most enduring and destabilizing phenomena of the transition period. Corruption has undermined institutional effectiveness, distorted economic reforms, and weakened public trust in democratic governance. Despite the adoption of comprehensive anti-corruption legislation and the establishment of new accountability mechanisms—particularly in the context of European Union integration—the gap between formal legal frameworks and their practical enforcement continues to pose serious challenges. The fight against corruption remains central to debates on the quality, credibility, and sustainability of Albania’s democratic institutions.

At the same time, foreign policy has played a crucial role in shaping Albania’s political and institutional trajectory. The country’s clear Euro-Atlantic orientation, marked by NATO membership and the ongoing process of European Union accession, has significantly influenced domestic reform agendas. External conditionality and international norms have functioned both as incentives and as sources of pressure for political, legal, and economic transformation. Albania’s post-1990 foreign policy reflects an effort to redefine national identity, ensure regional stability, and anchor democratic development within a broader European framework.

This special issue brings together contributions that examine these interrelated dimensions—economic reform, criminal justice transformation, foreign policy orientation, and corruption—as integral components of Albania’s broader post-authoritarian transition. By combining theoretical perspectives with empirical analysis, the articles explore the extent to which formal reforms have translated into substantive democratic change and institutional resilience.

Reflecting on thirty-five years of transformation, this issue does not aim solely to assess successes and failures, but to foster critical academic debate on the unresolved challenges and future prospects of democracy in Albania. In this sense, Albania should not be viewed as a peripheral case, but as an integral part of wider comparative discussions on post-communist transitions and the evolving nature of democracy in Europe and beyond.

# *35 years of the “Washington Consensus”: the context of today’s environment as a need for a new “consensual” paradigm*

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## **Abstract**

*The paper aims to critically examine the basic principles underlying the reforms that guided the economic transition to a market economy in the early 1990s. Conceived as a recipe for economic policy reforms that are often labeled as liberal or ultra-liberal, their focus was in fact on establishing economic discipline over public finances and controlling inflation. Imported from the reform agenda required of Latin American countries at the end of the “lost decade” of the 1980s, the “Washington Consensus” menu was enriched for the former communist countries with additional recipes related to the realization of one of the most profound structural transformations that had ever occurred in the modern history of the economy. As such, the reforms that became known as the “Washington Consensus” responded to a specific historical context and aimed to realize both these structural changes in ownership, but also to establish macroeconomic stabilization, controlling public debt and inflation, in particular. These in fact remain serious challenges even in today’s global*

*macroeconomic context, except that this time these imbalances have affected the developed economies themselves, known as the “global north”, imbalances which stand at threatening levels. The result of these reforms was unprecedented economic growth on a global scale driven by the deepening of the globalization process and the construction of a global value chain by minimizing production costs, a massive reduction in poverty and consequently an increase in social well-being, as measured by many indicators. But one of their unintended results is the strong social changes dominated by a decline in the middle class of society and the growth of two extreme poles: the rich and the poor. Social polarization is an evident reality in most societies. This process has also affected Albanian society where income inequality has been deepening. The developments of the 21st century have clearly created a new and more complex context, adding new elements to the political, economic and social ecosystem. The growth of populism and political polarization is causing the liberal world order to suffer serious cracks. Climate change, pandemics, the fragmentation of world markets and the threat of access to economic resources, especially rare minerals, strategic rivalry for technological superiority, etc., require a new institutional framework to address them. In the socio-economic plan, technological and demographic changes are radically transforming the operation of markets, in particular labor markets. Society seems to be atomizing, and, in the absence of social protection structures, social cohesion is at risk. It is very evident that a third pillar, society, needs to be added to the discussion of whether the solution should be found in the state or the market, a debate that stems from the agenda of the “Washington Consensus”.*

*The fundamental question we pose in this paper is: how did the principles of the “Washington Consensus” function and to what extent did they achieve their original goals? What is the current economic and social context and what could be some new principles that could be embodied in a new consensual development doctrine? The main reference will be the relationship with the Albanian economy and society, but also placed in a broader framework of global developments.*

**Keywords:** *Economic transition; Market economy; Economic reform; Washington Consensus; Social ecosystem*

## **The context of the “Washington Consensus”**

The development policies of developing countries after World War II had produced two clearly different patterns. A group of countries, mainly from far Asia, known as the “Asian tigers” (Singapore, Taiwan, South Korea, Hong Kong), managed to overcome the status of developing country within a period of almost three decades. Another group represented by non-communist countries (Latin America, India, Turkey, etc.) had been stuck in the status of developing countries, producing debt and currency crises.

This development policy was conceived by countries in stages. At their inception, all developing countries had followed policies of industrialization through import substitution, developing domestic industries through protectionist measures against the competition of foreign goods. While in the second phase, the countries followed different models: Asian countries moved towards policies of orienting these industries for export, while other countries continued to expand import substitution policies in other heavy industries, such as the petrochemical industry, shipbuilding, etc. As part of the development instruments, the monetary policy of fixed exchange rates was also used. Consequently, the elimination of the risk of currency devaluations, accompanied by higher rates of profit in these countries, stimulated a large export of foreign capital mainly to Latin American countries. When the US economy faced the high levels of inflation of the 1970s and early 1980s and the Federal Reserve raised interest rates sharply, this further worsened the balance of payments situation of Latin American countries, significantly increasing their external debt burden. As a result, they were all failing to repay their accumulated debts to American banks, which forced the US government to draw up a plan to rescue the Latin American economy. The fixed exchange rate policy had failed, and in the meantime, the wealth that had been created over the years was undone by the debt crisis and the long economic recession which followed.

It is against this historical backdrop of economic developments that researchers asked what policies Latin American countries should follow to stabilize their economies and create an economic model that guaranteed sustainable growth. Attention was focused on extracting those policies that had been successful in the experiences of Asian countries and that could be replicated by other developing countries. The topic of why some countries grow faster and others slower is one of the challenging issues in economics.

A group of economists gathered in Washington, under the leadership of Prof. Williamson, listed a package of 10 policies that could be recommended to Latin American countries, which will be known in the history of economics as the “Washington Consensus”. Since the communist system fell in the late 1980s, this package of policies was considered appropriate for economies that would enter the long political and economic transition, as a “road *map*” towards a market economy. Albania also chose to base its transition policies according to this policy recipe.

## **Were the recommendations of the “Washington Consensus” appropriate for economic growth?**

Beyond the ideological debates about the role played by the policies of the “Washington Consensus”, the professional debate among economists has been of an empirical nature. What was the cause of economic growth: the policies promoted by the “Washington Consensus” (Fischer, 1993, Sachs and Warner, 1995,

Williamson, 1993), or the abundance of factors and high investment rates (Sala-i-Martin, 1997; Levine and Renelt, 1992).

An IMF study (1997) with data on 76 developing countries covering the period 1985-1995, examined three “Washington Consensus” policies that create a healthy environment for resource allocation and promote investment:

- Economic/trade openness;
- Consolidated macroeconomic environment (measured by the variance of the inflation rate);
- Government size (government spending/GDP)

Using regression models and a framework of probabilistic outcome analysis, that is, how a policy affects the probability that a country will experience higher, moderate, or lower growth, the authors conclude that all three policies have a positive impact. The study also confirms the findings of Sala-i-Martin and Levine and Renelt, but does not see human capital and the savings/investment ratio as the final cause but as the starting point. Also, an important finding is that policy combinations are essential to change the trajectory of economic growth; taken individually, none of the policies is statistically significant in explaining growth, but their complementarity significantly improves the chances of growth.

Let’s briefly analyze the recommendations of the “Washington Consensus” and answer the question of whether they were appropriate for developing countries to follow?

**Recommendation 1:** Public deficits large enough to not create inflationary pressures. The paradigm of maintaining deficits at sustainable levels remains a fundamental macroeconomic assumption today. The fact that high levels of budget deficits are a cause of inflationary pressures in the long term is clearly documented in many empirical analyses (see, for example, TJ Sargent and N. Wallace (1981). EM Leeper (1991), CA Sims (2014), M. Taghavi (2000), R. Castro, C. Resende and FJ Ruge-Murcia (2003), CM Reinhart and KS Rogoff (2010), J. Lopes da Veiga, A. Ferreira-Lopes and T. Sequeira (2016) (for African countries), etc. The recent inflationary crisis of the 1970s-80s clearly showed that Philip’s curve in the long run is vertical and attempts to stimulate economic growth through fiscal and monetary stimuli only produce inflation without being able to stabilize employment.

This issue in Albania has been pursued in the form of a debate about why a hard budget constraint was applied *to* former state-owned enterprises, which, if supported by the budget and restructured, could have been privatized later while maintaining employment and production.

From the analysis of statistical data, it results that starting from the second half of the 1980s, the state budget had created deficits that were increasing. At the end

of 1990, the fiscal deficit was estimated at 16.6% of GDP (IMF, 1992). To balance the budget, the government had withdrawn state reserves and had reduced the deposits of state enterprises. At the end of June 1991, the level of foreign exchange reserves had fallen to 15 million dollars, less than two weeks of imports of goods. On the other hand, the external debt had also reached 497.4 million dollars at the end of 1990, a figure equal to 30% of GDP. (IMF, 1992).

In this state of public finances and external debt, not only theoretically but also practically, the country found it impossible to play an active role in rescuing the manufacturing sector, which was overinvested, with very backward technology and without the logic of market competition that had been followed during the years of socialism.

The lesson from the EU debt crisis, especially the case of Greece, showed that the creation of excessive debt creates a dynamic of its instability and eventually leads to a deep debt crisis, then accompanied by a negative spiral of prices, interest rates and all parameters of the real sector of the economy.

In short, fiscal discipline remains an essential requirement of healthy policies for economic growth today.

**Recommendation 2:** Reorienting spending towards neglected sectors that have a higher rate of return on investment, such as education, health and infrastructure, with a high impact on redistribution. The idea was that the limited financial resources of the budget would not go to support the economic activity of state-owned enterprises, but to the production of public goods.

The articulation of this recommendation was a reflection on the practices of countries that had followed import substitution policies, which had massively invested budget money in the creation of state-owned enterprises or financing private enterprises in industries producing private goods. Essentially, the same practice had been followed in socialist economies, only that here it was implemented in its most extreme form. It was precisely this policy that had led to the accumulation of debts at levels that exceeded the real borrowing capabilities of these countries, becoming the cause of the debt crisis, as discussed above.

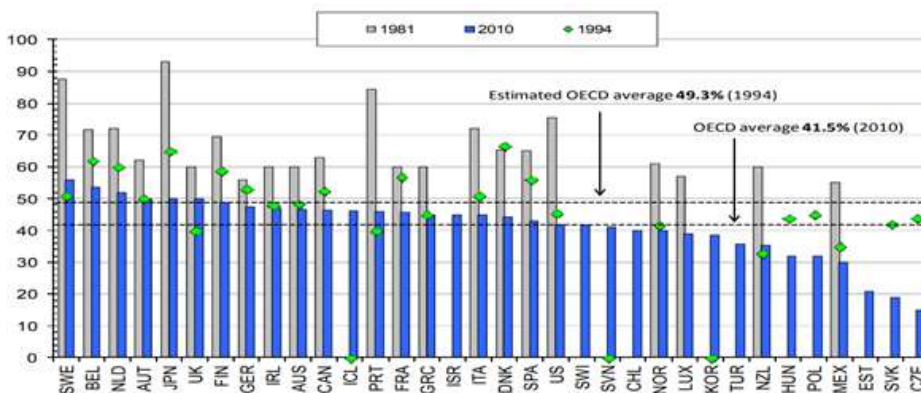
The idea that public funds should be directed towards projects that have the greatest effects on economic growth and poverty alleviation remains a valid paradigm for public finances.

**Recommendation 3:** Tax reform: broadening the tax base by reducing their high marginal rates. The critical issue was how to increase budget revenues, given the high need for public investment, while on the other hand, foreign trade reforms with the reduction of customs tariffs led to a decline in revenues.

Tax reform began in developed countries as early as 1980s with a sharp decline in the high marginal rate of both personal income tax and corporate tax (Brys,

2011). The following two graphs illustrate the downward trends over the years in marginal tax rates in both these categories. The downward trend in statutory tax rates is also evident in dividends (from 49% in 2000, to 41% in 2011), while the VAT tax rate, being a regressive tax, has increased slightly (from 16.7% in 1990, to 17.8% in 2000).

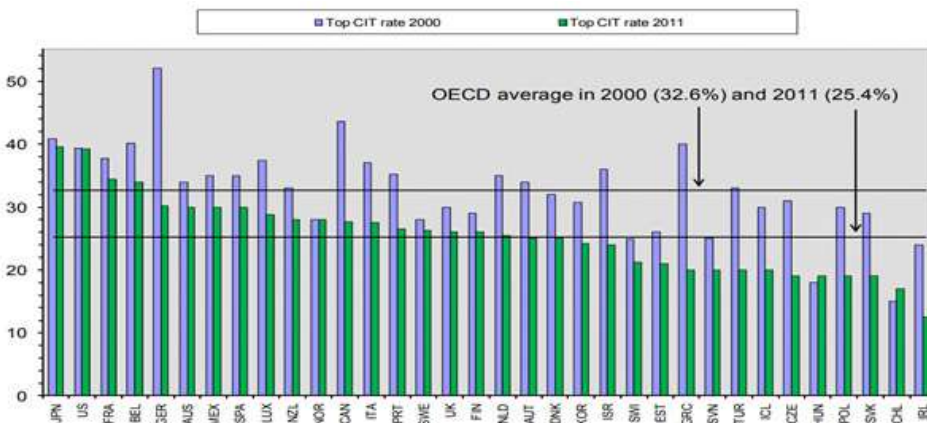
**GRAPH 1: Marginal personal income tax rates**



1. The statutory personal income tax rate on wage income applicable at the highest income threshold for single individuals. Sub-central government taxes are also included.

Source: OECD Tax Database ([www.oecd.org/ctp/taxdatabase](http://www.oecd.org/ctp/taxdatabase)).

**GRAPH 2: Statutory corporate income tax rates**



1. Data ranked by 2011. Sub-central government taxes are also included; for the United States, it is based on a weighted average of state marginal corporate income tax rates.

(Tax foundation: <https://taxfoundation.org/data/all/global/corporate-tax-rates-by-country-2023/> retrieved, 8/29/2025)

Currently, top marginal tax rates range between 20%-30% and, in accordance with development priorities and fiscal opportunities, they generally increase or decrease within these two limits. As part of an agreement coordinated by the OECD (2011), 140 countries today have a marginal rate above 15%, as a necessity to avoid “*beggar thy neighbor*” policies pursued in the competition to attract foreign investment

**Recommendation 4.** Financial liberalization: interest rates should be determined by the market. This was a very shallow definition of financial liberalization, considering that this definition currently includes a much broader number of indicators, such as

- Credit allocation by the market and not by the state;
- Interest rates to be set by the market;
- Removing barriers to entry into the financial sector;
- Banks to operate autonomously, if governments own banks;
- Liberalization of the movement of foreign capital.

It should be noted that financial liberalization has remained a controversial issue since the very beginning. The literature on financial liberalization began to develop after the 1970s, with the main authors McKinnon and Edward Shaw (1973), and has been enriched by numerous contributions that continue to focus on its role in economic development. The main thesis pioneered by these two authors was that financial liberalization, through deepening the financial market and eliminating financial market distortions and segmentation, improves the mobilization of savings and increases investment efficiency. On the other hand, the opening and liberalization of financial markets was accompanied by financial crises that were becoming increasingly frequent and severe. The link between financial liberalization and the financial crises that hit many developed and developing countries has been documented in several academic works (see, e.g., Demirguc-Kunt, A., & Detragiache, E. (1998). On the other hand, in countries that had built a sound banking system and effective supervision, the positive role of financial liberalization in economic growth has been widely confirmed (see, for example, King and Levine (1993), Eichengreen et al., (2011), Bumann et al, (2013)).

Williamson, in his recommendation on financial liberalization, did not include capital account liberalization, but simply limited it to the determination of the interest rate by market forces. The history of economic development since this period has shown that financial liberalization required the fulfillment of several preconditions related to the health of the banking system, in particular the establishment of a capable and effective system of banking supervision. This

remains an essential prerequisite for a country wishing to liberalize its financial market today.

**Recommendation 5:** a unified exchange rate, at a sufficiently competitive level to foster rapid growth in non-tradable exports. The Balassa-Samuelson (BS) effect explains that consumer prices in developed countries are higher than in developing countries, due to differences in productivity levels between sectors: their productivity in the tradable goods sector is higher compared to non-tradable goods (services). The rapid growth of productivity in developing countries in the tradable goods sector leads to wage growth in that sector, putting pressure on wage growth in the non-tradable goods sector as well. Since productivity in the non-tradable goods sector does not grow at the same rate, the prices of non-tradable goods increase faster, leading to higher inflation rates in developing countries. This hits the competitive strength of the economy and reduces exports, shrinking the pace of economic growth.

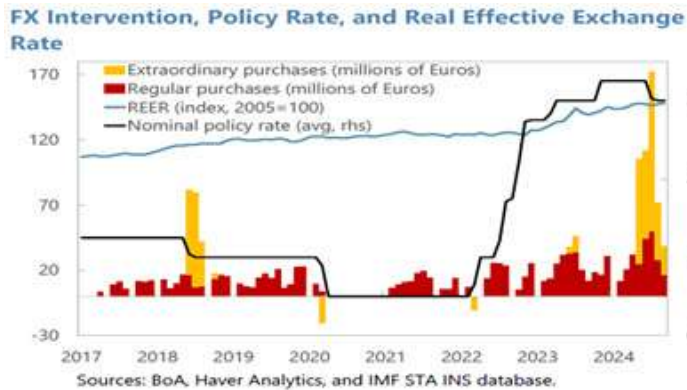
From an economic policy perspective, it is important to address this issue with the aim of controlling inflation through appropriate policy measures. Inflationary pressures from rising prices of non-tradable goods in developing countries do not affect the competitiveness of tradable goods, and therefore exports. Consequently, a strengthening of the national currency does not necessarily negatively affect the competitiveness of the economy. Empirical testing of the existence of this effect is closely related to the exchange rate regime and the stance that monetary authorities should take in relation to currency appreciation/devaluation.

Numerous studies have been conducted to prove the presence of the BS effect for Asian, transition and developing economies. Many studies prove the existence of the BS effect, even for the economies of the European Union member states (see, e.g., Lenarčič, Črt and Masten, Igor (2020)), but other studies for the developed OECD economies do not prove the existence of this effect. (see, e.g., Gulber and Sax, 2019). For full references to these studies, see Couharde et al (2019).

In retrospect, this recommendation still holds true today. Even as countries around the world moved from fixed exchange rate regimes to floating exchange rate regimes, central banks actively intervene in money markets to maintain competitive currencies. Studies have shown that only the major world currencies, the US dollar, the euro, the British pound, the Japanese yen and the Swiss franc, are currencies whose prices are freely determined by market forces. All other countries reporting floating exchange rate regimes pursue policies that manage exchange rates in accordance with their domestic economic objectives.

The strengthening of our currency against the European currency over the last three years has had a strong negative impact on the manufacturing sector and exports, with negative consequences for economic growth. Although the Bank of Albania has actively intervened in the foreign exchange market, it has not been able to influence the appreciation of the currency. The intervention of the Bank of

Albania during the first 9 months of 2024, for example, amounted to about 2.6% of nominal GDP, an amount that is about 3 times higher than the same period in 2023. (IMF, 2025).



**Recommendation 6:** Eliminate quantitative restrictions on trade by replacing them with tariffs and their progressive reduction towards a uniform rate until it reaches 10% (up to 20%).

There are two issues here: the first is that quantitative restrictions should be replaced by tariffs. Economic theory is clear that from a distributional point of view, tariffs are preferable because they provide additional revenue to the budget that can be used for investment in the production of public goods, while quantitative restrictions create additional rents in favor of firms that benefit from quotas. Quotas also create restrictions in case of needs for more imports that an expanding economy may require, while tariffs allow imports in accordance with the needs of the industry.

The main topic of debate remains how low customs tariffs should be and whether tariffs are the right and effective tool for economic development?

The relationship between trade policy and economic growth (and development) is a fundamental issue that requires empirical investigation. The widespread view among economists and policymakers is that trade barriers harm economic growth. Many empirical studies confirm and support the thesis on the role of trade liberalization and globalization as a factor of development by promoting technological progress and factor productivity, (Dollar, 1992, Bhagwati and Srinivasan, 2002) as well as the role of trade liberalization in poverty reduction (World Bank, 2020).

Other economic historians have supported the thesis that protectionist policies through high customs tariff rates were explanatory factors of economic growth and development during the 19th century in today's developed countries (see, e.g., for Europe, Bairoch's (1972, 1976, 1989, 1993), Lehman-O'Rourke (2008), etc.). If,

based on the forces of comparative advantage, developing countries will specialize in traditional production sectors, then trade openness can serve as a poverty trap (DeYong, 2005).

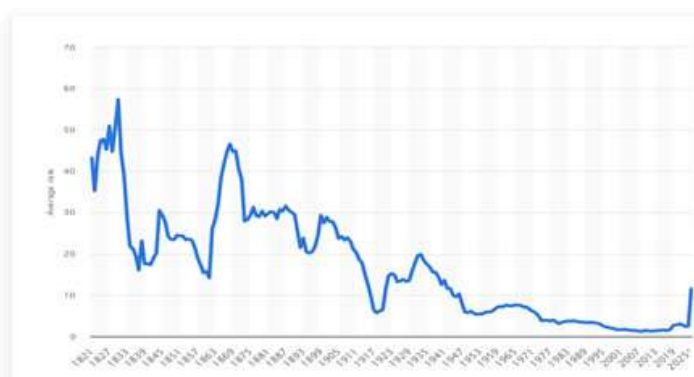
The results of the regression models applied in these historical studies, however, show a high heterogeneity between countries. The thesis that the role of tariffs in economic growth is related to the level of development of a country, finds more confirmation. That is, as a country's income increases, customs tariffs hinder growth, while for countries with low-income levels, tariffs are positively related to economic growth. (DeYong, 2005).

Also, an important factor in this *nexus* is what is protected: when protectionist policies have aimed at protecting traditionally inefficient sectors from foreign competition, the effect of tariffs has been negative on the country's development; tariffs have simply provided additional rents for uncompetitive industries. When tariffs have been structured to enable the development of new industries in sectors with higher potential for emerging competitive advantages, the role of tariff protection has been positive in economic growth and long-term development (Antonio Tena-Junguito, 2010). The historical experience of the 19th century, as well as that of our era, shows that the efficiency of protectionist trade policies in promoting economic development is determined by the way in which tariff protection is structured.

So, what has been the historical level of tariffs and what should they be?

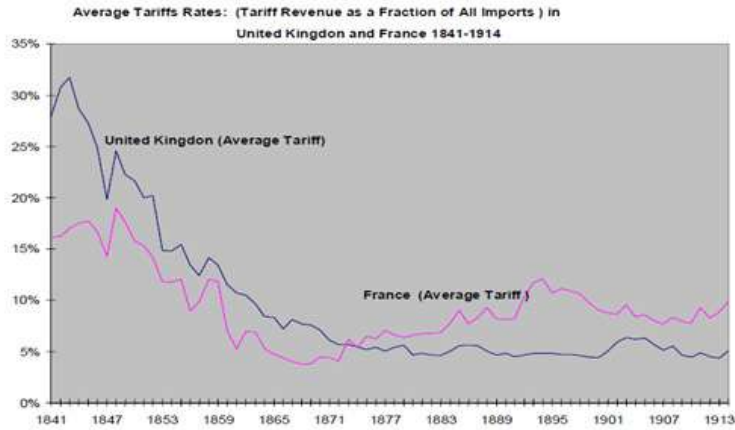
There is no “threshold” level that can be considered helpful or hindering for economic growth. But referring to historical statistics, it turns out that the “peak” tariff levels in the US were applied in the 1830s and the maximum rate was 57.3%. Even in the years of the Great Depression of 1929-33 when the US returned to protectionist policies, the tariff rate applied on imports (measured by the trade weights of imports) was 19.8%. (Graph 3)

**GRAPH 3:** Average tariff rate on all imports in the United States from 1821 to 2024, with estimated rate for 2025 under Trump's proposals



Source: <https://www.statista.com/statistics/1557485/average-tariff-rate-all-imports-us/>

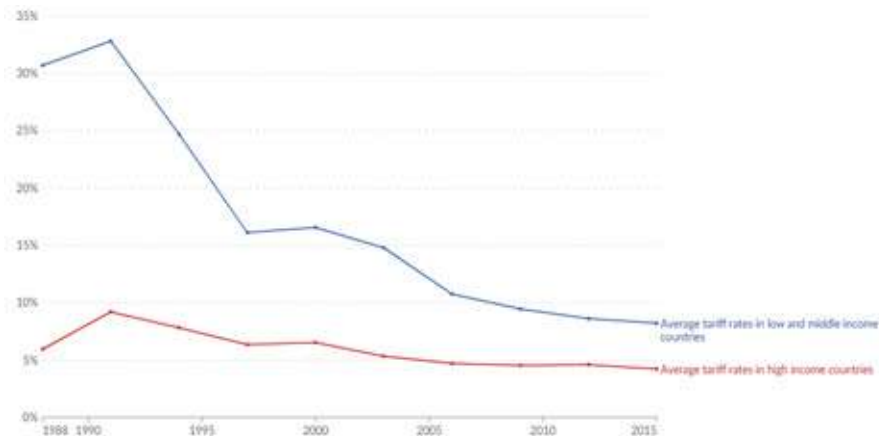
Even the tariff rates applied by England and France in the early years of industrialization, as evidenced by the graphic presentation, have had average levels of less than 35% and with a strong downward trend since the mid-19th century.



Source: Antonio Tena-Junguito, 2002, MEASURING PROTECTION OVER TIME. REVENUE AND PROTECTIVE PRODUCTS IN THE 19TH CENTURY EUROPEAN TARIFF GROWTH DEBATE, <https://www.researchgate.net/publication/4724439>

The reduction of customs tariffs in developing countries began in the 1990s from high levels, comparable to those that developed countries had pursued in their historical perspective. Their strong reduction was carried out over a period of a decade and then tends to converge with the tariff rates of developed countries, maintaining almost 5 percentage points difference.

**GRAPH 4.** Reduction of customs tariffs applied to all products, %



Source: Our world in data; accessed 9/18/2025;  
<https://ourworldindata.org/grapher/average-tariff-rates-per-cent-19882016>

Albania also pursued tariff reduction policies, initially unilaterally, and then as part of obligations from WTO membership and then from free trade agreements with EU and regional countries. With Law 7609 of 1992, Albania for the first time began to implement customs tariffs on imports, applying a maximum tariff rate of 30% on industrial products in protection of domestic production and a minimum rate of 5% on consumer products to ease the cost of living of the population. With tariff rates of 5%, 10%, 15% and 30%, Albania had adopted protectionist policies like the countries of the region. The problem is that these tariff rates were not part of a broader development strategy, for them to be effective. Therefore, their gradual reduction did not produce negative impacts on the country's industrial structure, as protection was given to ineffective industries by providing additional rents for the beneficiaries, without being able to change the country's industrial structure towards the development of new industries with high growth potential. China began industrialization with protective tariff policies similar to Albania's, around 30%, and gradually reduced them until 2001 when it joined the WTO, continuing to reduce them to levels that today are close to the average rates applied by developed countries.

**Recommendation 7:** Eliminate barriers to the entry of foreign direct investment. In fact, the problem today is the imposition of restrictions on competition between countries to attract foreign investors, such as competitive tariff reductions, “beggar-thy-neighbor” practices and various fiscal and non-fiscal incentives. As the 1997 Asian crisis demonstrated, direct investment is very stable and, unlike capital account liberalization which may have been premature, direct investment continues to be considered supportive of economic development and the integration of economies in developing countries into the global production chain.

**Recommendation 8:** Privatization of state-owned enterprises. It remains perhaps the strongest libertarian recommendation but given the context of the problems of the public sector and state-owned enterprises that, under the conditions of “*soft budget constraints*”, had created serious liabilities that threatened the stability of public finances, privatization constituted probably the only available alternative. Given the experience of Great Britain under the leadership of Thatcher and the deregulation policies of the United States, the impact of privatization in increasing efficiency and improving privatized services was proving to be a model of success. According to some studies, these positive effects in some cases exceeded the negative effects on employment, while the impact on wages and prices has not been consistent. (Megginson and Netter 2001, Nellis (2003).

The main problem that has accompanied privatization has been the perception that it is a corrupt process, and as Williamson puts it, “perhaps the public would

rather see wealth destroyed than have it transferred to those who bought it through dubious means” (Williamson, 2004).

**Recommendation 9:** Remove barriers to new firms or those that limit competition. Deregulation, not in the sense of rules to protect health and the environment, but of launching an economic activity with the aim of strengthening competition, is an objective that remains important even today. The World Bank encouraged a process of deregulation of markets, putting countries in a race for reforms to improve their ranking in Doing Business. Albania also joined such efforts, especially after 2005, marking a marked progress in the ranking in this indicator and which significantly facilitated the investment climate in the country.

**Recommendation 10.** The legal system should ensure property rights without excessive costs, and this should also extend to the informal sector. The inclusion of property rights security, with an emphasis on the formalization of informal businesses, is of particular importance for developing countries, both for expanding the taxpayer base and for increasing investment efficiency. The initiatives undertaken by De Soto, implemented in Peru and extended to other countries, served as a model for Albania in the process of legalizing properties, but with a modest degree of success as informality continued to remain a dominant practice for a long period of time, without being able to establish full control over the territory.

## The new context and the need for a new consensus

Unprecedented economic growth of the world economy, low inflation rates, substantial poverty reduction: these are the visible results and contributions attributed to the policies promoted as part of the Washington Consensus. But beyond these very positive results, serious problems have arisen in the meantime, starting from climate change and biodiversity loss, increasing social inequalities, political polarization and the rise of populism, the fragmentation that is occurring in the world economy and the loss of the role of global governance institutions such as the IMF, the World Bank, and the WTO, the strong geopolitical changes on the world stage, which have created a context for the need to formulate a new “consensus” of development policies.

A group of renowned professors and scholars gathered in May 2023 at the London School of Economics (LSE) in search of a new development paradigm, a new consensus on a set of policies that adapt to today’s challenges of global society, which has been named the “*London Consensus* “. (Besley and Velasco, 2025).

New academic research has expanded our knowledge of economic phenomena and the role of policies in the economy. Together with the economic and political developments that have occurred over the past three decades, it helps us to define more fully the principles on which policies should be guided.

Let us start with the definition of “macroeconomic stability”, which was essential in the Washington Consensus. The main aim was to keep public deficits and inflation under control, under conditions of a floating exchange rate regime and a market-determined interest rate. Macroeconomic stability, or the reduction of macroeconomic volatility, remains a fundamental prerequisite for the efficient allocation of resources in the economy. But its definition needs to be broadened. The debt crisis in Europe, which began in 2009 and continued in some countries until 2018, demonstrated that developments in the financial sector can produce serious destabilization in public finances and that a crisis in the financial sector can turn into a public debt crisis. Closely related to this issue is the behavior of interest rates, which have produced and fueled *boom-bust cycles*, creating financial bubbles and increasing the risks of macroeconomic destabilization. This dictates the need for monetary policy to shift more towards the use of macro and micro prudential instruments to be countercyclical. Fiscal policies also need to be revised to be more counter cyclical, like monetary policy. Thus, there is a need for a modernization of Keynesian theory beyond the classical understanding of aggregate demand management. Fiscal policies need to be tightened in “good times” and relaxed in “bad times”, to keep under control the serious social problems that accompany deep recessions and economic and financial crises.

Along with “volatility”, “resilience” should also be a criterion in the evaluation of economic policies. In particular, the problems that emerged during the COVID 19 pandemic and the war in Ukraine have dictated the need for a restructuring of the global production chain, so that the economy is better protected against shocks of this nature. The concept of resilience should also be applied to idiosyncratic risks of the individual/family, such as job loss, health problems, shocks from natural disasters, etc., which affect their well-being.

Both principles that we discussed above create the need for a much more active role of the state’s public policy as an “insurer of last resort”, like that of central banks as “lenders of last resort”, and as “market makers” when financial markets cease to operate.

Another important dimension of *the Washington Consensus* is related to structural reforms: the liberalization-deregulation-privatization paradigm. The theoretical approach of this paradigm is based on the static efficiency gains that stemmed from the economic theory and thought of the time. Since the 19th century, the idea of separating production from income distribution has been dominant in the economic organization of society. The market allocates economic resources towards achieving maximum efficiency (Pareto efficiency), while the

problems that arise in the process of income distribution are corrected through the active role of public finances. In a competitive economy and taxation of economic profits, income redistribution could keep the deepening of social inequalities under control. But since the late 1980s, the theory of endogenous growth began to develop, shifting from static to dynamic benefits. The functioning of a typical Schumpeterian economy of “creative destruction” such as today’s economy produces a new context in the conception of structural reforms. Innovation is now the main source of economic growth and high profits are the main cause of investment in innovation. However, the excess profits created in these new technology industries are impossible to tax because economic profit is difficult to identify, but even when identified, capital mobility enables the transfer to countries that serve as tax havens. If there is no international cooperation, profits and wealth can migrate freely. A good part of the excess profits can also be diverted as income from work and not as income from capital, significantly reducing and diminishing the use of taxation and fiscal policy as a redistribution instrument. In short, *post-distribution* is insufficient to control inequalities: a new *pre-distribution approach is needed*, correcting distribution in the production process. Otherwise, the risk of a “techno feudalism” that Varoufakis describes in his books remains real.

As part of structural reforms there are also trade policies. The reduction of customs tariffs, the fall in transport costs and the liberal regime of international trade and finance, gave globalization a new dimension. There is no doubt, as we argued above through numerous empirical works, that trade liberalization has produced great benefits, especially for small and open economies. But, as the Stolper-Samuelson theorem predicts, the specialization of countries leads to the mobility of factors: of capital from developed countries to developing countries, and of workers in the opposite direction. This produced the emigration of labor in the manufacturing sector from developed countries, creating serious problems for the communities where these industries had previously operated. Social degradation and the fall in wages and incomes in general proved that decisions about *how* to produce (at what wages employment is offered) and *where* to produce (*location*) matter. They cannot be solved through retraining programs and adaptation of the workforce to new jobs. A chemical industry worker finds it impossible to work as a waiter and find the same fulfillment and adaptation. Labor mobility is also almost impossible: the closure of a job in one city will require that work migrate to other cities where new jobs are created. This is a theoretical hypothesis but one that practically does not work. When this happens, the degradation of communities and the social problems that have been created in these communities have been accompanied by major social consequences. On the other hand, foreign emigration to developed countries has been a powerful social destabilizing force in these societies.

The stagnation of incomes, the growth of inequalities (not only economic but also political – the capture of politics by the oligarchy), together with other cultural

problems that immigration produced, are among the factors that fueled populist policies and the growth of political extremism. If until now *the Global North* was in support of economic liberalism while *the Global South* was in protectionism, now the opposite is happening. Of course, this has shaken the liberal world economic order, especially the World Trade Organization. While the more active role of the state and modern forms of protectionism is acceptable, the tariff war will only worsen the economic environment and the flow of foreign investment.

The Washington Consensus was silent on industrial policies, but they are now part of the game. Developed and developing countries are actively developing industrial strategies and technology strategies as part of economic development programs.

## Some final conclusions

The Washington Consensus reflected the economic, social, and political context of the time and was based on the knowledge and theoretical paradigms of that period.

It served as a platform for economic policies that were undertaken by governments, and its results have been very positive. Poverty reduction, low inflation rates and economic growth in developing countries are the most important indicators that prove that the recommendations were appropriate and that most of them are still relevant today.

The new economic and political context of today's world requires a reconsideration of the paradigm created by the Washington Consensus, including new elements in the premises of the new policies that need to be implemented. A broader understanding of macroeconomic volatility, resilience, the mitigation of inequalities through a new *pre-distribution approach* alongside a stronger strengthening of traditional redistribution instruments through fiscal policies, active public policies in economic development (industrial and technological strategies), require a more active role of the state. The increase in the role of the state requires the construction of itself and its institutions, considering it as the basic infrastructure of society. Without a strong and efficient state, even markets cannot exist and be efficient.

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# *The Importance of Adopting a New Criminal Code in the Republic of Albania. A Summary Analysis of the Criminal Code Project* \_\_\_\_\_

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## **Abstract**

*The objective of this paper is to evaluate and identify the deficiencies of the current Criminal Code of the Republic of Albania, as well as the necessity of drafting a new one. Albania has implemented six distinct criminal codes in less than a century, each of which is significantly different from the others. This absence of a unified scientific identity has a detrimental impact on the stability of criminal laws. The current Criminal Code is problematic in numerous ways, including its legislative technique, the formulation of numerous provisions in its special part that frequently result in overlaps or contradictions, inaccuracies in the definitions of criminal offenses, and the use of ambiguous or questionable terminology, among other issues. Its general part also falls short in addressing the core principles of criminal law. A contributing factor to the lack of harmonization is the uneven application of the terminology and principles due to a lack of social and political will. Conversely, the frequent modifications to the current Criminal Code underscore the necessity for a new code that is attuned to contemporary developments. The innovations of the Criminal Code Project, which have been developed in response to societal needs and the advancements in criminal science, are the subject of this paper. The project draws from international agreements that the Albanian government has ratified and judicial precedents, specifically those of the High Court, the Constitutional Court,*

*and the European Court of Human Rights. In summary, the implementation of criminal provisions and the optimization of the delivery of justice by criminal courts necessitate the adoption of a new Criminal Code in a context where the structure, formulations, and terminology employed must be precisely defined to prevent any potential issues.*

**Keywords:** *Criminal Code, harmonization, configuration, doctrinal principles, legality, international law.*

## **Introduction**

The Criminal Code is a law of fundamental significance in any state, as it is a direct reflection of the extent of democracy within the community. As the main legal framework for criminal justice in a democratic country that supports liberal values and the rule of law, the Criminal Code must achieve two crucial goals: first, it must protect society from criminal activity that jeopardizes the peace, harmony, and well-being of the community and its members; second, it must protect each individual from potential abuses that may arise during the application of criminal law.

From these two fundamental pillars, this paper will examine the current Criminal Code's challenges and the need for modifications to balance these two functions. The paper will also provide a non-exhaustive overview of the Criminal Code Project's innovations, which are proposed by a working group and documented on the Ministry of Justice of Albania's website.<sup>1</sup>

## **Frequency and effectiveness of Criminal Code amendments**

Numerous criminal codes or laws have been introduced in the Albanian state over the course of almost a century. These include the First Penal Code of 1928, Law no. 382, dated 24.12.1946, the "Law on General Penal Provisions and Decree Law on the Execution of Sentences", Law no. 599, dated 13.5.1948, the "General Part of the Penal Code", the Criminal Code of 1952, the Criminal Code of 1977, and the Criminal Code of 1995. The disparities in these legal provisions, coupled with the ambiguity inherent in the domain of criminal science, have resulted in the instability of criminal laws.

The current Criminal Code of the Republic of Albania was enacted in 1995 via law no. 7895.<sup>2</sup> Following 1990, Albania experienced substantial political, social,

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<sup>1</sup> The Criminal Code Project can be found at: <https://www.drejtesia.gov.al>.

<sup>2</sup> The law was enacted and came into force on 1st June 1995.

and economic transformations, and the adoption of this code was deemed a pivotal event in relation to the state and its criminal legislation (Elezi, 1997). At that time, legislators had two primary objectives: a) to combat crime, which continued despite legislative efforts in the 1990s, and b) to implement a new Criminal Code as a prerequisite for Albania's membership in the Council of Europe (Elezi, 1997).

Many amendments to the Code have affected its general and specific parts over the past 30 years. Regular amendments threaten the Criminal Code's unity by undermining coherence and equilibrium. Point 2 of Article 81 of the Constitution requires that codes be adopted by a qualified majority to prevent frequent changes and uphold legal certainty, stating that legislative changes should be made only when necessary and as effective as possible. Here, effectiveness means lowering crime rates, raising awareness, and preventing crimes.

Within a year of its implementation, Law no. 8175, dated December 23, 1996, titled "On some amendments to Law no. 7895, dated January 27, 1995, Criminal Code of the Republic of Albania", amended the Criminal Code. Two Constitutional Court decisions accompanied these amendments, which were implemented without analysis or study.<sup>3</sup> The 1997 amendment created a new transplant purchase and sale crime.<sup>4</sup> The Code should have included this article from the start because abstract provisions should anticipate future events or trends in a short time.<sup>5</sup> Law no. 8175/1996 was completely repealed by the subsequent Code amendment.<sup>6</sup> Frequent amendments cause uncertainty about penal provisions and reinforce the Code's ease of amendment.<sup>7</sup> The Criminal Code got 55 revisions, 25 new provisions, and 1 repeal in 2001. About half of the Code's provisions were amended within five years of its adoption.<sup>8</sup> Two Criminal Code amendments occurred in 2003.<sup>9</sup> The initial amendment was based on the Albanian state's international obligations under the UN Convention on Transnational Organized Crime, the European Convention on Corruption, and the terrorism recommendations (Elezi

<sup>3</sup> Additionally: The Constitutional Court's Decision no. 13 from 29 May 1997 and Decision no. 58 from 5 December 1997.

<sup>4</sup> Law 8204, enacted April 10, 1997, supplements the Criminal Code, and the second amendment was passed in 1997.

<sup>5</sup> In this case, the Code's second amendment, which includes a special provision, was adopted within two years.

<sup>6</sup> On 15.01.1998, law no. 8279 amended and added to law no. 7895, dated 27.01.1995, "Criminal Code of the Republic of Albania". Law 8175/1996, "On some amendments to law no. 7895, dated 27.01.1995 "Criminal Code of the Republic of Albania," was fully annulled.

<sup>7</sup> In particular, this law amended Code articles 109, 114, 278, and 297. New articles 170/a on "illegal employment," 181/a on "failure to perform duties by tax authorities," 283/a on "drug trafficking," 284/a on "organization and management of criminal organizations," and 284/b on "assistance in the detection of crimes" were added.

<sup>8</sup> The special part of the Code criminalized and penalized offenses against individuals, property, trafficking, and narcotics, while Article 74 redefined crimes against humanity.

<sup>9</sup> Law number 9017, dated March 6, 2003, amending law number 7895, dated January 27, 1995, "Criminal Code of the Republic of Albania," has been approved, as has law number 9086, dated June 19, 2003, including certain additions and amendments.

& Elezi, 2010). The second law was enacted to enhance the first, which lacked sufficient detail due to the expedited drafting process. Tougher penalties were the answer in 2004 for effectively fighting organized crime in Albania.<sup>10</sup> In 2007, the general part of the Criminal Code was reformed, eliminating paragraph 2, point 1, of Article 28, which defined criminal organizations.<sup>11</sup> Article 28 redefined “terrorist organization”. Article 86 was amended to align criminal law with the UN Convention against Torture framework (Elezi & Elezi, 2010).<sup>12</sup> The 2008 Criminal Code revisions prioritized alternative punishment, computer system and data protection, and practical regulations.<sup>13</sup> General provisions of the Criminal Code were significantly amended in 2012.<sup>14</sup> As a result, 74 Criminal Code provisions were amended and added to quickly,<sup>15</sup> especially after the 2013 reform changed the minimum and maximum sentencing ranges.<sup>16</sup> The 2014 amendments mainly addressed issues pertaining to construction, with only minor effects on a few articles of the Criminal Code.<sup>17</sup> Law 135/2015 added 8 new provisions and 16 articles to the Criminal Code, redefining “more severe increased punishment” and modifying or adding smuggling provisions.<sup>18</sup> Paragraph 2 of Article 55, enacted by Law no. 135 in 2015, was repealed one year later.<sup>19</sup> Two amendments to the criminal law, Law no. 36/2017 and Law no. 89/2017, focused on electoral crimes. The legislative trend increases penalties for all criminal offenses.<sup>20</sup> In 2019 and 2020, Law no. 35/2020 significantly reformed the Albanian Criminal Code.<sup>21</sup> The Albanian government undertook these legislative changes to implement the GREVIO Committee’s recommendations on the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

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<sup>10</sup> Additions and amendments to the Criminal Code were made with the entry into force of Law No. 9188, dated 12.02.2004, and Law no. 9275, dated 16.9.2004.

<sup>11</sup> Also, Law no. 9686, dated 27.02.2007.

<sup>12</sup> “Compendium of International Legal Acts,” released in Tirana in 2006, documents the 2004 Council of Europe Convention against Torture.

<sup>13</sup> Law no. 9859, dated 21.1.2008, and law no. 10023, dated 27.11.2008, are approved as additions and amendments to law no. 7895, dated 27.1.1995, ‘Criminal Code of the Republic of Albania.’

<sup>14</sup> Law no. 23/2012 ‘On certain additions and amendments to Law no. 7895, dated 27.1.1995, Criminal Code of the Republic of Albania,’ has come into effect.

<sup>15</sup> To conclude, the 2013 legal reform changed 35 Criminal Code articles and added 14 new ones.

<sup>16</sup> Law no. 144/2013 ‘On certain additions and amendments to Law no. 7895, dated 27.1.1995, Criminal Code of the Republic of Albania,’ has come into effect.

<sup>17</sup> Law no. 98/2014 and Law no. 176/2014 updated the legal framework.

<sup>18</sup> Moreover: [https://www.parlament.al/Files/ProjektLigje/kodi\\_penal\\_i\\_fundit.pdf](https://www.parlament.al/Files/ProjektLigje/kodi_penal_i_fundit.pdf). Accessed on 28 October 2025.

<sup>19</sup> Law no. 82/2016 has been enacted.

<sup>20</sup> This law revised articles 325 (from 3 months to 3 years, now 1 year to 5 years), 327 (for “violation of the secrecy of voting”), and 327/a (from a criminal misdemeanor to a criminal offense punishable by 6 months to 3 years). Articles 328, 328/a, 329, 330, 330/a, and 332 had their penalties raised similarly to article 327/a.

<sup>21</sup> Law no. 44/2019 amended 16 Criminal Code provisions and added 15 new ones.

The committee's report arrived in December 2017.<sup>22</sup> In this context, article 130/a of the Criminal Code increased penalties. In addition, articles 242/a and 89/b were added, covering the non-implementation of state authority measures during emergencies or epidemics and infectious disease transmission, respectively. Recent revisions include Law no. 43/2021, which addresses criminal penalties for corruption and tender equality violations.

The Criminal Code has been modified greatly, affecting both its general and special parts. These changes have been made at different times and for different reasons, reflecting its legal values, criminal policy, and legislator ideology. Due to frequent interventions, judicial practice, and Albanian society's needs, the current Criminal Code is no longer comprehensive.

In many ways, the Criminal Code's legislative method is flawed. Over 250 additions and amendments to the Criminal Code have been made, often to update the same law or align it with EU and other international treaties. Some provisions from international legal instruments or foreign criminal codes are incompatible with the Criminal Code and our nation's unique circumstances, preventing their use. Overall, the Criminal Code needs more attention due to formal errors, unclear legal language, incompleteness, and an unsatisfactory framework (Pittaro, 2008). One author found that the Albanian Criminal Code's concept of criminal liability "displays both light and shadow, indicating modernization in the forms of guilt and rehabilitation, while on the other hand, stringent social protection measures dominate for those acting under the influence of drugs, overlooking the fundamental principle of guilt 2006 (Manna, 2006).

The Criminal Code's efficacy and efficiency should also be considered in light of the Constitutional Court's decisions, which invalidated several articles after they were amended. It appears that the Code's amendments were poorly considered. The proposed laws' reports highlight a lack of concrete arguments supporting Code amendments. Even though the Republic of Albania has international obligations that prompted the amendments, it is still necessary to analyze the proportionality and appropriateness of the punitive measures for the current social context. No thorough analysis and hasty approval of Code amendment laws forced the Constitutional Court to act. This court has made several decisions on the compatibility of the Criminal Code in certain cases with the Constitution of the Republic of Albania (see Article 116, which outlines the hierarchy of legal norms).<sup>23</sup>

<sup>22</sup> Moreover: <https://www.parlament.al/dokumentacioni/aktet/75aecbd2-6e1c-4f0c-b3e7-a3da52544535>. Accessed on 29 October 2025.

<sup>23</sup> Additionally, the Constitutional Court's decisions no. 13, dated 29.05.1997, 46, dated 28.08.1997, 58, dated 05.12.1997, and 65, dated 09.12.1999 (which found the death penalty provisions of the Criminal Code of the Republic of Albania incompatible with the Constitution), 11, dated 01.04.2008, 19, dated 01.06.2011, 9, dated 26.02.2016, and 47, dated 27.6.2012.

## Key challenges posed by Criminal Code provisions

### *Criminal Code framework and substance flaws*

Despite the current Criminal Code's revisions, it still lacks a number of important institutes, primarily because there has not been enough research done to identify the needs and then recommend suitable approaches or ideas for the overall framework of the Criminal Code. Criminal offense, the time and place of the criminal offense's commission, continuous and sustained criminal offenses, legal error and factual error, the commission of a criminal offense through omission, the accountability of co-perpetrators in a collaboratively committed criminal offense, the function of the indirect executor, etc. are some of the institutes that have been partially discussed through the procedures of the Constitutional Court and the High Court but are not covered by the current Code.

### *Decriminalization and criminalization inadequacies*

Despite the modifications, the current Criminal Code still lists crimes (like criminal misdemeanors) for which Albanian courts have not imposed a sentence in a long time, or crimes whose definitions do not reflect the evolution of social relations, especially when it comes to illegality and social danger (Stratenwerth, 2014). The Code covers a variety of criminal offenses that may be decriminalized within this framework, while also permitting the criminalization of new behaviors based on their significance and the threats they pose.

### *Criminal Code phrasing and configuration*

Many sections of the Criminal Code are difficult to comprehend due to the lengthy, intricate sentences that render the text difficult to read in its entirety. There is a noticeable lack of continuity and logical coherence in some articles, particularly those that describe the structure of criminal punishment. Articles 110/a, 114/b, and 128/a on illegal trafficking; articles 164/a, 164/b, and 245/1 on both active and passive corruption; article 221 on insurrection; articles 230 through 230/c on terrorism; article 245/1 concerning the illegal influence over public officials; and article 287 on the laundering of proceeds from criminal activities are among the provisions that are articulated more like commentaries than as concise, clear statements that conform to legislative drafting practices. Additionally, the provisions on various criminal offenses, including murder, property destruction, smuggling, forgery, and terrorism, present challenges due to the unwarranted

fragmentation of certain articles with a shared objective. Because of the Code's frequently ambiguous terminology, law enforcement has varying opinions about what constitutes "damage," "other damages," "consequences," and "serious consequences."

### *Deficiencies in aligning criminal penalties with the seriousness of criminal offenses*

In general, the criminal sanctions associated with the existing provisions of the Criminal Code are inconsistent with the specific stipulations of each provision. This does not suggest that the system of penalties should not be established on the basis of a stable and logical structure. Punitive measures should be customized to the specifics of the provision, the object affected, the resulting consequences, or other factors that are taken into account as a whole. Within the current Criminal Code, this presents serious difficulties. It is true that the Constitutional Court, in decision no. 55/2015, asserts that the legislator has the discretion to determine penalties. However, this discretion is restricted by the purpose for which the Code is enacted and the principles that guide its drafting, ensuring that the penalty for each criminal offense is proportional and appropriate for the specific offense, thus serving to prevent rather than intensify the sanction.

### *Obligations of the Albanian state in relation to international law*

Albania is required to apply the international law that is binding on it in line with Article 5 of its Constitution. Under Law no. 43/2016 "On International Agreements in the Republic of Albania," international criminal acts to which Albania is a party are binding in this regard so long as they impose obligations and liabilities on the member or participating states. Albania must also align its domestic laws with the EU *acquis communautaire* after signing the Stabilization and Association Agreement. Furthermore, the current Criminal Code's deficiencies are frequently exposed by reports from international organizations regarding the extent to which the Albanian state implements international acts.

### *Criminal Code provisions incorporating Constitutional Court and High Court decisions*

Many High Court and Constitutional Court decisions have correctly interpreted the Criminal Code, preventing inconsistent lower court decisions and ensuring legal certainty. The large number of decisions issued by these courts over the years shows the challenges in practice and the shortcomings of the Criminal Code. Lack of thorough analysis during Criminal Code drafting and frequent amendments

directly correlates with Albanian courts' decision-making. As the Criminal Code adds ambiguities, the courts' workload must increase to control practice and preserve constitutionality and legality. Conclusively, the current Criminal Code is incongruous with the decisions of the Constitutional Court.

According to the Constitutional Court's decision no. 47, dated 26.7.2012, the Assembly enacted Law no. 144/2013, which made all the necessary changes to the special part of the Criminal Code, eliminating the possibility of two primary penalties for distinct criminal offenses. Neither the Constitutional Court nor the legislature have considered the "payment of a fine" system in Article 54 of the Criminal Code.<sup>24</sup> This provision has been rendered obsolete in the Albanian criminal justice system due to the Constitutional Court's decision and the interpretation of Law no. 144/2013, which no longer allows the court to impose a fine and a prison sentence for criminal offenses.

Given the Constitutional Court's decisions, the Criminal Code must be amended to include all criminal provisions (Pittaro, 2006) present in external sectoral legislation.<sup>25</sup> In decision 23 dated June 8, 2011, the Constitutional Court states that laws requiring a qualified majority must follow the same procedural standards. The Court rules that the Assembly cannot use a 'simple majority' to enact or amend a law that requires a 'qualified majority' because it would minimise its significance.<sup>26</sup> This perspective ignores criminal offenses enacted outside the Criminal Code before the Constitution and Constitutional Court's decision.<sup>27</sup> It also ignores that criminal legislation includes the Criminal Code (Muçi, 2020) and supplementary laws that define criminal offenses, with the general provisions of this Code applying to other offenses recognized by specific laws.<sup>28</sup>

On July 25, 2013, the Constitutional Court stated in decision no. 38: Ordinary jurisdiction courts have the full authority, under the Criminal Code, to impose imprisonment as the main penalty in all matters involving the two primary sanctions delineated in the special part of the Criminal Code and to supplement it with a fine when Article 34, paragraphs five and six, are met.<sup>29</sup> According to the Constitutional Court, Article 34, paragraphs five and six, fines are ancillary punishments. This court ruling is absent from the supplementary penalties in Article 30 of the Criminal Code,<sup>30</sup> and it violates the principle of legality in the

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<sup>24</sup> See Article 54 of the Criminal Code, which states: "Concerns criminal contraventions for which, besides the fine, an imprisonment sentence is also imposed, the court, upon the request of the perpetrator of the criminal contravention, may admit that the latter pays an amount of money to the benefit of the state budget, equal to half of the maximum fine provided for criminal contraventions in the General Part of this Code."

<sup>25</sup> See Law 23/2012 "On some additions and amendments to the Criminal Code."

<sup>26</sup> See 2012 Constitutional Court Decision no. 38.

<sup>27</sup> See Article 122, point "2" of the Albanian Constitution.

<sup>28</sup> Albanian Criminal Code articles 1/a and 72.

<sup>29</sup> Source: Constitutional Court Decision no. 38, § 17.

<sup>30</sup> Article 30 of the Criminal Code specifically enumerates the following ancillary punishments: 1.

criminal domain, as outlined in Article 29 of the Constitution and Article 2 of the Criminal Code, which gives the legislative body exclusive authority to establish criminal norms (Antolisei, 2003; Caraccioli, 2005; Fiandaca & Musco, 2024; Marini, 1993; Marini, 1978; Esposito, 1961; Romano, 2004; Vinciguerra, 2009; Manzini, 1926).

### *The Criminal Code's alignment with European Court of Human Rights jurisprudence*

Although procedural, the European Court of Human Rights (ECtHR) has significantly impacted specific elements of Criminal Codes. Human rights and freedoms are protected by European Court jurisprudence, which harmonizes criminal legislation with European values and promotes criminal cooperation. Due to the European Court's influence on the Criminal Code, specific criminal legislation institutes to implement international guarantees are inevitable and irreversible. For instance, the ECtHR defines legality,<sup>31</sup> the attributes and criteria that criminal law must meet, the justifications for exemption from criminal liability, the penal systems for executing sentences, the proportionality of penalties in relation to the infringement of personal liberty vis-à-vis the illegality and gravity of the criminal act, continuing criminal offenses, and the expulsion of no criminal offender. These elements are the main concerns the ECtHR has addressed in the general framework of signatory states' criminal laws.

## **Proposed Criminal Code innovations**

### *Definitions and terminology employed*

The general part of the draft Criminal Code suggests several principles that ought to be codified in law rather than relegated exclusively to theoretical doctrinal analysis. These include aspects such as criminal offense, continuous and sustained criminal offenses, the time and place of the commission of a criminal offense, error facti, error iuris, the commission of a criminal offense by omission, cases involving indirect executors, co-executors, and others. The draft Criminal Code presents innovations that address this deficiency by offering precise definitions,

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Banning the right to exercise public functions; 2. Confiscation of instruments committing the criminal offence and criminal offence proceeds; 3. Prohibition to drive; 4. Deprivation of decorations, honorary titles; 5. Deprivation of the right to practice a profession or craft; 6. Deprivation of the right to assume leading positions at legal entities; 7. Prohibition of the right to stay in one or some administrative units; 8. Expulsion from the territory; 9. Compulsion to make public the court sentence; 10. Loss of parental responsibility.

<sup>31</sup> Standard based on Engel v. Netherlands, June 8, 1976.

thereby facilitating the application and compliance with the principles of legality and legal certainty.

### *The definition of a criminal offense*

General part of Criminal Code and systematic arrangement of institutes are based on criminal offense.<sup>32</sup> Different Albanian Criminal Codes define criminal offenses, such as Article 3 of the 1952 and 1977 Codes.<sup>33</sup> The proposed Criminal Code defines criminal offenses, filling a legal gap previously filled by doctrinal interpretation.

The current Criminal Code does not regulate the classification of criminal offenses into continuous and sustained categories, which is important in Albanian jurisprudence<sup>34</sup> and academic literature. Thus, the courts have inconsistently applied this doctrinal institute. According to *Rohlena v. Czech Republic*, a continuous crime is “a series of acts connected by a singular objective and a unified criminal scheme.”<sup>35</sup> 30 Council of Europe nations<sup>35</sup> have integrated the continuous criminal offense into their domestic legislation, 14 of which have developed it into their legal practice or doctrine (including Albania), while only 3 have not acknowledged it

<sup>32</sup> See European Court of Human Rights decisions in *Engel and Others v. Netherlands*, *Jussila v. Finland*, *Brown v. UK*, and *Žajka v. Croatia*.

<sup>33</sup> *A criminal offense is defined as any act or omission that is socially perilous, carried out with culpability, and stipulated by law. A socially dangerous act is one that is aimed against the socialist state, the Party of Labor of Albania, socialist property, individuals, their rights and interests, and the entire socialist social framework. An act does not constitute a criminal offense if it is mentioned in criminal law but is not socially dangerous because of its insignificant nature.*

<sup>34</sup> In Decision no. 284, dated 15 September 2000, the United Colleges of the High Court ruled that a crime is continuous if no act is an isolated incident, the defendant's actions or omissions represent the same criminal offense, and there is a cohesive criminal intent that unites the separate acts. To establish a continuous crime, the perpetrator must have anticipated the timing, means, form, and method of their crime. Continuous crime requires unified criminal intent, which shows that the defendant considered the temporal and spatial progression of actions. Said ‘thought’ is identified by the defendant's actions to commit the crime.

<sup>35</sup> Andorra (Article 59 of the Criminal Code), Armenia (Article 21 § 2 of the Criminal Code), Belgium (Article 65 1 of the Code), Bosnia and Herzegovina (Article 54 2 of the Criminal Code), Bulgaria (Article 26 of the Criminal Code), Croatia (Article 52 of the Criminal Code), Czech Republic (Article 89 3 of the Criminal Code), Republic of North Macedonia (Article 45 of the Criminal Code), Georgia (Article 14 of the Criminal Code), Greece (Article 98 § 1 of the Criminal Code), Hungary (Article 6/2 of the Criminal Code), Italy (Article 81 § 2 of the Criminal Code, which refers to a continuous offense and serious sensual offenses), Latvia (Article 23 of the Criminal Code), Malta (Article 18 of the Criminal Code), Republic of Moldova (Article 29 of the Criminal Code), Montenegro (Article 49 of the Criminal Code), Netherlands (Article 56 of the Criminal Code), Norway (Article 219 of the Criminal Code, particularly in relation to domestic violence), Poland (Article 12 of the Criminal Code), Portugal (Article 30/2 of the Criminal Code), Romania (Article 35 of the new Criminal Code), San Marino (Article 50 of the Criminal Code), Serbia (Article 61 of the Criminal Code), Slovakia (Article 122 § 10 of the Criminal Code), Slovenia (Article 54 1 of the Criminal Code), Spain (Article 74 of the Criminal Code), Sweden (Article 4a of Chapter 4 of the Criminal Code), Turkey (Article 43 of the Criminal Code), Ukraine (Article 32 of the Criminal Code), and the United Kingdom (Article 14.2 (2) of the Rules of Criminal Procedure 2013).

in law or judicial practice. Additionally, the ECtHR has stated that a “continuous” offense is considered a singular act, so the law’s application should be based on the criminal law in effect at the time of the final act of the offense, provided that the actions executed are also punishable under the prior law.<sup>36</sup> A continuing criminal offense is a specific type of criminal offense in the draft Criminal Code, which is closely related to its legal classification and positive law punishment.

### *The causal connection in criminal offenses committed through acts of omission*

The draft Criminal Code delineates the omissions that result in criminal liability, establishing the basis for the obligation to act, which, in instances of omission, may give rise to criminal liability. Alongside the stipulations regarding the institute of causal connection in Article 20 of the draft Code, which broadens the scope of causal conditions, Article 21 further delineates this institute, establishing the requisite criteria for causal connection in offenses committed by omission.<sup>37</sup>

### *Introducing additional circumstances that exclude criminal liability*

In response to recent developments in practice, the draft Criminal Code proposes the incorporation of supplementary cases for exclusion from criminal liability, categorizing them under a unified heading. In this context, additional factors have been incorporated, such as the consent of the individual entitled to a right under Article 16 of the Constitution (this limitation is vital, as euthanasia may be permissible in its absence), the remorse of the offender, the minimal risk associated with the criminal act, among others. The issue of comprehending a mental condition to regulate and understand the perpetration of a criminal offense has been raised in cases of irresponsibility stemming from such conditions.

### *Mechanism for determining punishment in cases of attempted offenses*

Proposed Criminal Code reduces attempt punishments. The legislator cannot generalize by establishing the proximity of the criminal offense’s consequence as a criterion for determining the severity of punishment; this proximity fluctuates, necessitating a corresponding variation in the measure of punishment. The

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<sup>36</sup> European Court of Human Rights. (2015). *Rohlena v. Czech Republic* (Application no. 59552/08).

<sup>37</sup> “1. No individual can be considered criminally liable if there is no causal link between the omission and the resultant consequence, or the potential of its occurrence, as a direct, requisite, or sufficient condition to generate the consequence. 2. Any neglect to avert a consequence, for which the individual is accountable for preventing its occurrence, is tantamount to the perpetration of a criminal offense if the execution of the omitted action would significantly reduce the probability of the consequence occurring.”

application and interpretation of the consequence element and the rationale for the criminal offense remaining an attempt have been misapplied in multiple ways.<sup>3839</sup> In addition, the judiciary has misinterpreted substantive criminal law, making its simplification and elaboration, especially regarding attempts, necessary. The criminal code's attempt provision was drafted with the above factors and practical issues in mind to ensure uniformity. The draft additionally outlines the methodology for determining penalties for criminal offenses that are in the attempt phase.

Determining criminal liability for preparatory actions is another doctrinal issue. Preparatory action penalties are generally doctrinally flawed. The position in both parts of the draft Code has been consolidated: impunity as a core principle, with criminality in explicitly delineated circumstances. Only special provisions allow partial punishment for preparation.

### *Categories of accomplices and the corresponding punishments*

The institute of cooperation is a vital component of the general part of the Criminal Code, primarily due to the perilous nature of offenses perpetrated in this manner and the complexities that emerge when multiple individuals participate in the commission of a criminal offense. The differentiation between simple and special forms of collaboration has yielded inconsistent decisions and classifications in practice, primarily due to challenges in defining the essence of collaboration, as emphasized by the general provisions of Article 28 of the Criminal Code.

The draft Criminal Code has significantly endeavored to define particular types of collaboration and to anticipate liability regarding contributions to the commission of criminal offenses, by examining the institution of collaboration in a proportional manner. Furthermore, regarding sentencing, the same issues that emerge with attempts are also present in the notion of collaboration. The draft delineates various punitive measures for accomplices, particularly regarding accessories, taking into account the extent of each individual's involvement and their specific role in the perpetration of the criminal offense.

### *Mitigating and aggravating circumstances in sentencing and alternatives to imprisonment*

An excessively severe sentence violates Article 3 of the European Convention on Human Rights, according to the European Court of Human Rights.<sup>40</sup> Incarceration

<sup>38</sup> Decision no. 129 dated 29.06.2016 of the Penal College of the High Court.

<sup>39</sup> The Lezhë Judicial District Court issued Decision 361 on July 31, 2014, the Shkodra Court of Appeal issued Decision 37 on February 2, 2015, and the High Court Penal College issued Decision 126 on June 22, 2016.

<sup>40</sup> European Court of Human Rights. (2013). *Vinter and Others v. the United Kingdom* (Applications Nos. 66069/09, 130/10, 3896/10).

should only be used when no other measure or sanction is appropriate for the severity of the offense,<sup>41</sup> according to the Council of Europe, which promotes efforts to reduce the use of liberty-restricting measures and increase the adoption of alternatives.<sup>42</sup> In accordance with international standards, imprisonment as a punitive measure should be strictly limited and considered an *extrema ratio* in exceptional circumstances when no other measures are viable, according to the Penal Code of the High Court's decision, no. 90, dated 4.5.2016. Instead of relying on judicial discretion, the Criminal Code Project establishes a framework for diminishing penalties in mitigating circumstances. Second, it evaluates supplementary penalties by suggesting adding them to reduce recidivism by mitigating the effects of criminal behavior and rehabilitating offenders. Thirdly, it has considered a wider range of alternatives to incarceration, particularly for minor offenses, and viewed incarceration as a last resort to be used only when necessary. Fourth, it allows special provisions to include ancillary penalties, such as the confiscation of criminal instruments and proceeds. Fifthly, it introduces competition among criminal norms and the joining of criminal offenses for punishment individualization.

### *Lapse of criminal prosecution*

In addition to the various conditions that cease criminal liability, such as the statute of limitations for prosecution, the statute of limitations for sentence execution, and provisions for amnesty and pardon in the current Criminal Code, the proposed new code introduces the victim's death as an additional ground for the expiration of criminal liability in cases where offenses are initiated based on the victim's complaint.

### *Innovations related to the special part of the Criminal Code Project*

The primary modifications in the special part of the draft Criminal Code pertain to the definition and interpretation of criminal offenses and the critical components of particular categories, intricately linked to the principles and institutions of the general part of the Criminal Code. This part of the draft has undergone various amendments to its chapters and criminal offenses. The subjective aspect of the offender in all criminal offenses is clearly delineated in accordance with the principle of *nullum crimen, nulla poena sine lege*. The practice of employing analogous criminal offense figures, which were formerly categorized into multiple distinct

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<sup>41</sup> Council of Europe. Recommendation no. R (99) 22 of the Committee of Ministers to member states on prison overcrowding, paragraph 1.

<sup>42</sup> Ibid, para 14. When possible, non-custodial measures should be promoted as they are becoming more effective at addressing offenders in society, benefiting both the offender and the community.

groups, has been avoided. This modification streamlines the framework of criminal law and facilitates the exact implementation of individualized punishments via the notion of concurrent criminal offenses or the repeated commission of a criminal offense. Criminal offenses have been categorized into titles, headings, and sections according to the legal interests they protect. Moreover, the Project advocates for a more rational methodology in the mitigation of punishment measures and the establishment of punishment limits, consequently restricting the court's unfettered discretion, which has been a contributing factor to practical abuses.

### *Harmonization of Criminal Code Project with international treaties and EU directives*

In accordance with Article 5 of the Constitution of Albania, Law No. 43/2016 'On International Agreements in the Republic of Albania,' and the Stabilization and Association Agreement,<sup>43</sup> the Criminal Code draft includes the Statute of the International Criminal Court, which defines crimes against international law (Xhafo, 2012). Moreover, the European Convention on Human Rights and its Additional Protocols,<sup>44</sup> have also been considered.<sup>45</sup> The UN Convention against Transnational Organized Crime and its two Additional Protocols have been assessed, especially concerning the definitions of terms such as 'organized criminal group', 'serious crime', and 'criminal structured group'.<sup>46</sup> The Project has been aligned with the Protocol against the Smuggling of Migrants by Land, Air, and Sea, which complements the United Nations Convention against Transnational Organized Crime to ensure the execution of effective measures for preventing and combating migrant smuggling through land, sea, and air. The Project have updated narcotic plant cultivation regulations to comply with the Single Convention on Narcotic Drugs and the UN Convention against Illicit Traffic in Narcotics. Under

<sup>43</sup> EU-Albania Stabilisation and Association Agreement, signed on June 12, 2006, took effect on April 1, 2009. Article 70 of the SAA requires Albania to progressively align its laws and future legislation with the EU acquis.

<sup>44</sup> Dated in Rome, the 4th of November, 1950.

<sup>45</sup> The Constitutional Court issued Decision no. 65 on 09.12.1999, on the incompatibility of the death penalty provisions in the Criminal Code of Albania with the Constitution. The Court ruled that the death penalty, applicable during peacetime, as specified in articles 29/1, 31, 73, 74, 75, 77, 78, 79, 109, 141, 208, 209, 219, 221, 230, and 334 of the Criminal Code, was unconstitutional and therefore repealed.

<sup>46</sup> In accordance with Article 2 of the Convention, the following definitions are set forth: "Organized criminal group" shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit; "Structured group" shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure; "Serious crime" shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty.

the Council of Europe Convention on Cybercrime, the Project has implemented and improved measures to combat cybercrimes like computer forgery,<sup>47</sup> child pornography, and copyright violations. According to the Council of Europe Criminal Law Convention on Corruption, the Draft has strengthened provisions and made legal persons accountable for active corruption, influence peddling, and money laundering. The Project explicitly allows ancillary punishments to help confiscate criminal proceeds in accordance with the Council of Europe Conventions on the Laundering, Tracing, Seizure, and Confiscation of Criminal Proceeds. In compliance with the European Convention on the Suppression of Terrorism and its Amending Protocols, the Project guarantees that any grave act of violence not delineated by the Convention and directed at the life, person, or liberty of individuals is not classified as a political offence, related to such an act, or driven by political motivations. The Project has criminalized actions covered by the UN Convention for the Suppression of the Financing of Terrorism. The Criminal Code Project encompasses various treaties, including the European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders, the European Convention on the International Validity of Criminal Judgments, the European Convention on Extradition and its Additional Protocols, the European Convention on Mutual Assistance in Criminal Matters, the Convention on the Transfer of Sentenced Persons, and the International Convention for the Protection of All Persons from Enforced Disappearance. The Project integrates criminal offenses consistent with the Council of Europe Convention on preventing and combating violence against women and domestic violence and amends the statute of limitations to allow proceedings to begin once the victim turns 18. Based on the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the Project includes criminal offenses against children to protect them from all forms of sexual abuse and exploitation, including child prostitution and pornography.

Given the impossibility of enumerating all EU directives considered during the formulation of the Criminal Code, it is imperative to highlight that all directives containing penal provisions are integrated into this Project. These include directives concerning measures to combat fraud against the financial interests of the European Union; counter-terrorism efforts; prevention of financial system exploitation for money laundering or terrorist financing; establishment of minimum occupational health and safety standards; enhancement of worker safety and health; addressing child sexual abuse and exploitation; protection of the euro and other currencies from counterfeiting through criminal legislation; facilitation of the seizure and confiscation of criminal proceeds; prevention and combat of human trafficking while ensuring victim protection; delineation of fundamental elements of criminal offenses and penalties related to illicit

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<sup>47</sup> Moreover, Convention Articles 7 and 8.

drug trafficking; addressing fraud and counterfeiting of non-cash payment instruments; safeguarding information systems from cyberattacks; tackling specific manifestations of racism and xenophobia; and ensuring environmental protection through criminal law.

## Conclusions

The preceding discussion clearly indicates that the numerous interventions by the legislator in the current Criminal Code demonstrate its inadequate adaptation to contemporary developments in Albanian society. The current Criminal Code is inadequate in its institutions, concepts, and definitions of criminal offenses, does not align with international law, and permits significant interpretative latitude. Consequently, it is imperative to substitute it with a new code that encompasses all essential provisions to reduce the frequency of legislative interventions.

Upon examination of the Criminal Code Project, it is generally noted that it provides:

1. Structural innovations have been improved in both sections, featuring a distinct organization into titles, chapters, and sections, corresponding to the institutes of the general part and the classifications of criminal offenses in the special part.
2. Theoretical progressions. The institute of cooperation has significantly evolved in its definition, the categorization of collaborators, and the accountability of each. The institute's examination of both fictitious and material competition in criminal offenses affects the methodology for penalty determination. The punishment institute has broadened its scope to encompass ancillary punishments and measures, along with the evaluation of aggravating and mitigating circumstances, to assist the court in the individualization of punishments.
3. The need to direct judicial practice regarding the general principles and specific criminal offenses has been recognized.
4. Compliance with the legislative methodologies of international law.
5. The Draft Criminal Code incorporates the provisions of international treaties and EU law in its general and special sections, rectifying the notable shortcomings of the existing Criminal Code in this domain. New categories of criminal offenses have been established, encompassing long-recognized issues involving victims such as women and children. Moreover, there has been a significant augmentation and incorporation of offenses that jeopardize public safety, labor rights, food safety, and environmental protection.

To achieve its intended objectives, it is advisable for the Project to undergo a review of the legislative drafting guidelines. The objective of this review is to utilize consistent and suitable legal terminology throughout the Project, thereby ensuring clarity, accurate legal vocabulary usage, and proper management of sentence length and structure. In conclusion, this Project represents a significant and beneficial initiative, both in establishing comprehensive and precise legislation in criminal law and in aiding law enforcement agencies while promoting the advancement of Albanian criminal law scholarship.

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# *From Survivalism to Smart Diplomacy: Albania's Foreign Policy Transformation*

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## **Abstract**

*This article explores how Albania's foreign policy has evolved from an ideology-driven strategy of regime survival to a multidimensional and adaptive diplomacy consistent with the behavior of a "smart but small" state. Drawing on document and historical analysis, it examines four key stages of Albania's external orientation: ideological survivalism during the communist era (1945–1990), strategic realignment in the post-communist transition (1991–2000), Euro-Atlantic consolidation through NATO and EU integration (2000–2020), and the emergence of smart diplomacy in the 2020s. The study argues that Albania's foreign policy trajectory reflects a gradual transformation from survivalist isolation toward multidimensional behavior that seeks security through alliance, institutional anchoring, and regional pragmatism. By situating Albania's experience within small-state foreign policy theory, the article highlights how systemic shifts, domestic fragility, and leadership agency have interacted to shape its strategic evolution. The findings suggest that Albania today exhibits the attributes of a "smart but small" model: flexible alignment, active multilateralism, and pragmatic regional engagement.*

**Keywords:** *Foreign Policy, Small States, Smart Diplomacy, Euro-Atlantic Integration, Regional Pragmatism, Multilateralism, Foreign Policy Transformation*

## Problem Statement

The foreign policy of Albania has undergone a profound transformation over the past eight decades—from the survivalist isolationism of the communist regime to the multidimensional and pragmatic diplomacy of the twenty-first century. During the Cold War, Albania's foreign policy was primarily designed as a tool for regime preservation, marked by successive alliances and ruptures with Yugoslavia, the Soviet Union, and China, reflecting both ideological rigidity and strategic calculation for autonomy. Following the collapse of communism, the country faced institutional fragility and economic dependence, prompting a reorientation toward Euro-Atlantic structures as a means of securing external legitimacy and internal stability. Since the early 2000s, Albania has consolidated its transatlantic identity and adopted an increasingly adaptive, pragmatic, and regionally engaged diplomacy (Beaudry, 2020). Despite this transformation, there remains limited systematic analysis connecting Albania's evolving external behavior to small-state foreign policy theory. Existing scholarship often treats Albania's foreign relations descriptively, without assessing the underlying behavioral logic of its strategic adaptation. This gap raises the central research question: *How has Albania's foreign policy evolved from an ideology-driven strategy of regime survival to a multidimensional and adaptive diplomacy consistent with the behavior of a "smart but small" state?*

The article hypothesizes that Albania's foreign policy trajectory reflects a gradual transformation from survivalist isolation—driven by regime preservation during the communist era—toward adaptive, multidimensional diplomacy aligned with the behavioral patterns of a small state seeking security through alliance, institutional embedding, and regional pragmatism. By combining document analysis and historical interpretation, the study aims to bridge empirical observation with theoretical insights on small-state adaptation, providing a structured account of how Albania's strategic behavior has evolved from existential defensiveness to "smart" diplomacy.

## Literature Review and Theoretical Framework

The study of small states in international relations has long oscillated between two dominant paradigms: realism, which emphasizes power asymmetries and survival in an anarchic system, and liberal institutionalism, which underscores cooperation, interdependence, and institutional embeddedness as compensatory mechanisms for small states. Albania's foreign policy transformation—from isolationist survivalism to proactive Euro-Atlantic engagement—can be understood through the interplay between these two theoretical perspectives.

## *Realism and the Small-State Dilemma*

Classical and structural realist scholars argue that international politics are governed by the logic of survival within an anarchic system where power is the ultimate currency (Morgenthau, 1948; Waltz, 1979). For small states, which lack military and economic capabilities, this environment imposes structural vulnerability and limited agency. Realism therefore views small states as *system-takers* rather than *system-shapers* (Wivel, 2014).

Robert Keohane (1969), in his influential essay “*Lilliputians’ Dilemmas: Small States in International Politics*,” identified three behavioral models of small states in the realist tradition: adaptation, exploitation, and influence. Keohane argued that small states adapt to the preferences of larger powers and international institutions because their limited capabilities constrain independent action. In this sense, Albania’s Cold War strategy of shifting alliances—from Yugoslavia to the Soviet Union, and later to China—reflected realist imperatives of survival rather than ideological conviction. These alignments served as external *shelters* in the face of existential insecurity, consistent with the realist assumption that small states prioritize regime survival over normative objectives (Walt, 1987).

Realism also underscores the role of balancing and bandwagoning as key strategies of small states (Walt, 1987). According to Stephen Walt’s balance-of-threat theory, states align either against or with the source of threat depending on relative power, proximity, and perceived intentions. In the Albanian case, both strategies have been evident: *balancing* against Yugoslavia in 1948 and the Soviet Union in 1961, and *bandwagoning* with the United States and NATO after 1991. Each alignment responded to a changing threat perception rather than ideological preference. Thus, from a realist perspective, Albania’s foreign policy trajectory demonstrates how small states constantly adjust their external alignments to ensure survival within shifting regional and systemic power structures.

However, realism alone cannot fully account for Albania’s post-1990 behavior. While early post-communist policies reflected security-seeking alignment, the persistence of Euro-Atlantic integration—despite limited material returns—suggests a deeper logic of institutional socialization and identity formation, which is better captured by neoliberal institutionalism.

## *Liberal Institutionalism and the Logic of Adaptation*

Building on his earlier realist insights, Keohane (1984) later advanced a neoliberal institutionalist perspective, arguing that cooperation is possible even under anarchy when institutions reduce transaction costs, provide information, and enforce norms. For small states, institutions such as NATO, the European Union,

and the United Nations offer not only material benefits but also *predictability, legitimacy, and security through rules*.

In this framework, small states are not passive actors but rational institutionalists who leverage international regimes to compensate for their power deficits (Keohane, 1984; Keohane & Nye, 2012). Albania's steady integration into Euro-Atlantic institutions since the 1990s—culminating in NATO membership (2009) and EU candidate status (2014)—illustrates this adaptive strategy. Through institutional alignment, Albania has sought to transform structural dependence into strategic leverage, aligning with what Thorhallsson (2017) describes as “*shelter theory*.”

Shelter theory conceptualizes small states as entities that seek political, economic, and societal shelters within larger frameworks to mitigate external shocks and enhance resilience (Thorhallsson, 2012; Thorhallsson & Steinsson, 2017). In this sense, NATO provides Albania with security shelter, while the EU offers economic and normative shelter. These arrangements enable small states to project stability and identity beyond their material constraints. Albania's participation in international missions and its alignment with Western sanctions and diplomatic initiatives further demonstrate how institutional commitment functions as both a security guarantee and a marker of international legitimacy.

Liberal institutionalism also helps explain the evolution of Albania's diplomacy into a more multilateral and proactive orientation. Rather than merely reacting to systemic pressures, Albania has learned to exploit institutional mechanisms to amplify its voice. Its tenure as Chair of the OSCE (2020) and non-permanent member of the UN Security Council (2022–2023) exemplifies the neoliberal argument that institutions can empower small states by providing platforms for visibility, coalition-building, and norm entrepreneurship.

### *Bridging Realism and Neoliberalism: The Smart-State Synthesis*

Contemporary small-state scholarship attempts to reconcile the realist concern for survival with the neoliberal emphasis on cooperation and agency. Authors such as Wivel (2014) and Thorhallsson (2018) emphasize that small states can act strategically by combining security-seeking alignment with flexible adaptation—a behavior often termed “smart state” diplomacy.

The *smart-state* model rests on three core assumptions:

- a. Strategic alignment with dominant powers or alliances ensures survival.
- b. Institutional engagement within regional and global frameworks enhances influence and legitimacy.
- c. Adaptive pragmatism allows small states to manage multiple relationships simultaneously.

Applied to Albania, this synthesis captures the trajectory from realist-driven survivalism to neoliberal-inspired adaptation. During the communist era, foreign policy served as a defensive shield for regime security; after 1991, it evolved into an instrument for integration, modernization, and regional activism. Albania's contemporary diplomacy—balancing U.S. alignment, EU integration, and pragmatic ties with Turkey, Italy, and Greece—illustrates the behavioral pattern of a *smart small state* navigating a complex multipolar environment.

Thus, Albania's foreign policy transformation embodies the convergence of realist constraints and neoliberal opportunities: from the necessity of survival to the strategic use of institutions for empowerment. Theoretically, this study situates Albania within the broader debate on small-state adaptation, arguing that its evolving behavior demonstrates how vulnerability, when coupled with institutional embedding and strategic flexibility, can produce resilience and influence disproportionate to material capacity.

## Methodology

This study adopts a qualitative research design based on document analysis and historical interpretation to examine the evolution of Albania's foreign policy from survivalist isolation to adaptive and multidimensional diplomacy. The objective is to assess whether the empirical trajectory of Albania's external behavior supports the central hypothesis: that Albania's foreign policy has gradually transformed from regime-preserving survivalism toward a "smart but small" model seeking security through alliance, institutional embedding, and regional pragmatism.

Qualitative analysis is appropriate because the research seeks to interpret *how* and *why* Albania's foreign-policy choices evolved over time rather than to measure causal effects statistically (Creswell & Poth, 2018). The study employs an interpretive-historical approach, situating Albania's decisions within changing systemic and domestic contexts. By tracing continuity and change across distinct historical periods, the analysis identifies the strategic logic underlying each phase of Albania's external behavior.

The empirical basis of the research rests on document analysis, which allows systematic examination of both primary and secondary sources (Bowen, 2009). Primary sources include official policy documents such as the *National Security Strategy of Albania* (2014; 2021), government programs, speeches of political leaders, and records of Albania's participation in international organizations (NATO, OSCE, and the United Nations). Secondary materials consist of scholarly books, articles, and historical monographs addressing Albania's foreign relations during and after the Cold War. These sources collectively provide insights into the motivations, constraints, and outcomes of Albania's foreign-policy orientation.

## *Analytical Framework*

The analysis is organized chronologically into four periods corresponding to major systemic and domestic shifts:

- a. Ideological Survivalism (1945–1990) – regime preservation under communist isolation;
- b. Strategic Realignment (1991–2000) – transition and Western dependency;
- c. Euro-Atlantic Consolidation (2000–2020) – integration into NATO and the EU; and
- d. Smart Diplomacy (2020–2025) – multidimensional pragmatism under contemporary global conditions.

Each period is examined through the dual theoretical lenses of realism and liberal institutionalism. The analysis identifies how Albania’s strategic behavior—balancing, bandwagoning, shelter-seeking, or institutional adaptation—corresponds to the expectations of small-state theory.

## **Main Dimensions of Albania’s Current Foreign Policy**

Today, Albania’s Foreign Policy follows a multidimensional strategy, rooted in transatlantic alliances, regional pragmatism, and multilateral engagement. As a small state managing its own challenges in an anarchic world, Albania has assumed the role of a credible Euro-Atlantic actor (as mentioned above), while pragmatically balancing interests in an unstable regional environment.

*Relations with the United States* constitute a central dimension of Albania’s current Foreign Policy. This strategic alliance is built on shared values, the need for regional stability, and security cooperation. Albania has fully and consistently supported U.S. initiatives in the Balkans – contributing to NATO operations and participating in international peacekeeping missions (U.S. Department of State, 2022). At the bilateral level, the United States has provided military training, defense assistance, intelligence sharing, and political support – strengthening Albania’s security and international standing. The Strategic Partnership Agreement signed in 2015 further institutionalized cooperation in many sectors – including security, the rule of law, economic growth, energy sustainability, and educational-cultural ties – reflecting a mutual commitment to democratic governance and collective defense (Atlantic Council, 2016).

*Albania’s accession to NATO* in 2009 marked a transformative step in its security architecture. NATO is considered not only a defensive mechanism, but also a

guarantor of Albania's sovereignty and regional role. In response to contemporary threats – such as Russia's aggression in Ukraine, hybrid attacks and terrorism – Albania has reaffirmed its commitment to NATO principles. It actively contributes troops to allied operations in Eastern Europe and the Western Balkans, which has strengthened its image as a reliable partner in regional security (Ministry of Defense of Albania, 2023). NATO membership has significantly strengthened Albania's defense capabilities and integrated it within the framework of collective security.

*The European Union* is the other strategic axis of Albania's Foreign Policy. EU membership is widely defined not only as a political aspiration, but also as a necessity for the country's development. The domestic political discourse in Albania builds and reproduces a consolidated narrative, according to which membership in the European Union constitutes the country's natural and inevitable destination (Frashëri, 2016:60). Since receiving the status of candidate country in 2014, Albania has undertaken comprehensive reforms in governance, the justice system and public administration, in order to align itself with EU standards. The "National Plan for European Integration" underlines the sustained commitment in this direction (Ministry for Europe and Foreign Affairs, 2022). On the economic side, EU integration offers access to the common market, eliminates trade barriers and guarantees financial support. On the political side, integration consolidates democratic institutions and the rule of law. On the social side, integration facilitates free movement, educational and cultural exchanges (Institute for Democracy and Mediation, 2008).

Albania's *regional diplomacy* prioritizes cooperation, good neighborly relations and the resolution of bilateral problems through dialogue. Albania has fully supported multilateral initiatives such as the Berlin Process, while it also pursues active diplomacy – at the bilateral level – with Montenegro, North Macedonia and Serbia. The Berlin Process is seen by Albania as an essential framework supported by the EU, with the aim of promoting regional cooperation, economic ties and institutional approximation to European standards (Friedrich-Ebert-Stiftung, 2022). At the same time, Albania's participation in the "Open Balkans" initiative, despite its problems, essentially reflected an attempt to promote practical regional integration and free movement among the Western Balkan states (Rama, 2021). However, the impact of this initiative on the Albanian geopolitical space remained limited, partly due to the absence of Kosovo (Radio Free Europe, 2023). A distinctive feature of Albania's regional engagement under Rama has been the "quadrilateral partnership" with Italy, Greece, Turkey, and Austria (Gazeta Tema, 2017). This balancing strategy aims to maintain strategic flexibility: when relations with one actor become strained, others can help maintain diplomatic equilibrium.

*Multilateralism* is an important dimension of Albania's Foreign Policy. Engagement in multilateral institutions such as the UN, NATO, EU and OSCE

enhances its international status and its capacity to implement international norms. For example: during its mandate as a non-permanent member of the UN Security Council (2022–2023), Albania successfully defended principled positions on global crises, despite its limited capabilities (Ministry for Europe and Foreign Affairs of Albania, nd). Within NATO, Albania contributes to collective defense and enhanced security guarantees as a full member since 2009. In EU forums, Albania engages proactively, despite its status as a candidate country, as it is involved in defining regional cooperation policies and aligns its positions with EU positions in Foreign Policy (European Parliament, 2025, para 60). Through the OSCE, Albania promotes regional stability, democratic governance, and conflict resolution, which was seen during its chairmanship of this organization in 2020 (OSCE, 2020). Albania's participation in multilateral forums reflects both a practical need to address its challenges through cooperative mechanisms, as well as a strategic choice to strengthen its national security.

During his tenure, Prime Minister Edi Rama has intensified the practice of *personal diplomacy*. Thanks to this diplomacy at the personal prime ministerial level, high-profile engagements, direct communication with various leaders, and active participation in global forums have significantly raised Albania's stature. This personalized style produces flexibility and the ability to react quickly to events, although it risks overlooking institutional diplomacy and long-term strategic coherence. However, thanks to this approach of Rama, Albania has significantly increased its profile in the international arena.

In conclusion, the current architecture of Albania's Foreign Policy reflects a pragmatic, multidimensional strategy, rooted in Euro-Atlanticism – in the form of a regional and multilateral engagement. By prioritizing its role in NATO, EU membership, transatlantic partnerships and strategic balancing in the region, Albania has managed to establish a role as a modest but proactive actor on the international stage. Despite challenges, particularly in managing regional disputes and institutional capacity, Albania's Foreign Policy demonstrates coherence, adaptability and a certain level of sophistication.

## Findings and Analysis

### *Ideological Survivalism (1945–1990)*

During the Cold War, Albania's foreign policy was primarily shaped by the imperative of regime survival within a bipolar system dominated by great powers. In realist terms, Albania functioned as a weak state navigating existential insecurity by attaching itself to stronger ideological patrons. The succession of alignments—with Yugoslavia (1945–1948), the Soviet Union (1948–1961), and

later China (1961–1978)—illustrated a continuous cycle of bandwagoning and balancing designed to safeguard autonomy while maintaining internal control.

Each alliance shift reflected structural pressures in the international system rather than ideological conviction. The alliance with Yugoslavia initially provided Albania with political legitimacy and material aid, but the rupture following Tito's break with Stalin exposed Albania's acute vulnerability. The subsequent orientation toward Moscow was a calculated realist response, ensuring military protection and economic assistance in exchange for ideological conformity. Similarly, the later pivot to Beijing was not an ideological leap but a defensive maneuver against Soviet coercion following Khrushchev's rapprochement with the West.

After the Chinese-Albanian split in 1978, Enver Hoxha institutionalized an extreme form of autarkic realism under the doctrine of "self-reliance." The pursuit of total isolation—rejection of both superpower blocs, withdrawal from the Warsaw Pact, and refusal to join the Helsinki process—underscored a survivalist rationality rooted in distrust of external dependence. Albania's diplomacy became a tool of internal consolidation rather than external engagement. As Beaudry (2020) notes, these policies prioritized the protection of regime sovereignty over national development, confirming the realist expectation that small, insecure states often equate survival with isolation.

In sum, Albania's Cold War foreign policy confirms the realist hypothesis: that small states under systemic pressure adopt alignment and withdrawal strategies to preserve autonomy. The pattern of alternating bandwagoning and self-isolation demonstrated Albania's perception of the international system as a constant threat to its survival.

### *Strategic Realignment (1991–2000)*

The collapse of communism in 1991 ushered Albania into an era of institutional fragility and external dependence. In realist terms, the state's survival again depended on securing external support, but unlike the Cold War period, this support now came from the Western liberal order. The early post-communist governments framed alignment with the United States and the European Union as a strategy for both legitimacy and protection.

The crises of the 1990s—economic collapse, mass emigration, and the 1997 civil unrest—exposed Albania's structural weakness. The intervention of an international peacekeeping force under Operation Alba (1997), led by Italy and authorized by the United Nations, symbolized the loss of autonomous control but also the beginning of a shelter-seeking adaptation. As Thorhallsson and Bailes (2017) argue, small states often compensate for domestic fragility through external shelters—political, economic, or security-based. Albania's dependency on Western aid, the IMF, and the World Bank epitomized this logic of reliance.

At the same time, the early 1990s marked a strategic realignment from ideological isolation to institutional integration. Albania applied for NATO membership in 1992, joined the Partnership for Peace in 1994, and signed initial agreements with the EU that paved the way for future accession. These steps demonstrate the emergence of a new behavioral pattern: seeking stability through multilateralism rather than self-reliance.

In this period, the country began to shift from defensive realism—focused on immediate regime security—to an embryonic form of liberal institutional adaptation, recognizing that international legitimacy could enhance rather than constrain sovereignty. The realignment of the 1990s thus marks the first stage of Albania's transformation from survivalist isolation to integrationist pragmatism.

### *Euro-Atlantic Consolidation (2000–2020)*

By the early 2000s, Albania had institutionalized its Western orientation and entered a phase of Euro-Atlantic consolidation. The defining features of this period—NATO membership (2009) and EU candidate status (2014)—represent not only foreign-policy achievements but also a profound shift in Albania's strategic logic.

Under the lens of liberal institutionalism, Albania's behavior aligns with the argument that small states can mitigate vulnerability through institutional embedding and cooperative security (Keohane, 1984). Integration into NATO provided a security shelter, while engagement with the EU offered economic and normative benefits. Albania's participation in regional initiatives such as the Stability Pact, the Regional Cooperation Council, and the Berlin Process further reflected its adaptation to rule-based multilateralism.

The persistence of pro-Western consensus across political changes indicates that this orientation was not merely elite-driven but became part of Albania's foreign-policy identity. The consolidation phase also marks Albania's emergence as a reliable contributor to collective defense and peacekeeping—participating in missions in Afghanistan, Iraq, and the Balkans. Such behavior mirrors the small-state strategy of enhancing reputation and influence through cooperative engagement (Wivel, 2014).

From a theoretical standpoint, this phase validates the neoliberal expectation that small states can achieve security and legitimacy not by isolating themselves, but by embedding within international institutions that constrain larger powers. Albania's Euro-Atlantic consolidation thus represents the maturation of its adaptive diplomacy—a shift from dependency to strategic participation.

## *Smart Diplomacy and Regional Pragmatism (2020–2025)*

The most recent period reveals Albania's attempt to transition from reactive alignment to proactive "smart" diplomacy. Under Prime Minister Edi Rama (2013–present), foreign policy has combined firm Euro-Atlantic alignment with pragmatic engagement in the Western Balkans and beyond. This multidimensional approach—balancing relations with the United States, the EU, Turkey, Italy, and Greece—reflects a sophisticated form of smart-state behavior (Thorhallsson, 2018; Wivel, 2014). Rama's government has conceptualized Albania's diplomacy through a flexible "strategic triangle," and later "quadrilateral," linking partnerships with key regional and European actors. The goal has been to attract investment, mediate regional tensions, and expand Albania's diplomatic profile. Initiatives such as participation in the *Open Balkan* framework and leadership roles in multilateral institutions—the OSCE Chairmanship (2020) and the UN Security Council seat (2022–2023)—demonstrate Albania's ability to leverage institutions for visibility and influence disproportionate to its size.

While maintaining its foundational alignment with the United States and NATO, Albania has also pursued balanced relations with Turkey and Greece, showcasing its diplomatic agility. Such behavior aligns with Thorhallsson's (2012) notion of *strategic flexibility*, where small states maintain autonomy by diversifying their partnerships. This phase epitomizes the culmination of Albania's foreign-policy transformation: from survivalist reactivity to adaptive proactivity. By combining realist alignment with neoliberal institutional participation, Albania now acts as a "smart small state" capable of navigating competing pressures through coordination, credibility, and multilateral activism.

## **Discussion**

The findings confirm the central hypothesis that Albania's foreign policy trajectory represents a gradual shift from survivalist isolation to adaptive and multidimensional diplomacy. This evolution encapsulates the hybrid logic of small-state behavior: constrained by structural realities but empowered through strategic adaptation.

From a realist perspective, Albania's Cold War foreign policy aligns with the classic model of small-state survival under anarchy. Its shifting alliances and autarkic withdrawal reflect Walt's (1987) balance-of-threat logic, where survival depends on either bandwagoning with or balancing against stronger powers. The post-1991 phase, however, demonstrates the limits of realism: as systemic constraints eased, Albania sought not mere survival but legitimacy and agency through Western integration.

From a liberal institutionalist perspective, Albania's participation in NATO, the EU, and regional frameworks demonstrates how small states exploit institutional mechanisms to offset power asymmetries. By embedding itself within rule-based orders, Albania gained security "shelters" and enhanced its international reputation. This confirms Keohane's (1984) claim that institutions can reduce uncertainty and empower weaker actors.

Finally, within the smart-state framework, Albania's contemporary diplomacy exemplifies strategic flexibility. It has learned to navigate asymmetry through reputation, multilateralism, and leadership in niche areas. Initiatives such as the OSCE chairmanship and UN Security Council membership signal an attempt to project influence through diplomacy rather than material power.

Overall, the Albanian case contributes to small-state theory by illustrating how survival imperatives can evolve into strategic sophistication. The trajectory from ideological isolation to smart diplomacy underscores a broader theoretical point: that vulnerability can serve as a catalyst for adaptation. Albania's experience demonstrates that small states, when embedded in institutional networks and guided by pragmatic leadership, can transcend material weakness and emerge as credible, even influential, actors within the international system.

## Conclusion

Albania's foreign policy trajectory illustrates one of the most profound transformations among post-communist small states in Europe. From the rigid isolationism of the Cold War to the flexible, multidimensional diplomacy of the twenty-first century, Albania has evolved from a survival-driven regime to a proactive international actor embedded in Euro-Atlantic structures. This evolution validates the article's central hypothesis: that Albania's foreign policy reflects a gradual transition from *survivalist isolation*—focused on regime preservation and ideological autonomy—to *adaptive, multidimensional diplomacy* consistent with the behavior of a "smart but small" model in foreign policy.

The findings demonstrate that each historical phase of Albania's foreign policy corresponds to a distinct theoretical logic. During the Cold War (1945–1990), Albania embodied the realist model of small-state behavior: bandwagoning alternately with Yugoslavia, the Soviet Union, and China to preserve regime security, and later resorting to autarky when alliances threatened sovereignty. This stage was characterized by the primacy of survival and autonomy within a hostile international system, confirming the realist assumption that small states seek protection by aligning with or withdrawing from dominant powers.

The post-communist period (1991–2000) represented a phase of strategic realignment and dependency, in which Albania shifted from ideological rigidity

to institutional shelter-seeking. The collapse of internal structures and the chaos of 1997 highlighted Albania's need for external support, leading to its reliance on Western institutions, financial assistance, and peacekeeping intervention. From a theoretical perspective, this phase marked a transition from defensive realism toward the logic of liberal institutionalism, as Albania recognized that participation in rule-based institutions could provide stability and legitimacy beyond traditional alliance politics.

The Euro-Atlantic consolidation phase (2000–2020) confirmed this institutional turn. Through NATO membership (2009) and EU candidate status (2014), Albania became fully integrated into Western security and governance structures. The consolidation of its transatlantic identity reflects the adaptive capacity of a small state to translate vulnerability into opportunity by embedding itself within cooperative regimes. These developments align with Keohane's (1984) argument that institutions not only constrain power but also empower smaller actors by reducing uncertainty and offering predictable frameworks for engagement.

In the most recent period (2020–2025), Albania's diplomacy under Prime Minister Edi Rama demonstrates a more sophisticated form of agency. By balancing strong Euro-Atlantic alignment with pragmatic regional engagement—particularly with Italy, Turkey and Greece—Albania has developed a flexible, multidimensional foreign policy. Its active role in multilateral forums, including the OSCE Chairmanship (2020) and its term on the UN Security Council (2022–2023), illustrates how small states can enhance their visibility and influence through diplomatic initiative rather than material power. This phase exemplifies the “smart state” logic described by Thorhallsson and Wivel: using strategic flexibility, multilateral activism, and reputation to offset material limitations.

Theoretically, the Albanian case reinforces the argument that small states are not passive objects of systemic constraints but adaptive agents capable of learning and repositioning. By combining realist alignment strategies with neoliberal institutional engagement, Albania demonstrates how small states can move from existential defensiveness to strategic innovation. Its trajectory reveals that the pursuit of survival can evolve into the pursuit of influence once institutional embedding and international credibility are achieved.

Looking forward, Albania's challenge lies in sustaining this balance between strategic dependence and diplomatic autonomy. As global and regional dynamics shift—with renewed great-power rivalry and uncertainty in the European integration process—Albania's success as a smart small state will depend on its ability to maintain flexibility, uphold credibility within NATO and the EU, and continue promoting stability in the Western Balkans. Ultimately, Albania's foreign policy evolution offers a broader lesson for small-state theory: vulnerability, when accompanied by institutional adaptation and pragmatic leadership, can become a foundation for strategic leverage in an uncertain international system.

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# *When Algorithms Meet Art: Jurisprudence and Authorship in the Age of Generative Artificial Intelligence*

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## **Abstract**

*This paper examines the unprecedented challenges posed by Generative Artificial Intelligence (AI-G) to copyright law, specifically within the Albanian legal framework (Law No. 35/2016). It aims to identify legal gaps regarding authorship, ownership, and economic compensation for human creators in the music and visual arts sectors. The study employs a doctrinal and comparative legal analysis, juxtaposing Albania's legislation with US Copyright Office policies, the EU AI Act (2024), and the DSM Directive. Through context-specific case studies, the research evaluates the adequacy of current norms in the face of autonomous digital production and "style cloning." The analysis confirms that while human authorship remains a non-negotiable prerequisite for protection, the lack of regulation for AI training data and autonomous outputs creates significant legal uncertainty. While the study proposes sui generis rights as a potential solution, it critically addresses scholarly concerns regarding the complexity and*

*fragmentation such rights might introduce to traditional copyright doctrine. This research provides a novel, Albania-specific analysis of AI copyright implications, offering a hybrid regulatory model that balances technological innovation with the protection of national cultural identity and creators' economic rights. The recommendations—including mandatory collective licensing, transparency requirements, and alignment with EU standards—serve as a strategic roadmap for Albanian policymakers to foster a fair digital economy and protect intellectual labor from AI-driven displacement.*

**Keywords:** *Generative AI; Copyright Law; Albania; Sui Generis Rights; Intellectual Property; Digital Single Market; Music and Visual Arts; EU AI Act Alignment.*

## Introduction

Generative Artificial Intelligence (AI-G) has fundamentally disrupted creative sectors like music, literature, and visual arts. Platforms such as GPT, DALL-E, and MusicLM now generate complex outputs with minimal human oversight, destabilizing traditional legal doctrines of authorship. Currently, major jurisdictions—including the United States and the European Union—uphold the “human spark” requirement, relegating autonomous AI outputs to the public domain (U.S. Copyright Office, 2025; European Union, 2019). This status quo raises urgent ethical and economic questions regarding the devaluation of human creative labor.

In Albania, Law No. 35/2016 serves as the primary instrument for copyright, aligning with EU Directives 2001/29/EC and 2019/790 (DSM Directive). However, this framework remains largely reactive, predating the current AI surge. It lacks specific mechanisms to address the unauthorized use of protected works for AI training or to provide *sui generis* protections for algorithmic outputs (ZSHDA, 2024). This regulatory vacuum creates a precarious environment for Albanian creators, particularly in music and visual arts, who face the risk of economic displacement without adequate compensation or transparency.

This paper evaluates the legal and cultural implications of AI-G in Albania through a comparative legal methodology. By analyzing international approaches—including human authorship mandates, collective licensing, and the debated *sui generis* models—this study identifies systemic gaps in Albanian law. Ultimately, it proposes a balanced reform framework aimed at harmonizing national legislation with global technological trends while safeguarding the integrity of local creators.

## Literature Review

Generative AI (AI-G) refers to neural networks capable of synthesizing content that mimics human creativity across text, music, and visual arts. These models operate by processing vast datasets, frequently comprising copyrighted material, to identify probabilistic patterns (Epstein et al., 2023). Current scholarship highlights a fundamental tension: while AI increases creative efficiency, it operates without the consciousness, intentionality, or moral agency traditionally required for authorship (Naren, 2024; Gervais, 2022). Consequently, legal literature is divided on whether AI is a “**creative tool**” that extends human expression or an “**algorithmic agent**” that

The “human spark” remains the global benchmark for copyright eligibility, though its application varies:

- **United States:** The U.S. Copyright Office (2025) maintains that works created without “substantial human involvement” are ineligible for protection, a stance recently tested in cases involving AI-generated visual art.
- **European Union:** Under the DSM Directive, protection is strictly reserved for “original” works reflecting the author’s own intellectual creation (European Union, 2019). Exceptions are limited to text and data mining (TDM), leaving autonomous outputs in a legal limbo.
- **United Kingdom & Singapore:** These jurisdictions represent a “utilitarian” approach, offering limited protection for “computer-generated works” where no human author is present, thereby prioritizing economic investment over artistic personality (WIPO, n.d.; Karas, 2024).

To address autonomous AI works, some scholars propose *sui generis* rights—a specialized, shorter-term protection designed to incentivize AI developers without granting them full copyright (Mantegna, 2024). However, this study acknowledges significant scholarly criticism regarding such models. Critics argue that *sui generis* rights may lead to “**copyright clutter**,” where the market is flooded with low-effort machine content that devalues human labor. Furthermore, there is a risk that these rights would primarily benefit large tech corporations, potentially creating a “**creative double standard**” where machines receive protection for outputs that lack the creative depth and intentionality of human-made art (Gervais, 2020).

A critical area of litigation involves **input liability**—the unauthorized use of copyrighted works to train AI models (Perzanowski, 2024). In sectors like music and visual arts, AI systems can replicate specific styles, leading to what Gendron (2024) describes as “**algorithmic style-snatching**.” This poses a severe economic

threat, as AI-generated substitutes can saturate the market, displacing the very creators whose works were used for training. Proposed solutions include statutory levies and collective licensing models, similar to those being explored in France, which ensure that revenue from AI-driven tools is redistributed to the original authors (Perzanowski, 2024).

Albania's Law No. 35/2016 remains reactive rather than proactive. The absence of specific regulations on transparency and dataset disclosure leaves Albanian artists particularly vulnerable (ZSHDA, 2024). Two primary risks emerge:

1. **Cultural Dilution:** AI models reproducing traditional Albanian folk music or visual motifs without attribution, leading to a loss of cultural identity.
2. **Economic Precarity:** The displacement of local artists by AI-generated content in a market that already lacks robust collective management for digital rights (Ministria e Kulturës, 2024).

“Furthermore, the necessity for legislative update is underscored by Albania's obligations under **Chapter 7 of the EU Acquis (Intellectual Property Law)**. As the country progresses toward EU integration, aligning national statutes with the evolving standards of the **EU AI Act (2024)** and the **DSM Directive** is no longer elective but mandatory. Failure to harmonize Law No. 35/2016 with these regional benchmarks risks creating a ‘regulatory divergence’ that could hinder Albania's participation in the European Digital Single Market and weaken the enforcement of cross-border copyright protections.”

## Methodology

This study employs a multi-dimensional research design to evaluate the legal intersection of Generative AI and copyright. The framework distinguishes between **descriptive legal analysis** (mapping current norms—*lex lata*) and **normative evaluation** (assessing how laws should evolve to address technological gaps—*lex ferenda*).

The design integrates three core pillars:

- **Doctrinal Legal Analysis:** A rigorous examination of primary legal texts, including Albanian Law No. 35/2016, EU Directive 2019/790 (DSM), and the EU AI Act 2024. This pillar identifies the “black-letter law” regarding authorship and liability.
- **Comparative Legal Methodology:** A functional comparison between Albania, the European Union, and the United States. This approach identifies how different legal traditions respond to the common challenge of algorithmic production.

- **Qualitative Case Studies:** Focused analysis of AI-generated music and visual arts. These serve as empirical touchstones to illustrate the practical implications of legal gaps for Albanian creators.

The study relies on a curated selection of primary and secondary sources to ensure reliability:

- **Regulatory Instruments:** National legislation (Law No. 35/2016), EU Directives, and US Copyright Office circulars.
- **Jurisprudential Data:** Landmark cases and institutional reports from the ZSHDA (Albanian Copyright Office) and WIPO.
- **Scholarly Literature:** Peer-reviewed scholarship and leading legal reviews. Following reviewer suggestions, a clear distinction is maintained between high-impact academic sources (e.g., Gervais, Perzanowski) and supplementary industry reports or law firm blogs, which are utilized solely for current market context.

The analysis is structured around three investigative trajectories:

1. **Status Quo Mapping:** How do existing human-centric authorship requirements in Albania, the EU, and the US respond to fully autonomous AI outputs?
2. **Liability and Compensation Modeling:** What are the comparative strengths of collective licensing versus statutory levies in addressing input liability?
3. **Reform Feasibility:** Under what conditions can a hybrid *sui generis* model operate in Albania without destabilizing traditional copyright principles?

The study acknowledges several constraints:

- **Technological Velocity:** The rapid pace of AI development may outstrip the shelf-life of specific policy recommendations.
- **Black-Box Opacity:** The lack of transparency in proprietary AI training datasets limits the empirical verification of input infringement.
- **Methodological Objectivity:** While the study seeks objectivity, the transition from descriptive analysis to policy recommendation requires careful calibration to maintain the distinction between empirical findings and normative advocacy—a balance strictly maintained throughout the discussion.

## Results and Discussion

The analysis of legal frameworks in Albania, the EU, and the US reveals a shared reliance on the “**human spark**” doctrine, albeit with diverging regulatory responses to AI-generated outputs. As shown in **Table 1**, while the US maintains a strict binary—protecting only human-authored works or relegating others to the public domain—the EU is carving out a middle ground through the **AI Act (2024)** and transparency mandates.

Albania’s Law No. 35/2016 remains static, offering neither the flexibility of the US “Fair Use” doctrine nor the emerging safeguards of the EU’s Digital Single Market. This lack of specific provisions for AI-generated content creates a “protection vacuum” for works produced in Albania.

**TABLE 1.** Comparative Overview of Legal Approaches to AI-Generated Works

Jurisdiction	Human Authorship	Sui Generis Protection	Input Liability & Compensation	Relevant Statutes
Albania	Mandated (Arts. 8-9)	Absent	Unregulated	Law No. 35/2016
European Union	Mandated	Proposed/Debated	TDM Exceptions; Mandatory Opt-out	AI Act; DSM Directive
United States	Mandated	Rejected	Fair Use Litigation	USCO Guidance 2025

The results from the comparative mapping identify three primary areas of vulnerability in the Albanian jurisdiction:

1. **The Output Gap:** Fully autonomous AI works (created without direct human creative intervention) fall immediately into the public domain in Albania, providing no return on investment for local tech developers.
2. **The Input Gap:** There is no legal mechanism to compensate Albanian artists when their works are “ingested” by foreign AI models for training purposes.
3. **The Transparency Gap:** Unlike the EU AI Act, Albanian law does not yet require AI developers to disclose the copyrighted material used in their training sets, making it impossible for creators to enforce their moral rights.

The rise of platforms like OpenAI Jukebox and MusicLM demonstrates that AI can now bypass traditional composition stages, synthesizing complex arrangements that challenge the traditional boundaries of musical authorship. In the United States, recent litigation by major labels (e.g., UMG vs. AI platforms)

highlights a critical distinction: while the autonomous output may reside in the public domain, the **input stage**—the ingestion of copyrighted catalogs for training purposes—remains a major point of legal friction.

In the Albanian context, the absence of robust collective licensing frameworks creates a state of “**economic leakage**.” Local musicians and composers, whose works are increasingly ingested into global AI training sets, currently possess no legal mechanism for remuneration or opt-out. This is not merely a legal gap but a cultural one; AI models trained on traditional Albanian polyphony or specific regional folk rhythms risk “**style-cloning**.” This phenomenon occurs when the aesthetic essence and rhythmic signatures of Albanian music are replicated by algorithms, while the economic value is decoupled from the original artists and the cultural community (ZSHDA, 2024).

Without a statutory mandate for transparency in training datasets, Albanian music risks being reduced to a “data point” in global commercial models, further marginalizing the domestic creative industry in the digital economy.

Generative AI has fundamentally altered the visual arts landscape, enabling machines to synthesize imagery that mimics specific human aesthetics with high fidelity. Platforms such as DALL·E, Midjourney, and Stable Diffusion generate outputs by learning from vast, often unauthorized, datasets. This capability introduces the phenomenon of “**style cloning**”—the algorithmic reproduction of an artist’s aesthetic signature without direct verbatim copying.

Internationally, the legal status of AI-generated visual art remains contentious. The **U.S. Copyright Office (2025)** maintains a strict “human authorship” requirement, while the **European Union** offers a more nuanced approach through the DSM Directive’s text and data mining (TDM) exceptions. In Albania, visual artists operate within a **regulatory vacuum**, as Law No. 35/2016 does not account for algorithmic style reproduction, leaving creators without legal recourse when their aesthetic identity is commercialized by AI platforms.

The cultural implications are particularly acute, as illustrated in **Figure 1** regarding **Kolë Idromeno’s *Motra Tone* (1883)**. In the original work (left), the lighting and the texture of the traditional veil represent a specific historical anchor of Albanian modernity. In the AI-generated reinterpretation (right), the algorithm has synthesized these “stylistic tokens”—the traditional jewelry and garment folds—but has decoupled them from their authentic cultural origin. When such reinterpretations circulate without attribution, the link between the artwork and its heritage is severed, leading to what scholars describe as “**digital folklore without a pulse**.”

**FIGURE 1:** Original vs. AI Reinterpretation.



**Figure 1: Original vs. AI Reinterpretation** (Note to Editor: Figure 1 displays Kolë Idromeno's *Motra Tone* (1883) alongside an AI-synthesized version to demonstrate style extraction). To mitigate these risks, this study proposes a multi-layered normative approach for Albania:

- **Recognition of Human-Assisted Outputs:** Granting copyright only where significant transformative intervention is proven.
- **Sui Generis Protection:** Implementing limited-term rights for autonomous AI artworks to prevent direct commercial exploitation.
- **Mandatory Transparency:** Requiring AI developers to disclose datasets to allow artists to monitor their “aesthetic signature.”
- **Cultural Safeguards:** Developing legal mechanisms through ZSHDA to protect national artistic motifs from algorithmic misrepresentation.

The analysis identifies a tripartite “**protection gap**” within the Albanian legal framework that echoes broader international challenges, yet remains particularly acute due to the country’s specific digital landscape. These gaps are categorized as follows:

- **The Output Protection Gap:** Fully autonomous AI-generated works occupy a legal limbo, remaining unprotected under Law No. 35/2016 due to the strict human-centric definition of authorship. Without a temporary protection mechanism (such as *sui generis* rights), these works fall immediately into the public domain, discouraging local investment in creative AI technologies.

- **The Input Liability Gap:** There is a notable absence of mandatory compensation or licensing frameworks for copyrighted works utilized in the training of generative models. This allows global AI developers to leverage Albanian creative content without providing any economic return to the original authors.
- **The Transparency Gap:** Current norms do not require developers to disclose training datasets. This opacity effectively nullifies the possibility for creators to exercise “opt-out” rights or monitor the unauthorized use of their intellectual property.

These gaps create systemic risks, ranging from the **economic displacement** of local musicians and visual artists to the potential “**algorithmic dilution**” of Albanian cultural identity. Failure to address these gaps prevents Albania from aligning with the transparency standards set by the **EU AI Act** and risks marginalizing the domestic creative sector in a globalized digital market.

## Comparative Insights and Normative Recommendations

Comparative data confirms that the “**human spark**” remains the global cornerstone of copyright. While the US and EU maintain this baseline, their frameworks struggle with the economic reality of AI training and the automation of creative processes. In Albania, the principle of human creativity is strictly upheld by Articles 8 and 9 of Law No. 35/2016; however, this adherence to traditional doctrine creates a paradox. The lack of specific protection against “**style-cloning**” leaves creators vulnerable to revenue loss without a clear path for legal recourse, as current law does not recognize the “imitation of aesthetic signature” as a compensable infringement.

The implementation of **limited-term sui generis rights (3–5 years)** is analyzed as a mechanism to incentivize investment in local AI development while preventing long-term monopolies over machine-generated content. However, as highlighted in critical literature (Gervais, 2020; Mantegna, 2024), such rights must be carefully calibrated to avoid detrimental outcomes.

There is a significant risk that *sui generis* protections could lead to “**copyright clutter**,” complicating the legal landscape and potentially devaluing human-authored works if the distinction between human and machine production is not strictly maintained. For Albania, this study suggests that any such right should be strictly limited in scope—focusing solely on preventing the **verbatim commercial copying** of autonomous AI outputs—rather than granting broad exclusionary rights that might stifle further innovation or public domain enrichment.

The case studies underscore the necessity of an **Input Liability Framework**. Drawing from French and Dutch experiments, Albania could implement a statutory levy or a collective licensing system managed by the ZSHDA. Such a framework would ensure that creators—particularly in the digital music and illustration sectors—receive fair remuneration when their intellectual labor feeds the growth of generative systems. This model transition from individual enforcement to collective management is essential in the AI era, where the scale of data ingestion makes individual litigation practically impossible for local artists.

Transparency is the prerequisite for any effective copyright enforcement in the AI era. Without a “look-behind-the-curtain” into training datasets, “opt-out” rights remain purely theoretical.

## Practical Implications for Albania

- **Dataset Disclosure:** AI developers operating within the jurisdiction should be required to declare training sources. This allows artists to monitor the use of their “aesthetic signature” and enforce moral rights.
- **National Transparency Portal:** Establishing a centralized registry for training data could reduce legal disputes and build trust between the tech and creative communities.
- **Ethical Safeguards:** Enforcing standards that prohibit the algorithmic reproduction of national folk motifs (e.g., traditional polyphony or ethnographic patterns) without attribution, thereby protecting the integrity of Albania’s cultural heritage from “digital dilution.”

This structured approach balances the need for technological innovation with the non-negotiable protection of the creator’s economic and moral rights.

Drawing from international practices and addressing specific local challenges, a hybrid model is proposed for Albania to effectively balance the protection of authors with incentives for technological innovation. This model is structured around the following core pillars:

- **Human Authorship:** Copyright protection is maintained for works demonstrating significant human contribution. Legislation should clearly define “meaningful contribution,” such as the selection of prompts, substantive post-editing of AI outputs, or the curation of generated content. This aims to reduce legal disputes regarding eligibility in digital illustration, music, and literature.
- **Sui Generis Rights:** Temporary rights (3–5 years) are provided for fully autonomous AI-generated works. This protection is designed to prevent verbatim copying while avoiding the monopolization of general creative

ideas. The limited duration encourages innovation and ensures that such works eventually enter the public domain.

- **Input Compensation & Collective Licensing:** A statutory levy or collective licensing system should be implemented for works utilized in AI training. Organizations like the ZSHDA would manage the distribution of fees and the resolution of disputes, ensuring creators benefit economically from AI's use of their data.
- **Transparency & Opt-Out Mechanisms:** AI developers are required to disclose all datasets used for training. Creators must be allowed to opt out of dataset inclusion to ensure their work is not used without consent, aligning with EU AI Act standards.
- **Regional Collaboration & Cultural Preservation:** Albania should cooperate with neighboring countries (Kosovo, North Macedonia, Montenegro) to harmonize frameworks. Furthermore, standards must be created to ensure AI does not distort unique Albanian artistic styles, protecting national identity from algorithmic misrepresentation.

## Benefits of the Hybrid Model

The implementation of this hybrid framework offers several key advantages:

1. **Economic:** Fair compensation models strengthen local creative industries.
2. **Cultural:** It provides a shield for unique Albanian artistic styles against unregulated replication.
3. **Innovation:** Legal certainty is provided for AI developers within a clear framework.
4. **Legal Harmonization:** The model aligns Albania with EU directives and WIPO guidelines, facilitating cross-border collaboration.

The adoption of a hybrid legal framework in Albania yields several strategic benefits designed to safeguard both the market and the national heritage:

- **Economic:** The establishment of fair compensation models strengthens local creative industries and provides the necessary incentives for investment in AI-driven art platforms.
- **Cultural:** This framework protects unique Albanian artistic styles from unregulated AI replication, thereby preserving national identity in the digital space.
- **Innovation:** By providing a clear legal pathway for AI developers, the proposed model reduces regulatory uncertainty and fosters technological experimentation.

- **Legal Harmonization:** The model aligns Albania with EU directives (AI Act) and WIPO guidelines, supporting the nation’s integration into global digital markets and the European Digital Single Market.

Failure to implement these reforms could result in significant economic losses, widespread cultural appropriation, and a decline in international competitiveness as AI adoption accelerates globally.

**TABLE 2.** Proposed Hybrid Model for Albania

The following table summarizes the key elements of the proposed hybrid model and their projected impact on the Albanian creative ecosystem:

Element	Description	Expected Outcome
Human Authorship	Maintain copyright protection for significant human contributions.	Guaranteed legal protection and recognition for human creators.
Sui Generis Rights	Limited-term (3–5 years) protection for fully autonomous AI-only works.	Encourages technological investment while preventing long-term monopolies.
Input Compensation	Implementation of a statutory levy or collective licensing systems.	Fair and transparent distribution of revenue to original creators.
Transparency & Opt-Out	Mandatory disclosure of AI training datasets.	Empowers creators to control their work and ensures ethical AI use.

## Policy Recommendations and Conclusion

Based on the comparative analysis, case studies of AI-generated music and visual arts, and the rigorous evaluation of the limitations within Law No. 35/2016, this study proposes a strategic roadmap for legislative reform. The following measures are designed to harmonize Albanian law with the EU Acquis while fostering a sustainable digital creative economy:

- **Codifying “Meaningful Human Contribution”:** The Albanian Copyright Office (ZSHDA) should issue specific guidelines to interpret the human-centric requirement of Articles 8 and 9. Protection should remain strictly reserved for works where the “human spark” is evident. This involves establishing a threshold for copyrightability that recognizes tasks such as complex prompt engineering, transformative post-editing, and the intellectual curation of AI-generated outputs as valid forms of authorship, thereby reducing jurisdictional uncertainty for digital creators.
- **Establishment of a Sui Generis AI Framework:** To address the “protection vacuum” of fully autonomous AI outputs, Albania should introduce a *sui*

*generis* right. Unlike traditional copyright, this protection would be limited to a 3-to-5-year term, focusing exclusively on preventing unauthorized commercial exploitation (verbatim copying). This balanced approach incentivizes technological investment and ensures that machine-generated content rapidly enriches the public domain without devaluing the lifetime protection afforded to human artists.

- **Mandatory Collective Licensing and Statutory Levies:** In response to the “input liability” crisis, Albania must adopt a collective compensation model. Drawing inspiration from the French and Dutch implementations of the DSM Directive, the ZSHDA should oversee a system where AI developers pay a statutory levy for the ingestion of Albanian creative data. This mechanism ensures that local musicians and visual artists are remunerated when their intellectual labor contributes to the training of global generative models, effectively mitigating the “economic leakage” currently observed in the market.
- **Transparency Mandates and Dataset Disclosure:** In alignment with the **EU AI Act (2024)**, Albanian law should be amended to require high-level transparency from AI providers. This includes a mandatory disclosure of the datasets used for training. Such transparency is the only viable method for artists to exercise their “opt-out” rights and protect their “aesthetic signature” from algorithmic cloning. A centralized **National Transparency Portal** could serve as a bridge between the tech industry and the creative community.
- **Regional Harmonization and Chapter 7 Integration:** As Albania advances its EU integration process, it should lead a regional initiative with Kosovo, North Macedonia, and Montenegro to create a harmonized Balkan IP framework for AI. This would prevent “legal arbitrage” and ensure that the small but culturally rich Albanian market has a unified voice in international forums such as WIPO.

The implementation of the proposed hybrid model yields multi-dimensional benefits that address the current legal and economic precariousness in the Albanian creative sector:

- **Economic Impact:** The establishment of fair compensation models ensures that creators—particularly in the digital music and visual arts sectors—receive tangible remuneration for the use of their intellectual labor in AI training. By providing a clear legal pathway for both authors and developers, this framework encourages local investment in AI-driven creative platforms, fostering entrepreneurship and sustainable economic growth within Albania’s digital economy.
- **Cultural Impact:** This model serves as a vital shield for the Albanian artistic identity. By regulating the algorithmic replication of traditional

motifs and regional styles, the framework effectively mitigates the risk of uncontrolled AI-driven “cultural dilution.” It ensures that the nation’s heritage remains attributed, respected, and accessible, rather than being reduced to anonymous training data.

- **Innovation and Technological Growth:** Legal certainty is the prerequisite for investment. By clarifying the status of human-assisted and autonomous outputs, the proposed model reduces the risk for AI developers, encouraging responsible experimentation. The hybrid approach balances risk and reward, allowing for machine-driven innovation while maintaining the supremacy of human creative agency.
- **Legal Harmonization and International Alignment:** As Albania advances through the chapters of the EU *Acquis*, aligning national legislation with the **EU AI Act (2024)** and **WIPO** guidelines is a strategic necessity. This harmonization enhances cross-border collaboration and facilitates the integration of Albanian creators into the global digital market, ensuring they are not left behind in the international AI transition.
- **Ethical Considerations and Transparency:** Mandatory disclosure of training datasets promotes a culture of transparency and ethical AI usage. By protecting the moral rights of creators and ensuring that AI systems respect the “human spark,” Albania can position itself as a jurisdiction that prioritizes digital ethics alongside technological progress.

## Conclusion

The rise of Generative AI (AI-G) presents unprecedented challenges for copyright law worldwide, including in Albania. Traditional frameworks emphasize human authorship but fail to address fully autonomous AI outputs and the complexities of input liability.

The comparative analysis conducted in this study demonstrates that:

1. **Human authorship** remains essential for copyright protection across the US, EU, and Albania.
2. ***Sui generis* rights** provide a viable model for the temporary protection of autonomous AI-generated works.
3. **Input compensation frameworks** are necessary to protect creators’ economic interests when AI systems utilize copyrighted material.
4. **Transparency and opt-out mechanisms** enhance fairness, reduce disputes, and ensure ethical AI practices.
5. **Regional and global collaboration** strengthens legal harmonization, innovation, and economic opportunities.

For Albania, a hybrid model—retaining human authorship protection, introducing *sui generis* rights, implementing collective licensing, ensuring transparency, and promoting regional cooperation—provides a robust and forward-looking solution. Implementing these measures will safeguard creators' rights, stimulate technological and artistic innovation, and promote sustainable economic growth. By proactively addressing AI-G challenges, Albania can emerge as a leader in ethical, innovative, and culturally aware AI-driven creative industries.

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# *Rule of Law or Rule of Deals? Public Procurement as a Measure of Democratic Consolidation in Albania*

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## **Abstract**

*The article examines whether Albania's EU-aligned public procurement framework reform, culminating in Law No. 162/2020 "On Public Procurement" and DCM No. 285/2021 "On Public Procurement Rules" represent genuine democratic consolidation or mainly symbolic Europeanization. By analysing the gap between legal alignment and real-world practice, the study determines whether the procurement framework enhances transparency, accountability and rule-of-law governance. The article contributes to scholarly debate on how institutional reforms in post-communist states shape democratic trajectories, particularly in contexts where formal legal compliance coexists with entrenched informal networks and discretionary government practices. A qualitative, interpretive research design is applied through doctrinal analysis of the public procurement framework, policy and performance analysis based on reports from national oversight bodies and international institutions. Legal developments are further correlated with governance*

*and corruption indicators in order to evaluate the broader impact on democratic governance. The findings indicate that Albania's procurement framework is largely aligned with the 2014 EU directives and is supported by comprehensive secondary rules and an electronic procurement and e-appeals system (European Commission, 2023). Nevertheless, implementation remains uneven. Critical elements of functional alignment, particularly the interoperability with European platforms and other national platforms remain underdeveloped. The study relies on secondary data and official statistics. It does not include original econometric testing or interviews with procurement officials and economic operators. Mixed-methods research could further refine the causal link between procurement practice and democratic consolidation. The article offers concrete recommendations for reducing the implementation gap, including limiting derogations and strengthening institutional coordination and interoperability. Because public procurement represents 16.5% of Albania's GDP in 2024 (European Commission, 2025), the article frames public procurement as a political test of democratic consolidation rather than a purely technical compliance field. It demonstrates how the coexistence of EU-aligned law and "rule-of-deals" practices reveals the hybrid nature of Albania's post-communist transformation.*

**Keywords:** *Public procurement; Europeanization; corruption; democratic consolidation; rule of law.*

## **Introduction**

Albania's transition from authoritarianism to democracy has unfolded under intense external and internal pressure to build rule-based institutions, market economy mechanisms and credible checks on political power. Public procurement, the process through which the state purchases works, goods and services has become a central arena where these transformations can be observed.

Since the mid-1990s, public procurement has moved from a largely unregulated and discretionary domain to an increasingly codified system, now governed by Law No. 162/2020 "On Public Procurement" and its implementing DCM No. 285/2021 "On Public Procurement Rules". These instruments seek to align Albania with EU directives, particularly Directive 2014/24/EU and 2014/25/EU, and to establish a transparent, competitive and non-discriminatory market for public contracts.

At the same time, Albania continues to face persistent concerns about corruption, state capture and weak rule-of-law enforcement. The European Commission Report in 2025 still assesses the country as "moderately prepared" in public procurement and notes that only limited progress was made in 2025 in aligning the legal framework. This report states that recommendations from the previous year were partially implemented and remain mostly valid. A virtual entity

was given the portfolio of Ministers of State for Artificial Intelligence and Public Procurement under the authority of the Prime Minister. Recent developments illustrate the hybrid character of Albania's reform trajectory, which signals political attention to this strategic sector. At the same time, confrontational rhetoric by both the ruling majority and the main opposition towards the judiciary raise concerns about separation of powers. According to the European Commission Progress Report, the government continues to place EU-related reforms at the center of legislative planning, but transparency in decision-making remains limited and coordination between ministries and executive institutions constrains the delivery of quality public services. (European Commission, 2025)

Against this background, the article asks whether Albania's public procurement framework today reflects democratic consolidation or the continuation of informal, deal-based governance beneath a layer of Europeanized law.

## Literature Review and Analytical Framework

In the early 1990s, Albania largely lacked a modern procurement regime. The first comprehensive law on public procurement was adopted in 1995, establishing basic procedures, contracting methods and central oversight but with limited administrative capacity and weak enforcement mechanisms. This period was characterized by fragmented implementation across ministries and municipalities, low awareness of procurement principles among officials and economic operators and minimal use of competitive procedures and weak remedies systems. The most recent phase is defined by full digitalization, anti-corruption agendas and direct linkage to EU accession Chapters 5, 23 and 24. Law No. 162/2020 "On Public Procurement" (Law no 162/2020 "On Public Procurement" as amended, 2020), in force since March 2021, replaces the 2006 law and aligns the Albanian framework with Directive 2014/24/EU and 2014/25/EU.

(DCM "On the approval of public procurement rules", as amended, 2021) operationalizes the law by detailing:

- Planning and publication of procurement forecasts;
- Standard procedures for open, restricted, negotiated and competitive dialogue methods;
- Rules on technical specifications/terms of reference, award criteria (including the most economically advantageous tender – MEAT), abnormally low bids and framework agreements;
- Obligatory use of the central e-procurement platform for almost all procedures, including low-value contracts;
- Contract implementation and reporting obligations of contracting authorities to APP.

The public procurement literature emphasizes that procurement is not merely an administrative technique, but a core component of state / market relations and a key channel through which political power is exercised. (Thai, 2001) describes public procurement as a “policy tool” that affects economic efficiency, distribution of resources and perceptions of fairness.

Comparative research on public procurement (Bosio, Djankov, Glaeser, & Schleifer, 2022) shows that countries may develop sophisticated legal frameworks aligned with international standards, but real-world outcomes depend on enforcement. In several systems, weak oversight, corruption risks and informal practices continue to undermine procurement integrity despite formal compliance. This echoes broader governance scholarship stressing that rule of law requires both normative alignment and behavioral change within institutions.

In post-communist contexts, procurement reform is frequently embedded in broader democratization and market-building agendas. EU candidate countries are expected to transpose procurement directives and ensure effective remedies, oversight and transparency as part of Chapters 5 (Public Procurement) and 23/24 (Judiciary and Fundamental Rights; Justice, Freedom and Security) (European Commission, 2023). Democratic consolidation is strengthened when procurement systems limit political favoritism, protect competition and provide credible accountability mechanisms.

Albania has progressively aligned its procurement law with EU *acquis* since the (Stabilisation and Association Agreement, 2009) entered into force, moving from the first law on public procurement in 1995 to Law No. 9643/2006 and finally to Law No. 162/2020. Secondary rules have been adopted through a series of decisions of the Council of Ministers (DCMs), culminating in DCM No. 285/2021, which consolidates the “Public Procurement Rules” and operationalizes the 2020 law, including mandatory e-procurement for nearly all procedures (Public Procurement in Albania in 14 years, 2021).

Civil society analysis by Albanian Institute of Science (Public procurement through the lens of European Integration, 2022) underscores that Law No. 162/2020 is broadly assessed as a “good law” aligned with EU principles of non-discrimination, transparency and proportionality, but warns that frequent special laws and DCMs carve out exceptions and weaken the general regime.

Recent academic work on Albanian procurement similarly stresses the implementation gap. An article published in 2021 in the *Academic Journal of Business, Administration, Law and Social Sciences* (Pelinku, 2021) finds that despite digitalization and formal harmonization, Albania still struggles with low competition, high perceptions of corruption, and weak monitoring and inter-institutional coordination.

## Conceptual framework and variables

Building on Europeanization theory, the article distinguishes between:

- Formal Europeanization – adoption of EU-compatible laws and institutional structures;
- Substantive Europeanization – change in actual behavior, improved integrity and effective enforcement.

The independent variable is the sequence of legal and institutional procurement reforms in Albania (1995–2025), measured by:

- Formal alignment with EU directives;
- Introduction of e-procurement and e-appeals;
- Establishment and empowerment of the Public Procurement Agency (APP), the Public Procurement Commission (KPP), the State Supreme Audit (KLSH) and specialised anti-corruption bodies (SPAK);
- Changes in procedures (open vs negotiated, framework agreements, PPP rules, etc.). (European Commission , 2023) (European Commission, 2025)

The dependent variable, democratic consolidation, is approximated through:

- Transparency and openness of procurement data;
- Competition (number of bids, share of open vs. negotiated procedures);
- Integrity indicators (CPI scores, EC assessments of corruption risks in procurement);
- Effectiveness of enforcement (number and outcomes of appeals, State Supreme Audit (KLSH) findings, SPAK cases);
- Public trust and perceptions of fairness in contracting. (European Commission , 2023) (European Commission, 2025)

Intervening factors include political patronage, clientelism, administrative capacity and the intensity of EU conditionality.

## Research Question, Hypothesis and Methodology Approach

### *Hypothesis*

Although Albania has progressively aligned its public procurement legislation with EU standards, the persistent gap between formal rules and practical implementation suggests that procurement reform has functioned primarily as a symbolic instrument of Europeanization rather than a substantive indicator of democratic consolidation.

### *Derived testable expectations*

H1a. The modernization of procurement law primarily reflects external EU conditionality and formal compliance, rather than domestic demand for rule-of-law-based governance.

H1b. The persistence of informal political-economic networks limits the effectiveness of procurement oversight mechanisms, sustaining patterns of low competition, circumvention and public distrust.

Democratic consolidation is treated here as a process in which political competition is regulated by stable, impersonal rules, public authority is constrained by law and citizens develop sustained trust in institutions. Public procurement, which accounts for a significant share of public expenditure, offers an empirical window into whether Albania's state has moved from "rule of deals" to "rule of law".

## Methodology

The study adopts a qualitative legal-institutional methodology, combining:

1. Doctrinal legal analysis of:
  - Law No. 162/2020 "On Public Procurement";
  - DCM No. 285/2021 "On Public Procurement Rules";
  - Earlier procurement laws and implementing DCMs to reconstruct the trajectory of reforms.
2. Policy and institutional analysis drawing on:
  - Annual reports of the Public Procurement Agency (APP); (Public Procurement Agency of the Republic of Albania)

- State Supreme Audit (KLSH) reports on irregularities in procurement;
- European Commission 2025 report on Albania (Chapter 5 – Public Procurement); (European Commission, 2025)

SPAK and KLSH data are used not to measure corruption prevalence directly, but as institutional indicators of enforcement capacity and accountability performance within the procurement system.

### 3. Governance indicators:

- Transparency International’s CPI for Albania (2016–2024); (Transparency International, 2024)
- Selected quantitative indicators from the EC report (share of procurement in GDP, bids per tender, share of negotiated procedures, use of MEAT criteria and framework agreements). (European Commission, 2023) (European Commission, 2025)

The research is interpretive rather than econometric. It triangulates legal texts, institutional data and independent assessments to evaluate whether the evolution of procurement law and practice supports the claim of democratic consolidation.

## **Law on paper: Design of Law No. 162/2020 and DCM No. 285/2021**

Law No. 162/2020 and DCM 285/2021 embody the core EU principles of transparency, equal treatment, non-discrimination, proportionality and mutual recognition.

The law applies to most contracts for works, supplies and services concluded by central and local authorities and certain publicly controlled entities. It sets out:

- Thresholds and types of procedures (open, restricted, negotiated with/without prior publication, framework agreements);
- Use of standard tender documents and clear time-limits;
- Publication of notices and documents on the e-procurement portal as a general rule;
- Legal grounds for exclusion of tenderers, including conflict of interest and serious professional misconduct.

Institutions include:

- Public Procurement Agency (APP) – regulatory and monitoring body, issuing instructions, providing training and publishing annual reports;

- Public Procurement Commission (PPC/KPP) – independent review body for complaints, with decisions appealable to administrative courts;
- State Supreme Audit (KLSH) – ex post audit of legality and efficiency of public spending;
- Special Anti-Corruption Structure (SPAK) – investigating high-level corruption, including in public contracts. (European Commission , 2023) (European Commission, 2025)

The EC’s 2025 report notes that Albania has laid a good foundation by improving transparency through its comprehensive electronic procurement and e-appeals system, however Albania should focus on further strengthening the function of the overall system to increase competition and compliance (European Commission, 2025)

Digitalization is a major achievement. The e-procurement system now covers virtually all stages: publication, submission, evaluation, award and contract notices. Since 2021, contracting authorities must also submit contract implementation plans, and APP provides real-time open data on procedures. (European Commission , 2023)

Civil society platforms such as (Open Procurement Albania , 2022) use these data to track trends in single-bid contracts, high-value tenders and special procedures, increasing external scrutiny.

On paper, Albania’s framework:

- Meets most EU requirements on procedures and remedies;
- Provides for MEAT criteria and framework agreements;
- Establishes a dedicated review body and recognizes the right to effective remedy. (European Commission , 2023)

However, AIS’s 2022 (Albanian Institute of Science, 2022) policy paper highlights a paradox: “the better the general law becomes, the greater the number of special procedures that circumvent it”, often via special acts or DCMs that exclude specific projects from the ordinary regime. This is a crucial channel through which informal decision-making can persist despite formal legal alignment.

Adding on this, as confirmed by the European Commission Progress Report of 2025, Albania’s legal alignment has not translated into substantive progress, with the country remaining “moderately prepared” and only limited implementation observed. (European Commission, 2025)

## Implementation GAP: Practice on the ground

According to the European Commission Progress Report of 2023, public procurement represented about 9.4% of GDP in 2022. The average number of bids per tender was 2.5 (compared with 2.5 in 2021 and 2.57 in 2020), essentially unchanged. (European Commission , 2023)

A 2025 empirical study using APP data finds that more than 40% of procedures in 2022 had only one participating economic operator, signaling low competition and potential barriers to entry. Open Procurement Albania reaches similar conclusions, pointing to “tailored tenders” and repeated winners as indicators of informal favoritism.

Negotiated procedures without prior publication represented 3.3% of all procedures in 2022 (up from 143 to 157 procedures compared to 2021), though their share of total contract value fell to 0.9% (from 3.4% in 2021) (European Commission , 2023). The relatively small share by value should not obscure that negotiated procedures can be used strategically for specific sectors or politically salient projects. AIS warns that special DCMs and laws often function as “exclusionary procedures outside the common rule”.

Compared to European Commission Progress Report of 2025, public procurement represented about 16.5% of GDP in 2024. There was no report on 2025 on the average number of bids per tender (European Commission, 2025).

Negotiated procedures without prior publication reduced in 2024 both in number (2.3% of all procedures from 2.9% in 2023) and in related value (0.4% of total value from 2% in 2023) (European Commission, 2025).

## Award criteria, PPPs and special laws

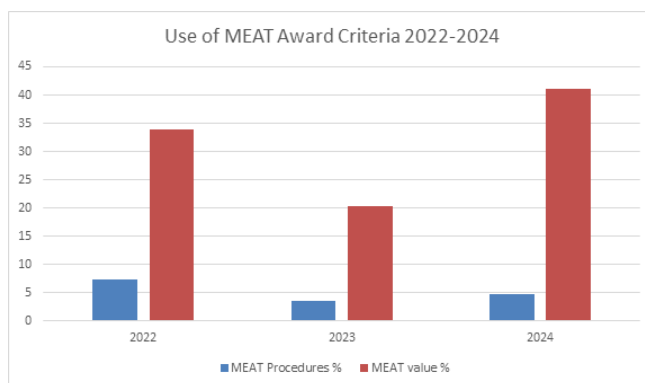
The use of MEAT criteria has increased but remains limited in terms of number of procedures: in 2022 they were applied in 7.3% of procedures, although these accounted for 33.9% of contract value. (European Commission , 2023)

The use of MEAT criteria in 2025 is reported to be increased in terms of awarded tenders (4.8% in 2024, compared to 3.6% in 2023) and particularly in terms of value of associated contract (41% in 2024 compared to 20.3% in 2023). (European Commission, 2025)

This suggests that high-value contracts are more likely to integrate quality and long-term value considerations, but most everyday procurement still uses lowest-price criteria, which can be vulnerable to underpricing and poor quality.

On PPPs and concessions, the EC notes that Albania’s PPP law is only partly aligned with EU acquis and that a large registry of PPPs (over 220 contracts) has raised concerns about fiscal risks and transparency (European Commission , 2023). Although the number of new PPPs has recently decreased, legacy contracts and unsolicited proposals illustrate how special regimes can bypass ordinary procurement rules.

The Constitutional Court’s decision on the “National Theatre” special law, found unconstitutional for multiple reasons, is emblematic: it illustrated how ad hoc legislation can be used to tailor procurement for a single project and how constitutional review remains a crucial, but ex post and exceptional safeguard.



As shown in the above Chart, the use of MEAT criteria in Albania remains limited in terms of number of procedures, declining from 7.3% in 2022 to 3.6% in 2023, before slightly increasing to 4.8% in 2024. However, MEAT is applied to high-value contracts, accounting for 33.9% of total contract value in 2022, 20.3% in 2023, and 41% in 2024. This pattern indicates that quality-based award criteria are selectively used for major projects, while everyday procurement remains dominated by lowest-price criteria.

## Oversight and remedies

The EC reports that the PPC received 782 complaints in 2022, with nearly 90% decided within statutory deadlines and only around 5.45% appealed to administrative courts. (European Commission , 2023). This indicates a functioning remedy system on formal criteria.

However, State Supreme Audit (KLSH) continues to identify irregularities in tender design, evaluation and contract execution at both central and local levels. Overlapping mandates and limited coordination between APP, PPC, State Supreme Audit (KLSH), the Ministry of Finance and SPAK reduce the coherence of enforcement and the impact of their findings.

Audit evidence from the State Supreme Audit (KLSH) provides systematic confirmation of persistent weakness in procurement governance. In 2023, State Supreme Audit (KLSH) conducted 160 audit missions covering 195 public entities and issued a total of 5,759 recommendations, with recurrent findings related to non-compliance, inefficiency and procedural irregularities in public procurement. (State Supreme Audit, 2024) Audit results identify procurement as one of the primary sources of inefficient use of public funds, with economic damage amounting to approximately 386 million ALL and negative budgetary effects exceeding 4.3 billion ALL attributable solely to procurement related irregularities. (State Supreme Audit, 2024) Despite the scale of audit activity, the implementation of recommendations remains partial, indicating weak follow-up mechanisms and limited institutional learning. These findings suggest that audit oversight identifies systematic risks but lacks sufficient enforcement leverage to transform compliance into effective accountability.

SPAK has launched high-profile investigations into corruption in infrastructure and local government contracts, contributing to a modest increase in Albania's CPI score and public visibility of procurement-related corruption. Yet the number of final convictions relative to the size of the procurement market remains limited, and many cases concern fraud after contract award rather than systemic manipulation of procurement design.

Criminal enforcement data provided by SPAK further illustrates the limits of procurement accountability despite an increasingly active prosecutorial framework. According to SPAK's Annual Reports for 2023 and 2024, investigations into high-level corruption have intensified, with 33 former senior officials under investigation in 2024 and 19 cases sent to trial, alongside asset seizures and confiscations exceeding €65 million (SPAK, 2024). However, referrals originating from public institutions remain limited, accounting for approximately 15 per cent of all referrals, while a significant share of cases continue to derive from citizen complaints (SPAK, 2023) (SPAK, 2024). This pattern indicates that anti-corruption enforcement in procurement field remains predominantly reactive and *ex post*, rather than embedded within a preventive system of administrative accountability. As a result, criminal prosecution functions as a corrective mechanism rather than a structural deterrent, reinforcing the persistence of informal practices within EU-aligned procurement procedures.

## Corruption indicators and public perceptions

From 2016 to 2022 Albania's CPI score stagnated around 35–36/ (State Supreme Audit, 2024)100, with the country ranking 101st worldwide in 2022 (Transparency International , 2024). In 2023 the score improved slightly to 37 points (rank 98), and in 2024 it rose to 42 (rank 80). While this trajectory is positive, Albania's

performance remains significantly below the EU average (around 64/100) and still indicates widespread perceptions of corruption.

Transparency International and regional analyses repeatedly highlight public procurement – alongside infrastructure, property rights, customs, education and health – as a high-risk area where corruption and opaque decision-making persist. (European Commission , 2023)

## **Discussion: Procurement as a Measure of Democratic Consolidation**

The finding of SPAK and State Supreme Audit (KLSH) taken together, reveal a fragmented accountability chain in Albania’s public procurement system. While audit institutions systematically document procedural violations and financial inefficiencies and prosecutorial bodies intervene selectively through criminal proceedings, coordination between administrative oversight and criminal enforcement remains limited (SPAK, 2024) (State Supreme Audit, 2024). This disconnect allows procurement practices to remain formally compliant yet substantively vulnerable to discretionary and informal arrangements. The coexistence of extensive audit findings with a relatively narrow scope of criminal enforcement underscores the hybrid character of Albania’s procurement governance, where EU-aligned legal frameworks operate alongside rule-of-deals practices rather than displacing them.

The empirical findings confirm the existence of a significant implementation gap between Albania’s EU-aligned procurement law and everyday practice. Drawing on the conceptual framework, several points emerge.

### *1. Formal Europeanization without full behavioral change.*

Law No. 162/2020 and DCM 285/2021 closely follow EU directives and embed EU principles, and the EC explicitly notes that legal alignment is largely achieved (European Commission , 2023). However, persistent low competition, continued use of negotiated procedures and special regimes, and frequent audit findings indicate that institutional behavior has not fully internalized these norms.

### *2. Hybrid governance: rule of law and rule of deals in parallel.*

The coexistence of a sophisticated legal framework and practices such as “tailored tenders”, single-bid procedures and ad hoc DCMs supports the view that Albania operates as a hybrid system. Formal rules project an image of compliance and openness, crucial for EU accession and international partners, while informal networks and political discretion still influence who wins major contracts and on what terms.

### *3. Procurement as a stress test for democratic consolidation.*

In a consolidated democracy, procurement should:

- channel competition rather than close it;
- protect public resources through predictable rules;
- enable citizens, media and opposition to track and contest abuses.

Albania's progress, such as full e-procurement, e-appeals and more active oversight marks important steps towards this model (European Commission , 2023). Yet the persistence of low trust, reliance on special laws, and concentration of economic opportunity among politically connected actors suggests that procurement is still a site where contested practices of democratic and non-democratic governance collide.

### *4. The role of EU conditionality.*

The evidence indicates that EU conditionality has been a central driver of reform – from the 2006 law to the 2020 overhaul. However, in line with Europeanization theory, conditionality appears more effective in shaping formal legislation than in transforming underlying power relations and administrative culture. The proliferation of special procedures and the slow pace of sanctioning procurement abuses illustrate the limits of external leverage when domestic elites retain incentives for discretionary allocation. Taken together, these findings support the article's hypothesis: public procurement reform in Albania has been an important marker of Europeanization but is not yet conclusive evidence of democratic consolidation.

## **Limitations**

The study has several limitations:

- It relies on published statistics and reports; more granular micro-data (e.g., full contract-level datasets, firm-level participation histories) were not systematically analyzed.
- It does not incorporate interviews with procurement officials, judges, auditors or economic operators, which could reveal informal practices and pressures more directly.
- The focus is national; local-level dynamics, where clientelism and political capture may be particularly strong, are only indirectly addressed through audit reports and case law.

- The study does not systematically assess the extent to which State Supreme Audit (KLSH) findings are referred for criminal investigation or lead to final convictions, which limits conclusions on the full accountability chain.

Future research could combine quantitative contract-level analysis with qualitative case studies of selected sectors (infrastructure, health, energy), and comparative work with other Western Balkan states to better situate Albania's trajectory.

## Conclusions and Policy Reflections

Over the last thirty years, Albania has transformed its public procurement framework from a rudimentary, discretionary system into a formally sophisticated regime aligned with EU standards and fully digitalized. Law No. 162/2020 and DCM No. 285/2021 are not window-dressing: they embody genuine legal modernization and provide powerful tools for transparency and accountability.

However, democratic consolidation requires more than good laws. The continued prevalence of low competition, selective use of special laws and PPP arrangements, audit findings of irregularities, and only gradual improvements in corruption indicators prove that the practice of procurement in Albania remains “in between” – neither fully rule-bound nor openly arbitrary. (European Commission, 2023) To move procurement from a symbolic to a substantive pillar of democratic governance, the article suggests several priorities:

1. Constrain special regimes and derogations.
  - Introduce stricter constitutional and legislative safeguards for special procurement laws and DCMs, requiring demonstrable necessity and proportionality, plus ex ante review.
2. Strengthen enforcement and sanctions.
  - Enhance the resources and independence of State Supreme Audit (KLSH), PPC and SPAK in procurement-related cases;
  - Ensure systematic follow-up of audit recommendations and PPC decisions by contracting authorities. (European Commission, 2023) (European Commission, 2025)
3. Deepen professionalization and integrity of procurement officials.
  - Mandatory certification, continuous training and clear conflict-of-interest rules (partially done)
  - More robust internal audit and risk-based monitoring within contracting authorities. (European Commission, 2023) (European Commission, 2025)

4. Empower civic and media oversight.
  - Facilitate user-friendly access to procurement datasets;
  - Institutionalize civil-society monitoring of high-value contracts and PPPs, following regional best practices.
  
5. Integrate procurement reform into a broader rule-of-law strategy.
  - Link procurement integrity indicators to judicial reform, political finance regulation and public administration professionalization, recognizing that procurement cannot be insulated from wider governance dynamics.

If implemented consistently, these measures could help transform procurement from an arena of “rule of deals” into a credible test and driver of democratic consolidation, aligning Albania’s legal Europeanization with lived realities for citizens and economic operators.

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# *The Diaspora as a Bridge between the Vatican and Albania: The Role of the Arbëresh Colleges in Preserving Albanian National and Religious Identity (17th–19th Centuries)* \_\_\_\_\_

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## **Abstract**

*The purpose of this article is to examine the role of the Arbëresh diaspora as an institutional and cultural bridge between the Vatican and Albanian society from the seventeenth to the nineteenth centuries. It explores how the Arbëresh religious colleges established in southern Italy functioned not merely as centers of theological education, but as structured mechanisms for preserving Albanian national and religious identity during the period of Ottoman rule, when cultural and educational institutions in the homeland were severely constrained. The study adopts a historical-institutional and interdisciplinary approach, drawing on church history, diaspora studies, and Albanian national historiography. It analyzes ecclesiastical reports submitted to the Congregation for the Propagation of the Faith, early Albanian-language publications produced within Arbëresh colleges, and biographical material related to clergy and intellectuals educated in these institutions, alongside established secondary scholarship. These sources are interpreted through the analytical lenses of diaspora mediation, institutionalized identity preservation, and religious cultural diplomacy. The analysis demonstrates that the Arbëresh colleges operated as identity-producing institutions that closely interconnected religious formation with linguistic*

*preservation, historical consciousness, and early forms of national ideology. Through these colleges, the Arbëresh diaspora generated a transnational elite that acted as a stable intermediary between the Vatican and Albanian society, transforming religious education into a vehicle of cultural diplomacy and laying the intellectual and cultural foundations of the Albanian National Awakening. By conceptualizing the Arbëresh diaspora as an organized institutional mediator rather than a symbolic or purely cultural community, this article offers an original contribution to broader debates on diaspora-led nation-building and the role of religious institutions in the formation of modern national identities, while situating the Albanian case within a wider European and comparative perspective.*

**Keywords:** *Arbëresh diaspora; Vatican; Albanian identity; religious colleges; nationalism*

## **Introduction**

The history of Albania during the Ottoman period was marked by complex political, cultural, and religious tensions, in which processes of social transformation were often caught in a dynamic interplay between resistance and assimilation. Islam, gradually introduced through individual conversions and imperial policies, profoundly altered the structures of Albanian religious and institutional life. This transformation, accompanied by restrictions on the use of the Albanian language in liturgy and public education, as well as obstacles to the development of independent cultural institutions, placed national cohesion and the continuity of cultural heritage at risk. In this challenging context, the Albanian diaspora assumed an irreplaceable role, becoming a vital source for the preservation and cultivation of ethnocultural and linguistic identity.

Within this historical mosaic, the Arbëresh community occupies a special place. Following the mass migrations of the fifteenth century, they settled in southern Italy, Calabria, Sicily, Molise, and other regions. The Arbëresh preserved their language, customs, and historical memory while integrating into Italian society, without severing their spiritual and symbolic ties to their homeland. This dual position, simultaneous integration in Italy and maintenance of a living connection with Albania, made them natural intermediaries between the Holy See and the Albanian people, serving as channels of communication, knowledge dissemination, and spiritual reinforcement.

With their commitment, and under the direct support of the Vatican, a network of religious and educational institutions was established to form new generations of Albanian intellectual and clerical elites. The Arbëresh colleges, founded and supported by the Congregation for the Propagation of the Faith (Congregatio

de Propaganda Fide), were conceived as part of a long-term strategy to cultivate leaders capable of confronting the many challenges posed by the Ottoman reality. These institutions were not merely didactic or theological centers; they functioned as genuine laboratories of identity, where religion, culture, and nationhood were woven together into an organic unity.

Liturgy, philosophy, classical languages, and Albanian were integrated into their curricula, shaping an elite prepared not only for religious service but also for the broader mission of safeguarding and affirming the Albanian nation. In these academic spaces, the Albanian language acquired a special status as both a liturgical and educational language, contributing to its standardization and transforming it into a key instrument of national awareness. Through the translation of liturgical texts, the compilation of grammars, and the publication of early works in Albanian, these colleges endowed the language with a dual function, spiritual and identitarian.

This article aims to provide a detailed analysis of the role of these institutions, presenting them as pivotal nodes of cultural resistance and as powerful bridges between the Vatican and Albania. Special attention will be given to the cases of Palermo, Cesena, and Loreto, three centers which, despite differing characteristics and orientations, collectively represent common models of intertwining religious mission with national aspirations. Their study reveals that the Arbëresh colleges were not temporary institutions, but rather foundational pillars in the process of Albanian nation-building and in preparing the ground for the National Awakening (Rilindja Kombëtare).

This article addresses the following research question: How did the Arbëresh religious colleges function as institutional bridges between the Vatican and Albania, and in what ways did they contribute to the preservation and transformation of Albanian national and religious identity prior to the nineteenth-century National Awakening? By focusing on these institutions as organized mechanisms of mediation rather than as symbolic cultural spaces, the study seeks to clarify the specific historical role of the diaspora in Albanian nation-building processes.

While the article does not aim to provide an exhaustive political history of Albanian, Vatican relations, it focuses instead on the institutional and cultural mechanisms through which the Arbëresh colleges mediated identity, knowledge, and national consciousness across borders.

## Methodology

This study employs a qualitative historical-institutional methodology aimed at analyzing the role of diaspora-based religious institutions in processes of identity preservation and nation-building. Rather than presenting a purely

descriptive historical narrative, the research conceptualizes the Arbëresh colleges as institutional actors operating within a transnational religious, cultural, and political framework linking the Vatican and Albanian society from the seventeenth to the nineteenth centuries.

The methodological approach combines elements of church history, diaspora studies, and the historiography of nationalism. Particular attention is paid to the institutional functions of the colleges, education, publication, clerical formation, and mediation, through which religious structures intersected with cultural and national dynamics. This allows the study to move beyond individual biographies and to assess the colleges as durable mechanisms of identity production and transmission.

The primary sources examined include ecclesiastical reports addressed to the Congregation for the Propagation of the Faith, early Albanian-language publications produced or disseminated within Arbëresh colleges, and documented biographical material related to clergy, poets, and intellectuals educated in these institutions. These sources are analyzed through historical source criticism, with systematic attention to authorship, institutional affiliation, purpose of composition, and intended audience. This approach makes it possible to distinguish between normative ecclesiastical discourse and concrete practices of linguistic, cultural, and educational preservation.

In addition, the study makes use of comparative reading across institutional cases, Palermo, Cesena, Loreto, and San Demetrio Corone, in order to identify recurring patterns as well as functional differences among the colleges. This internal comparison enables the identification of common institutional strategies, while also accounting for variations in geographical location, historical context, and institutional mission.

Secondary sources consist of both classic and contemporary scholarship on Albanian nationalism, Arbëresh studies, diaspora theory, and religion-nation relations. These works provide the broader interpretive framework within which the empirical material is situated and allow the Albanian case to be contextualized within wider European and Balkan processes of nation-building.

The analysis is guided by three key analytical concepts. Diaspora mediation refers to the role of the Arbëresh as intermediaries between the Vatican and Albanian society, facilitating flows of education, ideas, and cultural legitimacy. Institutionalized identity preservation denotes the embedding of language, historical memory, and cultural norms within stable religious and educational structures. Religious cultural diplomacy captures the use of religious institutions and discourse to project an image of Albanian identity aligned with European and Christian traditions. These concepts structure the interpretation of the sources and guide the assessment of how the Arbëresh colleges contributed to the formation of Albanian national consciousness prior to the emergence of a modern Albanian state.

The selection of the colleges of Palermo, Cesena, Loreto, and San Demetrio Corone is justified by their historical continuity, documented archival presence, and sustained role in clerical, linguistic, and cultural formation across different periods. Together, they represent complementary institutional models through which the Arbëresh diaspora articulated its mediating role between the Vatican and Albanian society.

## The Arbëresh Diaspora and Its Connection with the Holy See

The formation of the Arbëresh diaspora after the fifteenth century was not an isolated phenomenon, but rather part of the larger waves of migration that affected the populations of the Balkans following the advance of the Ottoman Empire and its expansion into Albanian territories<sup>1</sup>. Following the defeat of the organized resistance led by Gjergj Kastrioti Skanderbeg, thousands of Albanians were forced to seek refuge across the Adriatic. They settled primarily in Calabria, Sicily, Molise, and Apulia, where they founded new villages and communities, organizing them with well-structured religious, social, and juridical institutions. These new settlements were not reduced to mere refugee colonies; rather, they became stable centers of a renewed identity, in which the experience of exile was transformed into a source for strengthening ethnic consciousness.

What distinguished the Arbëresh communities from other migrant groups was the fact that they neither dispersed nor fully assimilated into Italian society. Instead, they constructed a dual culture, in which Arbëresh identity coexisted and interacted with the Italian political and social environment<sup>2</sup>. This cultural duality was reflected in the use of the Albanian language in everyday life and in liturgy, alongside the use of Italian in administration and public communication; likewise, in the preservation of Albanian rites and customs within the structures of local Italian society. This dual experience not only ensured the survival of Arbëresh identity but also created bridges between East and West, between the Byzantine heritage and the Latin context.

The process of preserving identity unfolded through a wide spectrum of cultural and spiritual practices: the institutions of the Byzantine rite, liturgy in the native language, polyphonic songs, epic poetry, and a rich oral tradition. These elements were not mere folklore, but powerful instruments for transmitting historical memory and for shaping a collective culture resistant to assimilation. Many scholars have described the Arbëresh diaspora as a 'living archive' of medieval Albanian culture, since certain elements of folklore that diminished or

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1 Frashëri, Kristo. 2011. *Historia e shqiptarëve*. Tiranë: Toena

2 Bartl, Peter. 2001. *Albanien: Vom Mittelalter bis zur Gegenwart*. Regensburg: Friedrich Pustet.

disappeared in the Albanian territories, due to Ottoman pressure and restrictions on cultural expression, survived and were preserved precisely in the Arbëresh colonies<sup>3</sup>. These elements included not only ancient literary and musical traditions, but also symbols and rites that connected younger generations with the memory of a lost homeland. In this way, the Arbëresh were not merely passive custodians of collective memory, but also active agents of a long-term cultural project, centered on the survival and renewal of Albanian identity. This tradition became the foundation for the cultural and political revival of Albanians in the nineteenth and twentieth centuries, when the Arbëresh, inspired by the heritage preserved in the diaspora, played a crucial role in shaping Albanian national consciousness and in advancing the processes of the National Awakening (Rilindja Kombëtare)<sup>4</sup>. As such, they may be regarded not only as custodians of heritage, but also as early architects of the Albanian national project.

## Relations with the Holy See

Unlike many other Christian populations of the Balkans, which often remained isolated from European ecclesiastical centers and were therefore more easily exposed to the pressures of assimilation, the Arbëresh enjoyed a direct and lasting connection with the Holy See. The Vatican perceived them as a spiritual bulwark against the advance of Islam and as a strategic instrument for maintaining Catholic influence in the geopolitically sensitive region of the Balkans<sup>5</sup>. This vision of the Holy See was not limited to a religious dimension, but also carried a distinctly political emphasis, as support for the Arbëresh was viewed as a means of exercising influence in Albanian territories without entering into direct confrontation with the Ottoman Porte. For this very reason, from the establishment of the Congregation for the Propagation of the Faith in 1622, the Arbëresh diaspora became an integral part of the Vatican's long-term plans for the region. This new ecclesiastical institution, created with the aim of spreading and consolidating the Catholic faith in territories where it was under threat, regarded the Arbëresh as a reliable ally and a secure channel for communication and influence in the Balkans<sup>6</sup>. Their inclusion in this project transformed the Arbëresh diaspora into a significant actor, not only in the preservation of religious identity, but also in its intertwining with the cultural and national dimension of Albanian identity. The Holy See invested heavily in the formation of Arbëresh elites through the establishment and support of religious colleges. Arbëresh students received

<sup>3</sup> Clayer, Nathalie. 2007. *Aux origines du nationalisme albanais: La naissance d'une nation majoritairement musulmane en Europe*. Paris: Karthala.

<sup>4</sup> Jorga, Nicolae. 1919. *Histoire des états balkaniques*. Paris: Librairie Félix Alcan.

<sup>5</sup> Skendi, Stavro. 1967. *The Albanian National Awakening: 1878–1912*. Princeton: Princeton University Press.

<sup>6</sup> Logoreci, Anton. 1977. *The Albanians: Europe's Forgotten Survivors*. London: Victor Gollancz.

scholarships, theological and philosophical literature, as well as an educational program specifically tailored to the needs of the ‘Albanian mission’<sup>7</sup>. In these colleges, they were trained not only as clergy with profound spiritual formation, but also as teachers, writers, and translators, capable of working in the field and disseminating their knowledge. Thus, the Arbëresh graduates of these institutions became dual agents: on the one hand, carriers of Western culture and thought, and on the other, defenders of the Albanian language, customs, and national identity<sup>8</sup>.

This special relationship between the Vatican and the Arbëresh was not confined to the religious sphere. It also possessed a political and cultural depth that rendered the partnership even more enduring. The Holy See employed the Arbëresh diaspora as a direct channel of communication with the Albanian population, exerting influence not only in the spiritual realm, but also in the development of Albanian culture and language<sup>9</sup>. On the other hand, the Arbëresh themselves regarded this support as a means of strengthening their identity, preserving their language, rite, and customs, while keeping alive their spiritual and cultural bond with the homeland of origin. This interaction created a reciprocal partnership: the Vatican secured a reliable instrument for maintaining its influence in the Balkans, while the Arbëresh benefited from steady support in preserving their national consciousness.

## The Diaspora as an Actor of Cultural Diplomacy

One of the most intriguing dimensions of the Arbëresh role in Albanian history is the fact that they can be regarded as early actors of cultural diplomacy. Through their educational, literary, and ecclesiastical activity, they contributed to the construction of an image of the Albanians as a Christian people, closely connected to Europe and capable of preserving their identity in the face of Ottoman rule<sup>10</sup>. This image was not merely a reflection of internal self-awareness, but rather a deliberate strategy aimed at generating sympathy and support within Western circles. It was consistently cultivated in the Vatican colleges and disseminated through the networks of Arbëresh missionaries active in Albania and abroad. This activity would have a significant impact in the centuries that followed, particularly during the diplomatic efforts for the international recognition of Albania at the beginning of the twentieth century<sup>11</sup>.

In this way, the Arbëresh heritage can be seen as a form of cultural capital employed to position the Albanian nation within the political and cultural map of

<sup>7</sup> Gawrych, George. 2006. *The Crescent and the Eagle: Ottoman Rule, Islam and the Albanians, 1874–1913*. London: I.B. Tauris

<sup>8</sup> Clayer, Nathalie. 2012. *Religion et nation chez les Albanais aux XIXe et XXe siècles*. Paris: Karthala.

<sup>9</sup> Elsie, Robert. 2005. *Albanian Literature: A Short History*. London: I.B. Tauris.

<sup>10</sup> Buda, Aleks. 1985. *Probleme të Rilindjes Kombëtare Shqiptare*. Tiranë: Akademia e Shkencave

<sup>11</sup> Puto, Arben. 2009. *Lidhja Shqiptare e Prizrenit dhe ideologjia kombëtare shqiptare*. Tiranë: Dituria.

Europe. The contribution of the Arbëresh diaspora was not limited to renowned figures of literature and national thought such as Zef Skiroi, Jeronim De Rada, and Giuseppe Schirò, who gave a high literary and intellectual dimension to their mission. Alongside them stood an entire generation of lesser-known clerics and intellectuals who returned to Albania to open schools, preach in the Albanian language, and build bridges of communication between the local population and Western centers. These local actors demonstrate that the Arbëresh diaspora was not a community locked in nostalgia for the homeland, but an active mechanism for the transmission of cultural and ideological values. Through their efforts, not only Catholic faith, but also the ideas of European humanism and Enlightenment were conveyed to Albania, nourishing the process of national consciousness and preparing the ground for the National Awakening<sup>12</sup>.

This makes the Arbëresh diaspora a unique factor in Albanian history: a small community in numbers, yet one with a disproportionate influence on the preservation, development, and internationalization of Albanian national identity. Operating in an intermediary space between the Vatican, Italy, and the Albanian territories, they emerged as a mediating elite that articulated a conscious project of nation-building. This project was not an isolated one, but received continuous and structured support from the Holy See, which regarded the Arbëresh as a reliable partner for maintaining its influence and for affirming the Albanians as part of the European Christian family (Clayer, 2012).

The following sections present the main analytical findings of the study. Rather than treating the Arbëresh colleges merely as historical case descriptions, they are examined as institutional mechanisms through which religious education, linguistic preservation, and national consciousness were interconnected. Each case illustrates a distinct but complementary dimension of the diaspora's mediating role between the Vatican and Albanian society.

## **The Arbëresh Colleges as Centers of Knowledge and Identity**

The College of Palermo, founded in 1734, represented one of the most important centers of educational, spiritual, and cultural formation for the Arbëresh and Albanian elite of the time. At a moment when Albanians in their native territories faced severe cultural and religious restrictions under Ottoman rule, this college provided a space in which the Albanian language, customs, and heritage could be freely preserved and developed. For the Arbëresh settled in southern Italy, it served as a point of identity reference, while for Albanians arriving from the occupied territories, Palermo became an open gateway to the Western world and a place where they could acquire contemporary education and European culture.

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<sup>12</sup> Kola, Paulin. 2003. *The Search for Greater Albania*. London: Hurst & Company.

A clear example of the impact of this institution is the figure of Giuseppe Schirò (1865–1927), who was educated in Palermo and later became Archbishop of Durrës. Schirò distinguished himself not only as a senior cleric of the Catholic Church but also as a defender of Albanian education and the dissemination of national literature. He published writings and preached in the native language at a time when the use of Albanian was restricted, giving it a new spiritual and cultural dimension. Through his work, the Albanian language was elevated not only as a tool of daily communication but also as a medium of ecclesiastical and cultural expression, affirming it as part of the European tradition.<sup>13</sup>

Another prominent figure associated with this college is Zef Skiroi (1865–1927), a distinguished Arbëresh poet and scholar. Thanks to his academic and cultural formation in Palermo, Skiroi developed an extensive literary and scholarly activity, in which poetry and studies on the Albanian language became powerful instruments for the affirmation of Albanian culture. His works were published in prestigious Italian and Albanian journals, giving international resonance to Arbëresh and Albanian culture<sup>14</sup>. Through his writings, Skiroi managed to intertwine poetic aesthetics with national engagement, becoming a key figure in the process of the Albanian National Awakening.

Thanks to these figures, the College of Palermo is revealed not merely as a school of religious education, but as a strategic center for the formation of intellectuals capable of building lasting bridges between the Vatican, Italy, and Albania. It created an elite which, through writing, preaching, and cultural activity, articulated the idea of an Albania closely connected with the Western world and capable of preserving its identity in the face of historical challenges.

In analytical terms, the College of Palermo exemplifies how religious education functioned as an institutional platform for linguistic preservation and elite formation, transforming ecclesiastical training into a mechanism of national mediation between the Vatican and Albanian society.

## The College of Cesena

The College of Cesena, founded in 1710, was smaller in scale and less renowned compared to that of Palermo, but it had a clear mission: to train clergy and missionaries prepared to serve in Albania and in other territories of the Balkans. Unlike other colleges that functioned as cultural and academic centers, Cesena had a more practical and missionary profile, focusing its efforts on preparing clergy for direct action in the field.

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<sup>13</sup> Bartl, Peter. 2001. *Albanien: Vom Mittelalter bis zur Gegenwart*. Regensburg: Friedrich Pustet.

<sup>14</sup> Elsie, Robert. 2005. *Albanian Literature: A Short History*. London: I.B. Tauris.

An emblematic figure of the model that this college sought to produce, although not formed directly in Cesena, was Pjetër Bogdani (1625–1689). Through his monumental work *Cuneus Prophetarum*, Bogdani demonstrated how a cleric educated in the West could serve not only as a theologian and missionary, but also as a defender of the Albanian language and national identity<sup>15</sup>. This was precisely the profile of clergy that Cesena and the other Arbëresh colleges sought to cultivate. Many of the priests trained in Cesena, although less well-known in history, traveled to Albania to open small schools and to preach in the native language. Their mission was often accompanied by the distribution of religious books in Albanian, which constituted an essential element of both education and cultural resistance. Reports of the Congregation for the Propagation of the Faith mention books such as:

- The Christian Doctrine, translated from Latin catechisms, a simple manual for believers that was used both to teach the fundamentals of faith and as an initial tool of literacy.
- Various catechisms in Albanian, prepared specifically for use in Albanian parishes, which were disseminated by priests returning from Cesena.
- Translations of portions of the Gospels and liturgical books into Albanian, which served as tools for preaching and gave the faithful the opportunity to hear the message of faith in their mother tongue<sup>16</sup>.

These books were not merely devotional tools; they became cultural and linguistic instruments. Through them, Albanian acquired the status of a language suitable for religious and educational instruction, serving as a foundation for the preservation of national identity. In this sense, Cesena functioned as a quiet but highly effective base of Albanian cultural resistance. Its priests, equipped with books in Albanian and motivated by their mission, became disseminators of knowledge and identity at a time when Albania suffered from the absence of educational institutions and the constant threat of assimilation.

## The College of Loreto

The College of Loreto, founded in 1580, was among the earliest and for a long time the most important of the Arbëresh colleges. In addition to serving the formation of Albanian clergy, it became a center for publications in the Albanian language, exerting a profound influence on the preservation and development of national

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<sup>15</sup> Skendi, Stavro. 1967. *The Albanian National Awakening: 1878–1912*. Princeton: Princeton University Press.

<sup>16</sup> Clayer, Nathalie. 2012. *Religion et nation chez les Albanais aux XIXe et XXe siècles*. Paris: Karthala.

culture and language under Ottoman rule. Loreto represented a space where religion, culture, and national identity were closely interwoven, and where the Albanian book acquired the status of an instrument of cultural survival.

A particularly significant example is Frang Bardhi (1606–1643), who published the Latin–Albanian Dictionary in 1635, one of the earliest lexicographic works in the history of the Albanian language. This dictionary was not merely a linguistic tool, but also a conscious cultural act, intended to demonstrate the richness and antiquity of Albanian and to secure for it a place within the family of European languages<sup>17</sup>. Bardhi's work reflects the spirit cultivated at Loreto: the defense of the language and the writing of Albanian history. Another figure closely connected with Loreto was Pjetër Mazrreku (1600–1650). He left behind detailed reports on the condition of Albanians under Ottoman rule, which are today preserved in the archives of the Congregation for the Propagation of the Faith. These reports describe the social, religious, and cultural realities of the seventeenth century, making them invaluable sources for the history of that period<sup>18</sup>. Mazrreku employed documentation not only for ecclesiastical purposes, but also as a cultural strategy to raise awareness within the Vatican about the condition of the Albanians.

Beyond these figures, Loreto was also a center for the preparation and dissemination of a series of liturgical texts and catechisms in Albanian, which proved essential for religious education and basic instruction:

- **Catechisms in Albanian, translated from Latin**, used by priests to teach children and adults the fundamental doctrines of Christianity.
- **Translated portions of the Gospels and liturgical services**, which ensured that the word of faith was preached in the native language. These texts gave Albanian a spiritual and liturgical dimension, strengthening its position in the public life of Albanian communities.
- **Apologetic and historical writings**, which defended the Christian tradition and presented Albanians as a people with ancient roots and a European identity, countering the Ottoman narrative<sup>19</sup>.

These publications make it clear that Loreto was not merely a religious school, but a center of documentation and cultural production, where the earliest texts openly affirming the Albanian language and identity were created. Through them, Loreto forged strong bridges between the Vatican and the Albanian reality, offering the European world written testimony about the language, history, and culture of the Albanians.

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<sup>17</sup> Elsie, Robert. 2005. *Albanian Literature: A Short History*. London: I.B. Tauris.

<sup>18</sup> Logoreci, Anton. 1977. *The Albanians: Europe's Forgotten Survivors*. London: Victor Gollancz.

<sup>19</sup> Clayer, Nathalie. 2012. *Religion et nation chez les Albanais aux XIXe et XXe siècles*. Paris: Karthala.

## The Seminary of San Demetrio Corone

San Demetrio Corone, founded in 1794 in Calabria, is perhaps the best known and longest-lasting of the Arbëresh colleges. Unlike earlier colleges, which often faced temporal limitations or narrower functions, San Demetrio Corone succeeded in creating a continuous educational, cultural, and national tradition that made it a cornerstone of the Albanian National Awakening. It served not only for the training of clergy, but also became a center of the Arbëresh and Albanian intellectual elite, combining religious education with a cultural and national mission.

The most prominent figure associated with this institution is undoubtedly Jeronim De Rada (1814–1903). As a student of the seminary, he was formed not only spiritually, but also as an intellectual engaged in the cause of the Albanian nation. His work *The Songs of Milosao* (1836) is widely considered the beginning of the literature of the Albanian National Awakening. Through his poetry, De Rada intertwined myth, history, and language, elevating Albanian to the level of a cultivated literary language and transforming literature into an instrument of national consciousness<sup>20</sup>. Beyond his poetic creation, De Rada was also a publicist and political activist, using the press and intellectual organizations to keep alive the idea of Albanian freedom and independence.

San Demetrio Corone was not limited to teaching; it was a cultural laboratory. Within its walls were born and disseminated journals and periodicals that served as the voice of the Arbëresh diaspora for the national cause. Among these, the journal *Fiamuri Arbërit* (1883–1887), founded and directed by De Rada, stands out. This publication was not merely a literary magazine, but an organ of Albanian national thought in exile. Through it, ideas of independence were articulated, poetry, essays, and historical analyses were published, and a platform was created through which the Arbëresh diaspora communicated with patriots in the Albanian lands<sup>21</sup>.

The influence of San Demetrio Corone extended beyond the borders of Italy. Graduates of this seminary often returned to Albania or built bridges with patriotic circles among other Arbëresh communities, spreading books, ideas, and cultural projects that helped shape Albanian national consciousness. In this way, the seminary played a direct role in the nation-building process.

Even today, San Demetrio Corone remains a symbol of the continuity of Arbëresh culture. It demonstrates that this institution was not a religious school in the narrow sense, but a comprehensive intellectual, cultural, and political platform

<sup>20</sup> Buda, Aleks. 1985. *Probleme të Rilindjes Kombëtare Shqiptare*. Tiranë: Akademia e Shkencave.

<sup>21</sup> Clayer, Nathalie. 2007. *Aux origines du nationalisme albanais: La naissance d'une nation majoritairement musulmane en Europe*. Paris: Karthala.

that kept the Albanian national identity alive in the conditions of the diaspora and contributed decisively to the National Awakening.

## **Conclusions on the Arbëresh Colleges as Precursors of the Albanian National Awakening**

Concrete examples from Palermo, Cesena, Loreto, and San Demetrio Corone clearly demonstrate that the Arbëresh colleges were not institutions confined solely to religious functions, but multidimensional centers where faith, culture, and national politics were organically intertwined. Within these spaces, a new Albanian and Arbëresh elite was formed, poets, priests, scholars, missionaries, and activists, who became carriers of historical memory, guardians of the native language, and promoters of national consciousness.

The College of Palermo produced figures who defended and affirmed the Albanian language as a spiritual and cultural element. Cesena, with its practical missionary profile, trained clergy who served as teachers and preachers in Albanian within the homeland, preserving identity under difficult conditions. Loreto became an early laboratory of Albanian publications and documentation, leaving a legacy such as Frang Bardhi's dictionary and Mazrreku's reports. Meanwhile, San Demetrio Corone marked the culmination of this development, transforming into an intellectual and political platform that directly linked the Arbëresh diaspora with the project of the Albanian National Awakening.

In this way, these colleges created an interwoven educational and cultural network that functioned as a 'parallel university' of the Albanian nation, at a time when national educational institutions were absent in the territories occupied by the Ottoman Empire. They fulfilled three essential functions:

- The linguistic function – spreading and cultivating Albanian as a written language, raising it to academic and liturgical status.
- The cultural function – creating and disseminating literature, history, and journalism in Albanian, thereby affirming national identity.
- The political and nation-building function – preparing an elite which, through literary works, preaching, and the press, kept alive the idea of Albania as a European nation worthy of independence.

Therefore, the Arbëresh colleges can be considered the first schools of the Albanian nation, which laid the ideological, linguistic, and cultural foundations of the National Awakening in the nineteenth century. They were not merely closed religious institutions, but dynamic centers of cultural and spiritual resistance that produced the human and intellectual capital necessary for the eruption of the national movement.

## From the Arbëresh Colleges to the Albanian National Awakening

The Arbëresh colleges represented a unique phenomenon in Albanian history, as they were not merely traditional religious seminaries, but institutions that combined the spiritual dimension with cultural and nation-building functions. They created a distinctive intellectual elite which, on the one hand, was closely connected to Europe, through academic contacts, the circulation of humanist ideas, and engagement with Western cultural developments, while, on the other hand, remained committed to the preservation of Albanian identity. This duality gave the elite an irreplaceable role as mediators between Western culture and the Albanian heritage.

Through the teaching of the Albanian language, the publication of books, and spiritual formation, these institutions prepared a generation that gave life to the Albanian national ideology in the nineteenth century. Within their classrooms, Albanian was disseminated as a language of liturgy, literature, and journalism, acquiring the status of a written language and moving from the level of oral tradition to a standardized cultural dimension<sup>22</sup>. This represented a major step toward the creation of a collective consciousness, in which national identity was no longer seen merely as an inherited element, but as a conscious project cultivated through education. Their importance lay in the fact that they functioned as schools of the nation long before the Albanian state itself came into existence. At a time when Albanians in their homeland lacked educational institutions in their own language, the Arbëresh colleges assumed the role of the absent national school. Within their walls, spaces were created where the history, traditions, and language of the Albanians were transmitted, providing a strong foundation for the development of an organized sense of identity. These institutions became the first laboratories of nation-building, where ideas were elaborated and the language was shaped that would later nourish the national movement and the project of independence<sup>23</sup>.

In this way, the Arbëresh colleges not only contributed to the preservation of cultural and spiritual heritage, but also created the necessary conditions for the emergence of Albanian nationalism as a modern ideology, demonstrating that the diaspora was not merely a space of memory, but an active actor in the process of nation-building.

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<sup>22</sup> Clayer, Nathalie. 2012. *Religion et nation chez les Albanais aux XIXe et XXe siècles*. Paris: Karthala.

<sup>23</sup> Skendi, Stavro. 1967. *The Albanian National Awakening: 1878–1912*. Princeton: Princeton University Press.

## Figures Emerging from the Colleges

The formation of the Arbëresh intellectual elites in the colleges of Palermo, Cesena, Loreto, and San Demetrio Corone represents one of the most significant contributions of the diaspora to Albanian cultural and national history. These institutions did not produce only clergy prepared for religious service, but also poets, publicists, scholars, and activists who became carriers of national identity. The figures who emerged from these colleges deserve special recognition for the way in which, through their works, they conferred upon the Albanian language a new literary and scholarly status, articulated the first ideas of national unity, and created channels of communication between Albanian culture and the European world. In this context, Jeronim De Rada, Zef Skiroi, and Giuseppe Schirò most clearly embody the impact of these institutions on the Albanian National Awakening.

### *Jeronim De Rada (1814–1903)*

De Rada, educated at the Seminary of San Demetrio Corone, represents the clearest example of the influence of the Arbëresh colleges on the Albanian National Awakening. With the publication of *The Songs of Milosao* (1836), he marked the birth of modern Albanian literature and opened a new era for national culture. His work was not merely a poetic creation, but also a cultural and political program aimed at demonstrating that the Albanians possessed a glorious historical, cultural, and linguistic tradition worthy of recognition by Europe. Through it, he sought to strengthen national consciousness and to create a shared historical narrative for the Albanian people<sup>24</sup>. De Rada did not confine himself to the literary sphere. In his journalism, particularly through the journal *Fiamuri Arbërit* (1848–1887), he articulated for the first time the idea of Albanian national unity, giving the National Awakening a clear cultural and political dimension. This role made him not only a poet, but also an early ideologue of Albanian nationalism, who intertwined European Romantic ideals with the project of national liberation.

### *Zef Skiroi (1865–1927)*

The Arbëresh poet and scholar Zef Skiroi, educated at the College of Palermo, used his literary work to affirm Albanian national identity and to bring it to the attention of European literary circles. His poetic creations, such as *In a Foreign Land*, reflect the longing for the homeland, the drama of Arbëresh emigration, and

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<sup>24</sup> Buda, Aleks. 1985. *Probleme të Rilindjes Kombëtare Shqiptare*. Tiranë: Akademia e Shkencave.

the challenge of preserving identity in a foreign reality. These motifs are not merely individual, but represent the collective experience of the diaspora, which becomes a metaphor for the destiny of the Albanian nation<sup>25</sup>. Skiroi became a powerful voice for the Albanians in Italy, intertwining religious sentiment with national consciousness. He also contributed scholarly writings on the Albanian language and folklore, affirming Albanian culture at an academic level and disseminating it within intellectual circles in Italy and beyond.

### *Giuseppe Schirò (1865–1927)*

Another important figure who emerged from the College of Palermo was Giuseppe Schirò, who served as Archbishop of Durrës, playing a direct role in strengthening the Church and Albanian-language education in the Albanian territories. Through his ecclesiastical service, he defended the use of the Albanian language in liturgy and religious education, making it an important instrument of national consciousness. His cultural activity was equally wide-ranging: he published poetry, translations, and linguistic studies that placed Albanian at the center of the intellectual life of the Arbëresh community and reinforced the spiritual and cultural ties with Albania.<sup>26</sup> Through the combination of his clerical and literary roles, Schirò marked a stage in which religion, culture, and national identity functioned in harmony to support the Albanian cause.

## **Publications in the Albanian Language**

A fundamental element of the influence of the Arbëresh colleges was the publication of books in the Albanian language, a practice that gave the language a new literary, liturgical, and identity-building function. At the College of Loreto and later at the Seminary of San Demetrio Corone, liturgical texts, grammars, and Albanian poetry were translated and published, creating a lasting tradition of writing and public use of the mother tongue. These publications did not remain confined within the walls of the institutions, but were distributed among the Arbëresh communities and, often secretly, in Albania itself, directly contributing to the preservation of cultural identity in the face of Ottoman pressure and the process of Islamization<sup>27</sup>.

A paradigmatic example is Frang Bardhi's Latin–Albanian Dictionary (1635), which, although compiled earlier, created an intellectual and methodological

<sup>25</sup> Elsie, Robert. 2005. *Albanian Literature: A Short History*. London: I.B. Tauris.

<sup>26</sup> Bartl, Peter. 2001. *Albanien: Vom Mittelalter bis zur Gegenwart*. Regensburg: Friedrich Pustet.

<sup>27</sup> Clayer, Nathalie. 2012. *Religion et nation chez les Albanais aux XIXe et XXe siècles*. Paris: Karthala.

precedent that would be followed by future generations educated in the colleges<sup>28</sup>. This work became a point of reference for the standardization of Albanian and for the earliest efforts at its codification. Later, the publications of Jeronim De Rada at San Demetrio Corone, and especially the Arbëresh journals such as Fiamuri Arbërit, became platforms for national ideas, where the Arbëresh diaspora for the first time articulated the vision of a free and united Albania<sup>29</sup>. In this way, the colleges were not only centers of spiritual formation, but also printing presses of the nation, making the written Albanian word a powerful instrument of national consciousness.

## The Cultural Diplomacy of the Diaspora

The Arbëresh colleges were not limited to preserving the cultural and linguistic identity of the Albanians; they also became actors of cultural diplomacy, giving the Arbëresh diaspora an indispensable role on the international stage. Intellectuals trained in these institutions used their European education, their contacts with academic circles, and their ties with the ecclesiastical world to build bridges of communication between the Albanian cause and Western public opinion. These connections served as channels of lobbying and political awareness, helping to prepare the ground for the recognition of an independent Albania in 1912<sup>30</sup>.

An emblematic example is Jeronim De Rada, who, in addition to his literary work, actively participated in international congresses and published articles in the Italian press, where he described the Albanians as a nation with Christian roots, organically connected to European civilization and worthy of statehood. This type of discourse corresponded with the strategies of other Balkan nationalisms, but in the Albanian case it had a special importance: it was a narrative constructed by the diaspora, which resonated in European cultural and political circles<sup>31</sup>.

In this sense, the cultural diplomacy of the Arbëresh diaspora can be seen as an early form of 'soft power,' in which literature, journalism, and intellectual networks functioned as political instruments. Through them, the Arbëresh succeeded in projecting a positive image of the Albanians in Europe, presenting them not as a peripheral people of the Ottoman Empire, but as a nation that naturally belonged to the family of European nations. This approach not only helped legitimize the Albanian cause, but also fostered the creation of political and cultural alliances that would later be utilized by the Albanian elites during the process of declaring independence.

<sup>28</sup> Elsie, Robert. 2005. *Albanian Literature: A Short History*. London: I.B. Tauris.

<sup>29</sup> Clayer, Nathalie. 2007. *Aux origines du nationalisme albanais: La naissance d'une nation majoritairement musulmane en Europe*. Paris: Karthala.

<sup>30</sup> Puto, Arben. 2009. *Lidhja Shqiptare e Prizrenit dhe ideologjia kombëtare shqiptare*. Tiranë: Dituria.

<sup>31</sup> Kola, Paulin. 2003. *The Search for Greater Albania*. London: Hurst & Company.

## From Religious Culture to National Identity

The influence of the Arbëresh colleges in Albanian history cannot be fully understood without analyzing the organic interweaving of religious culture and national identity. For the Holy See, these institutions represented an important instrument for consolidating the Catholic presence in a region dominated by the Ottoman Empire and for curbing the spread of Islam. Yet for the Arbëresh and the Albanian intellectuals trained there, the colleges served above all as platforms of national survival, where faith and nationhood were bound together in a distinctive historical synthesis<sup>32</sup>.

This duality makes it clear that the Albanian National Awakening possessed a unique character compared to other Balkan nationalisms. It was nourished initially by the spiritual roots and Christian traditions kept alive in the diaspora, but later gradually transformed into a political and national project oriented toward independence and state modernization. In this sense, the liturgy in Albanian, the publication of religious texts, and the training of Arbëresh clergy were not merely acts of devotion, but also conscious cultural and nation-building strategies<sup>33</sup>.

For this very reason, the Arbëresh colleges can be regarded as one of the foundational pillars of Albanian national consciousness, for they created a space where religious faith and national identity were not mutually exclusive but instead reinforced one another. This model of intertwining faith and nation, constructed in the diaspora, explains why the Albanian National Awakening relied so heavily on figures formed in these institutions, who in their work united both the spiritual heritage and the national ideal.

## Conclusions on the Role of the Arbëresh Colleges in the Albanian National Awakening

From the analysis of the figures, publications, and activities of the Arbëresh colleges, it becomes clear that these institutions were not merely religious centers but transformed into direct precursors of the Albanian National Awakening. They shaped an intellectual elite that, nourished by the values of Christianity and European humanism, succeeded in intertwining spiritual faith with the national ideal. This elite became the bearer of the ideas of independence and of the affirmation of the Albanian nation at a time when national consciousness was still in formation.

<sup>32</sup> Clayer, Nathalie. 2012. *Religion et nation chez les Albanais aux XIXe et XXe siècles*. Paris: Karthala.

<sup>33</sup> Skendi, Stavro. 1967. *The Albanian National Awakening: 1878–1912*. Princeton: Princeton University Press.

Through Albanian-language publications, the use of the mother tongue in liturgy, journalism, and cultural diplomacy, the Arbëresh colleges created a new identity discourse that positioned the Albanian nation as an integral part of European civilization. Figures such as Jeronim De Rada, Zef Skiroi, and Giuseppe Schirò were concrete examples of this process, using the pen, the spoken word, and public activity as instruments of national awareness.

Therefore, the history of the Albanian National Awakening cannot be fully understood without taking into account the role of the Arbëresh diaspora and its colleges, which acted as laboratories of Albanian nation-building and as bridges between the Vatican, Italy, and the Albanian lands. These institutions demonstrate that the Albanian nation was born not only from efforts within the homeland, but also from the intellectual energy of the diaspora, which made the Albanian question present on the European cultural and political stage

## The Legacy of the Arbëresh Colleges in Modern Albanian Culture

The Arbëresh colleges, especially San Demetrio Corone, continued to operate with intensity throughout the nineteenth and twentieth centuries, becoming guarantors of Albanian cultural heritage in exile. Their role was not limited to the training of clergy, but extended to the preservation and transmission of the Albanian language, customs, and historical memory to younger generations. At a time when, in the Albanian lands, the language itself faced the risk of extinction due to Ottoman prohibitions and the absence of Albanian educational institutions, the Arbëresh colleges created spaces where Albanian was institutionalized as a language of liturgy, instruction, and culture, thus protecting it from assimilation.

These institutions kept alive not only the written language, through the publication of liturgical books, grammars, and literary works, but also the spoken language, ensuring that it remained an integral part of spiritual education and everyday community life. As a result, the Arbëresh communities in Calabria, Sicily, and Molise still today stand as a living testimony to this historical mission. In these settlements, an archaic dialect of Albanian continues to be spoken, directly linked to the tradition of the language preserved and transmitted through the colleges and through the Byzantine liturgy in the mother tongue<sup>34</sup>. This dialect, which has survived for more than five centuries, stands as tangible evidence of the role these institutions played as guardians of national identity.

One of the most distinguished figures associated with San Demetrio Corone is Jeronim De Rada (1814–1903), who studied there and later became a renowned poet, publicist, and activist of the Albanian National Awakening. His work

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<sup>34</sup> Clayer, Nathalie. 2007. *Aux origines du nationalisme albanais: La naissance d'une nation majoritairement musulmane en Europe*. Paris: Karthala.

The Songs of Milosao (1836) is regarded as a cornerstone of modern Albanian literature and as a poetic manifesto of national identity. Through his journal *Fiamuri Arbërit*, De Rada transformed the college and the Arbëresh diaspora into a genuine intellectual platform where the ideas of Albanian freedom and nationhood were articulated.

Another figure is Gavril Dara the Younger (1826–1885), also connected with Arbëresh cultural circles, who left behind the epic poem *The Last Song of Bala*, a poetic testament that intertwines Albanian myths with the romantic spirit of the nineteenth century. Likewise, Zef Skiroi (1865–1927) and Giuseppe Schirò (1836–1927), both educated in these institutions, contributed through poetry, journalism, and ecclesiastical activity to affirming the Albanian language as a language worthy of both culture and faith.

These personalities, emerging from the Arbëresh colleges, demonstrate that San Demetrio Corone and similar institutions served not only as educational centers for the generations of the National Awakening but also as carriers of the historical and cultural continuity of the Arbëresh into the present day. They created a bridge linking the early centuries of the diaspora with contemporary reality, proving that the preservation of language and culture was not a spontaneous process, but the result of sustained institutional and communal effort, today constituting one of the most valuable treasures of the Albanian heritage in Europe.

## The Impact on Albanian Culture and Education

The figures educated in the Arbëresh colleges contributed not only in the nineteenth century and during the National Awakening, but also directly influenced the construction of the Albanian state after 1912. Their educational and spiritual legacy created a durable model that was reflected in the state-building projects of the twentieth century.

A particularly significant example is Fan Noli (1882–1965). Although he was not a direct student of the Arbëresh colleges, the experience and tradition of these institutions shaped his vision. Noli was influenced by the Arbëresh heritage and its early ties with the Vatican and Western culture, bringing this spirit into Albania through his project of a national church, in which the Albanian language was placed at the center of liturgy and spiritual life<sup>35</sup>. This concept reflected the centuries-old experience of the Arbëresh colleges, which had employed Albanian in education and preaching, making it a sanctified language and a constitutive part of national identity.

The influence of the Arbëresh colleges was also strongly felt in the field of education. Many of the teachers of the first Albanian schools at the end of the

<sup>35</sup> Puto, Arben. 2009. *Lidhja Shqiptare e Prizrenit dhe ideologjia kombëtare shqiptare*. Tiranë: Dituria.

nineteenth and the beginning of the twentieth century were indirectly connected with the Arbëresh tradition, whether through books published by Arbëresh intellectuals or through diaspora networks that circulated books, ideas, and material support. Through this ‘chain effect,’ the Arbëresh colleges laid the groundwork for the modern Albanian school, shaping the spread of literacy and affirming Albanian as a language of education and culture.

Thus, their influence is not confined to the historical dimension of the National Awakening, but extends into a long-term process that includes the building of Albanian state institutions and the development of national culture in the twentieth century.

## **Albania–Vatican Relations**

Another essential aspect of the legacy of the Arbëresh colleges is their role as a bridge between Albania and the Holy See. From their foundation, these institutions served not only as centers of education and religion but also as channels of communication between the Vatican and the Albanians, ensuring that the connection with the Western Catholic world remained alive even during the difficult periods of Ottoman rule. Through them, Albanians became part of a cultural and spiritual dialogue that placed them within the European orbit at a time when the political and military isolation of the Ottoman Empire limited direct access to the West.

In the twentieth century, this Arbëresh tradition of mediation became an important factor in Albania’s integration into Western Europe. The Arbëresh, through their academic, ecclesiastical, and cultural networks, contributed to shaping an image of Albania as a country with deep European roots and an identity formed by religious coexistence and by its early ties with the Holy See.

A symbolic moment in this regard was the visit of Pope John Paul II to Tirana in 1993, immediately after the fall of the communist regime. During this visit, the Pope publicly praised the historical role of the Arbëresh as guardians of Albanian identity and as those who kept alive the link with the Vatican during the darkest periods of history<sup>36</sup>. This gesture of the Holy See was not only a religious act but also a political and cultural message, positioning Albania as part of the tradition of European Christianity and Western culture. This legacy continues to have an impact today, helping to construct a positive image of Albania as a country with a long tradition of religious tolerance and with early and enduring ties to Europe. In this sense, the role of the Arbëresh colleges extends beyond educational and cultural history: they have served as an instrument of cultural diplomacy that has supported Albania in its path toward international recognition and European integration.

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<sup>36</sup> Kola, Paulin. 2003. *The Search for Greater Albania*. London: Hurst & Company.

## The Arbëresh and Albanian Identity in the Diaspora

The legacy of the Arbëresh colleges is also evident in the roles that the Arbëresh assumed as cultural ambassadors of the Albanians, transmitting Albanian culture and identity in Italy and across Europe. In the twentieth and twenty-first centuries, their activity has not diminished; on the contrary, it has taken new forms, linked to scholarly and literary publications, the organization of international congresses, and the promotion of Albanian culture within broader academic and cultural spaces.

Many Italian academic institutions have established chairs of Albanian language and culture, which are historically connected to the work of the Arbëresh colleges and to the efforts of the figures who emerged from them<sup>37</sup>. These chairs not only affirm the importance of Albanian as a subject of university study, but also testify to the continuity of an intellectual tradition with deep roots in the Arbëresh contribution to the preservation and development of Albanian identity.

In addition to publications and academic activity, cultural festivals such as the *Settimana della Cultura Arbëreshe* in Calabria play an important role in promoting Arbëresh heritage. These festivals commemorate emblematic figures of the National Awakening, such as Jeronim De Rada, and highlight the legacy of the colleges as institutions that intertwined education, religion, and national culture. Such events are not merely remembrances of the past, but living expressions of Arbëresh identity in the diaspora, building bridges of communication between Arbëresh communities and Italian society, as well as between the diaspora and Albania itself.

In this way, the Arbëresh continue to serve as ambassadors of Albanian culture, demonstrating that the legacy of the colleges has not remained confined to history, but represents a living cultural capital that still contributes to the recognition and affirmation of Albanians on the international stage

## Academic and Cultural Appraisal Today

In contemporary scholarship, the Arbëresh colleges are being re-evaluated as laboratories of Albanian nation-building, where religion, culture, and national identity merged into a unique historical project. Renowned scholars such as Nathalie Clayer (2007), Stavro Skendi (1967), and Robert Elsie (2005) have emphasized that without these institutions it would be impossible to fully understand the Albanian National Awakening and the process that led to the declaration of Albania's independence in 1912. The colleges functioned as centers

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<sup>37</sup> Gawrych, George. 2006. *The Crescent and the Eagle: Ottoman Rule, Islam and the Albanians, 1874–1913*. London: I.B. Tauris.

for the formation of intellectual and spiritual elites, building a bridge between Albanian tradition and European culture.

Today, the archives of the colleges are preserved as a valuable cultural and historical treasure, serving as a constant object of research for Albanologists and historians of the diaspora. The documents, ecclesiastical reports, liturgical books, and Albanian-language publications produced in Palermo, Loreto, or San Demetrio Corone have become key sources for the study of Albanian literature and language, as well as for the history of Albanian political thought.

This heritage is not merely a memory of the past, but a living foundation for new studies that help us to better understand not only the history of the Awakening and the formation of Albanian national identity, but also the strategic role played by the Arbëresh diaspora in intertwining Albanian and European culture. In this sense, the Arbëresh colleges remain an interpretive key to Albanian nation-building, demonstrating that their cultural and spiritual project still retains relevance in historical and Albanological scholarship.

## **Conclusions on the Legacy of the Arbëresh Colleges**

The legacy of the Arbëresh colleges is multidimensional: they served as centers for the preservation of the Albanian language and culture at a time when both were threatened by assimilation; they shaped the intellectual and spiritual elites who guided the processes of the Albanian National Awakening; they created enduring bridges between Albania and the Holy See, keeping the country connected to Western Europe; and they contributed to the dissemination of Albanian culture within Italian and broader European academic and cultural circles.

In this sense, the Arbëresh colleges were not merely religious educational institutions of a diaspora community, but schools of the Albanian nation, where faith, culture, and national identity were woven into a common project. They laid the foundations of modern Albanian identity, situating Albania within a historical and cultural continuity with Western Europe.

This legacy remains today a cultural and identitarian treasure not only for the Arbëresh communities, but for all Albanians, demonstrating that the process of Albanian nation-building cannot be understood without acknowledging their historical role and the networks of knowledge, faith, and culture they produced.

## **Implications for Research, Theory, and Society**

At the theoretical level, this study contributes to debates on nationalism and diaspora studies by demonstrating that diaspora-based religious institutions can function as proto-national infrastructures, particularly in contexts where state

institutions are absent. The Arbëresh case shows how religion and education may serve as vehicles for national identity formation.

From a research perspective, the findings invite comparative studies with other diasporas, such as Armenian, Greek, or Maronite communities, where religious institutions played a similar mediating role between homeland and host societies. Such comparisons may further clarify the relationship between faith, diaspora, and nation-building.

At the societal level, the study highlights the long-term importance of diaspora institutions in preserving endangered languages and cultural identities. The Arbëresh experience offers insights relevant to contemporary discussions on cultural heritage preservation, minority education, and the role of diasporas in sustaining national identity beyond state borders.

In addition, the findings may inform contemporary policy debates on minority education, religious pluralism, and diaspora engagement, particularly in contexts where cultural preservation intersects with transnational institutional support.

## Conclusions

This study has demonstrated that the Arbëresh diaspora in Italy was not merely a displaced or symbolic community, but an organized and historically active agent in the preservation and transformation of Albanian national and religious identity. Through a network of religious colleges established between the sixteenth and nineteenth centuries, the Arbëresh created stable institutional structures that connected the Vatican with Albanian society at a time when political sovereignty and national educational systems were absent. These colleges functioned as durable mechanisms through which language, historical memory, and cultural norms were preserved and transmitted across generations.

The analysis has shown that Arbëresh colleges such as Palermo, Cesena, Loreto, and San Demetrio Corone operated as identity-producing institutions, where religious education was inseparable from cultural and national formation. By embedding the Albanian language within liturgy, education, and publication, these institutions elevated it to a legitimate medium of spiritual, intellectual, and national expression. In doing so, they produced a transnational elite, clergy, poets, scholars, and publicists, who acted as mediators between the Vatican and Albanian society and who played a decisive role in preparing the ideological and cultural foundations of the Albanian National Awakening.

More broadly, the Arbëresh case illustrates how diaspora-based religious institutions can function as proto-national infrastructures, capable of sustaining national identity beyond territorial borders and prior to state formation. By conceptualizing the diaspora as an institutional actor rather than a peripheral

cultural community, this article contributes to wider debates on nationalism, diaspora studies, and religion-nation relations. The legacy of the Arbëresh colleges thus confirms that nation-building processes often emerge not only within the homeland, but also through transnational networks where faith, education, and culture converge to shape collective identity and historical continuity.

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# *Corruption, Governance and the Challenges of the Rule of Law: Law Enforcement and Corruption: An Assessment of the Functioning of the Albanian State Police*

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## **Abstract**

*Corruption remains one of the most severe and persistent afflictions in Albania, having continued unabated for more than three decades since the country embarked upon its initial democratic transformations. The first democratic governments that emerged following the collapse of the communist regime—which had isolated Albania from the rest of the world for over forty-five years—proved largely incapable of preventing or containing this destabilizing phenomenon. Its spread, akin to a virulent pathogen of the highest severity, within national security institutions—most notably the State Police—led not only to nationwide instability in the security environment but, during particularly dark periods, brought these institutions to the brink of total collapse under the pressure of newly formed criminal gangs and an increasingly rampant local organized crime. The steps and policies undertaken by successive governments in pursuit of Albania’s integration into the broader European family could not exclude the State Police, which faced an urgent need not only for restructuring and improved operational effectiveness, but also for a profound institutional reform aimed at purging its ranks of compromised and corrupt elements. The formulation and implementation of such policies constituted a major*

*challenge not only for governments and the State Police as a frontline institution, but also for the very principle of the rule of law and its enforcement in the Republic of Albania, in the interest of citizens and justice alike. Despite these ambitious reform initiatives, political interference within the structures of the State Police remains a deeply troubling phenomenon which, beyond its broader negative implications, directly undermines the effectiveness of law enforcement and the professionalism of the police force. The methodology used in this paper is based on the interpretation of the theoretical framework and the analysis of different authors' approaches and perspectives, as well as various studies.*

**Key words:** *state police, corruption, governance, rule of law.*

## **The emergence and evolution of structured criminal groups in Albania.**

Discussing organized crime in Albania is a highly sensitive issue and one that carries considerable weight in public opinion. The very term “*organized crime*” is a relatively recent concept within the framework of Albania’s security institutions. Following the victory over Nazi-Fascist forces in 1945, Albania saw the establishment of a communist regime modeled on the Soviet–Eastern bloc system. This same institutional approach was reflected in the creation of national security bodies, beginning with the Armed Forces (the People’s Army), the People’s Police, and the intelligence and surveillance structures of the State Security (*Sigurimi i Shtetit*). For forty-five consecutive years, these institutions—operating under the strict guidance of the Political Bureau and the Party of Labour of Albania—controlled, regulated, and directed virtually all aspects of life in Albania and among its citizens. During this period, criminal activity in the country remained at a relatively low level and was predominantly of an ordinary or petty nature. The death penalty, which was not uncommon in court rulings, served as an additional and particularly severe mechanism for reinforcing public order and security.

With the advent of 1991 and the democratic developments that unfolded in the country—marking the transition from a Marxist–Leninist–Stalinist “dictatorship of the proletariat” to Western liberal democracy—Albania’s security institutions likewise underwent nearly fundamental transformations and were confronted with profound challenges. The State Security (*Sigurimi i Shtetit*) was dismantled, and in its place the National Intelligence Service was established, an institution that no longer possessed the extensive attributes and powers of its predecessor. Instead, it was primarily oriented toward the collection and analysis of intelligence, both domestically and internationally, with the aim of safeguarding the integrity and security of the Republic of Albania. The Armed Forces of Albania, across

all their sectors, also experienced radical change, as the military was no longer the sole focal point of governmental authority. Last, but no less importantly, the People's Police—now reconstituted as the State Police—was subjected to reform and transformation; however, it faced exceptionally severe challenges with a direct impact on the lives and security of citizens. On a daily basis, and in virtually every region of Albania, the proliferation of individuals and groups posing considerable and growing risks to society became increasingly evident. The replacement of the totalitarian communist order with the newly formed structures of the State Police quickly revealed significant deficiencies and institutional gaps, rendering them incapable of effectively addressing the emerging security challenges. A lack of experience, combined with outdated methods, almost entirely neutralized the State Police in the face of armed individuals and criminal gangs that were increasingly asserting territorial control. Another important factor in the fight against armed groups and gangs was the political character they often assumed. This latter factor exerted a direct—and in many cases overt—influence on the investigations conducted by the State Police, which were subsequently compromised, failing to produce the expected results. As noted, *“the political dimension constitutes a significant aspect of the activities of these gangs and of the rivalries among them. The relationships or cooperation between political actors and the leaders of these gangs have never been subject to judicial scrutiny, remaining instead at the level of speculation by various actors or accusations voiced by convicted members or leaders of armed gangs.”*<sup>1</sup>

In Albania's major cities—such as Tiranë, Durrës, Elbasan, Lushnje, Vlorë, and to a certain extent Korça—the first armed gangs began to emerge, exhibiting the internal organization of structured criminal groups. Whereas in early 1992 their composition consisted primarily of so-called “neighborhood youths” (Çunat e lagjjes) or very narrow social circles that enjoyed local reputation and authority in specific areas; over the years the structure of these groups expanded significantly. It soon became evident to gang leaders and local “gangsters” that the absence or weakness of law-enforcement structures afforded them not only the opportunity to control specific territories, but also to extend their criminal activities far beyond territorial dominance. The earliest representatives of organized crime in Albania included figures such as Aldo Bare and his rival Artur Daja in Lushnje; Tan Kateshi, Arjan Toska, and Eduart Peqini, also known as “Mandela,” in Elbasan; Zani Çaushti and Gazmend Braka in Vlorë; Nehat Kulla in Tirana; Altin Dardha in Berat; among others. For an extended period, these individuals not only terrorized the country through their brutal crimes, but also engaged in violent conflicts with one another—not only over territorial control, but also over dominance of trafficking routes involving narcotics, prostitution, kidnappings, extortion, and related illicit activities.

The turbulent year of 1997 officially marked the triumph of armed groups and gangs with criminal elements over state law-enforcement structures, as they assumed control of territory in the country's most important cities for several consecutive months. Albania had by then descended into a state of total anarchy. The collapse of the prison system and the looting of military depots containing weapons and ammunition further exacerbated the situation, plunging the country into complete chaos. During this period of turmoil, the much-discussed figures Aldo Bare and Artur Daja emerged prominently on the scene—two well-known names in the city of Lushnjë. Aldo Bare, born Fredi Idajet Shkurti, had previously served for a considerable period as an officer within the police structures, a position he left in 1992. That same year, he fled to Greece after being suspected of involvement in a homicide—an allegation that was never proven. With the onset of the unrest of March 1997, Aldo Bare returned to Lushnjë, where he soon entered into open conflict with his rival, Artur Daja. Drawing on his extensive experience within police structures, Aldo Bare began to organize his own criminal group. His residence, located adjacent to the police commissariat in the city of Lushnjë, would soon become known colloquially as “Police Commissariat No. 2.” Artur Daja, on the other hand, *“represented the prototype of a small-time gangster seeking to make a name for himself in the city of Lushnjë. Police reports indicate that conflicts between the two ‘bosses’ had arisen early, prior to the events of 1997, likely over disrupted deals in trafficking matters.”* It quickly became clear in Lushnjë that coexistence between these two individuals was entirely impossible. Before long, both parties began eliminating, through open assassinations in the city center, the close familial, social, and cooperative networks of one another. All of these actions had a singular objective: the elimination of the rival. Throughout this dark period, the State Police and all other law-enforcement structures responsible for maintaining public order and security were virtually nonexistent—incapable of taking effective action and completely paralyzed by the daily occurrences of macabre violence in the city.

In an authentic document prepared by the Lushnje city police commissariat in 1997, the officer who authored the report, in addition to presenting an extremely alarming situation with a very high risk to the lives of citizens, refused to be identified, providing only general details at the end of the document out of fear that the information might leak and fall into the hands of the groups that had by then effectively held the country hostage. Among other observations, the unidentified officer wrote:

*“In the city of Lushnje, the state of criminal activity is extremely severe. Since March 1997, crime has not only persisted but has escalated significantly and become organized. The residents of this city are profoundly terrorized by the macabre scenes they witness and hear about. The Police are inferior to the criminals and lack the initiative to defeat them. At no point does a citizen of Lushnje feel safe or trust the*

*Police. Full authority now rests with the criminal organizations. The challenge they pose to the state is overt: they commit open murders, conduct demonstrations with weapons and explosives, set houses on fire, detonate explosives inside them, shoot at vehicles with anti-tank weapons, behead people and display the bodies publicly in the city, and exert pressure on justice officials and the Police. Through these actions, all judicial bodies have been subordinated to criminal power. No material against them dares to be written, and no individual, institution, or organization deals with them. In other words, they have subordinated everything and become the rulers. Police officers are extremely terrorized and do not dare to speak, even with their closest associates. All of this terror and criminal activity finds its origin in the conflict between the two rival groups: Fredi Idajet Shkurti and Artur Ahmet Daja.”<sup>3</sup>*

Following this escalating state of chaos and terror, the two rivals eventually attempted to eliminate each other. After numerous assassination attempts and the targeting of trusted associates on both sides, the decisive confrontation arrived. The first to act, having secured reliable intelligence, was Artur Daja, who attempted to eliminate Aldo Bare and his most trusted men through a surprise attack using anti-tank weaponry. The assassination failed, leaving Bare unharmed and only two individuals wounded. This moment would ultimately mark the downfall of Artur Daja. On the other side, Aldo Bare succeeded in recruiting one of his rival’s most trusted associates, through whom he managed to eliminate Artur Daja in a brutally violent manner. The horrifying scenes following Daja’s killing remain vivid in the memory of Lushnjë’s citizens even today. *“Artur Daja would be killed under mysterious circumstances, his head severed and carried on a tray to their leader. Subsequently, his head was paraded through every corner of the city of Lushnjë, bringing an end to the gangland rivalry. The macabre scene shocked the city’s residents and ultimately imposed what crime always seeks: silence. One witness would recount much later: ‘I turned around and went outside. Some local boys were holding a human head in their hands. I crossed the street and stopped in front of the city fountain to watch what was happening. I saw these boys throw the head onto the boulevard and start kicking it back and forth, just as children play football with small goals. ... On 21 October 1998, in the place known as “Tre Urat e Tërbufit,” the body of Artur Daja was found—headless and dismembered with explosives.”<sup>4</sup>*

Following his triumph over his sworn rival, Bare now exercised full control over the city of Lushnje and all suspicious or illicit activities within it. Every move was directed and sanctioned by him. Yet, Bare did not stop there. With the reestablishment of state law-enforcement and security structures, he and his associates soon perceived the threat posed by justice. Bare and his group quickly began threatening and executing, through mafia-style assassinations, State Police officers and officials who obstructed their activities. It was not until 6 January 2006 that Bare was arrested in Bulgaria and subsequently extradited to Albania to face final judgment, receiving a life sentence. His arrest marked the end of one

of the most dangerous structured criminal groups in Albania. Indeed, it must be noted that this group “*was one of the criminal organizations that directly challenged the state.*”<sup>5</sup> A careful examination of all the actions undertaken by the Lushnje gang against state authorities, particularly in the targeting of State Police officers, reveals a striking resemblance to Italy in the 1980s, when mafia clans led by Toto Riina had effectively held entire regions of the country hostage. The organizational methods employed in the assassinations of State Police officers—who lost their lives in the line of duty because they obstructed local organized crime figures—bear a direct resemblance to the macabre strategies used to eliminate Italian police officers. These include, among others, Boris Giuliano (Chief of Police in Palermo, executed in Palermo on 21 July 1979), Emanuele Basile (Carabinieri Captain, executed on 4 May 1980), Calogero Zucchetto (anti-mafia investigator, executed on 6 August 1985), Giuseppe Montana (anti-mafia investigator, executed on 28 July 1985), and Antonino Cassarà (senior police officer, executed on 6 August 1985).

From all the actions undertaken by this group, the same objectives and goals are evident as those pursued by Italian mafia organizations, which sought to eliminate state authority through killings and violence in order to assert their own dominance over the territory. Bare and his group, it seems, succeeded in dominating the city of Lushnje—and beyond—for a relatively long period, sometimes through violence, sometimes through fear, and at times through illegal influence within central government structures. With complete success, the Lushnje gang and its members established what, in Italian mafia terminology, is called *omertà*, or the code of silence. This code became fully entrenched in the Albanian context, as no one dared speak about the macabre events and actions orchestrated and directed by the Lushnje gang. No citizen was willing to cooperate or provide information that could aid security structures in investigating these criminal organizations. Depositions at local police stations were extremely weak and often lacked actionable data. Unfortunately, the culture of cooperation with law enforcement and security institutions remains at very low levels even today, as public trust in these institutions has yet to be fully restored.

Aldo Bare and his Lushnje gang were not the only criminal groups operating within Albania. Equally macabre activities were carried out by parallel groups in other cities across the country. Tan Kateshi, for a relatively long period, held the city of Elbasan hostage, showing no fear of law enforcement and security forces, which were, for the most part, incapable of neutralizing the chief gangster and, at times, were reportedly paid off by him. A similar scenario unfolded in Vlora, where Zani Çausi—a figure previously arrested by Greek authorities for various criminal offenses—mysteriously escaped from a high-security prison in Greece while serving his sentence, arriving in Vlora precisely at the onset of the 1997 unrest. His group, known as the “Çole Gang,” terrorized the city of Vlora and

its surrounding areas. In response, central government authorities, anticipating a rapidly deteriorating situation, deployed high-ranking State Police officials to Vlora, leading a force of 1,000 personnel to restore order and stability. In this highly charged environment, amid an internally destabilizing political situation, the security forces sent from Tirana proved ineffective in reestablishing law and order. Naturally, this situation was exploited by all criminal actors operating in Vlora to advance their illegal interests, establishing dominance over areas of influence, controlling international trafficking routes for narcotics, prostitution, arms, and human trafficking from Albania to Italy, and further consolidating their criminal hegemony. As expected, the situation quickly spiraled completely out of control, leaving the city of Vlora entirely beyond state authority for several months, with armed gangs and groups enforcing their own law without interference or constraint from anyone.

In this way, structured criminal groups flourished throughout Albania, some more active than others, becoming a highly dangerous challenge not only for national security institutions but also for Albanian society as a whole. The chaotic period from 1992 to 2000, which shook the Albanian state to its foundations, demonstrated that individuals with political or state power often collaborated with criminal groups for mutual profit. *“Ministers of the Interior have been particularly accused of supporting armed gangs and specific criminal organizations. Such support is believed to have been extended to criminal groups in Berat until 1997, an armed gang in Elbasan and Tropojë, criminal groups in Tirana and Durrës, as well as members of criminal organizations in Shijak ... Political parties in Albania have also received funds from individuals convicted of illegal activities abroad.”*<sup>26</sup>

## **State Police – Pioneer in the Fight Against Corruption and Organized Crime, or Complicit in Their Schemes?!**

The State Police in Albania has undergone multiple phases of reform and restructuring in order to confront, effectively and competently, the challenges posed by domestic organized crime, transnational organized crime, corruption, economic crime, the trafficking of narcotics and hard drugs, arms and remote-detonation explosives, human trafficking, and other criminal activities. According to Article 4 of the Law on the State Police, the mission of the State Police is clearly defined as *the “protection of public order and safety, the prevention and combat of crime, the guarantee of law enforcement, the protection of life and property, and the respect for human rights and freedoms, in accordance with the Constitution, international acts ratified by the Republic of Albania, and the applicable legislation, as well as the provision of assistance and services to the public.”*<sup>27</sup>

The former British Home Secretary and founder of the London Metropolitan Police, Robert Peel, famously stated that the Police are the public, and the public are the Police; the officers are merely members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community life and welfare. But does this definition still accurately reflect the role and function of the State Police in Albania today?

The dark events of the disastrous year 1997, in which a combination of external and internal actors dealt a fatal blow to the Albanian state, spared none of its institutions, including the State Police, which emerged not only destroyed but also degraded. The rebuilding of police structures after regaining control over the destabilized situation posed a distinct challenge, not only for the officials in charge but also for the political leadership of the time. The lack of basic police education, politically motivated appointments dictated by influential figures, and the arbitrary distribution of ranks and positions left the State Police in a condition both miserable and powerless, unable to confront professionally the challenges of the era that were essential for ensuring the rule of law.

The employment of individuals in the ranks of the State Police without any established criteria or thorough verification has been, and continues to be, an open wound that visibly marks its personnel. The administration of superficial tests for applicants wishing to join the State Police functions as an ineffective and fundamentally failed mechanism, as it does not provide a comprehensive assessment of the individual's personality, social and familial connections—which may or may not involve prior criminal records—or their basic cultural and educational background. By failing to conduct these verifications systematically and responsibly, and instead treating them as routine formalities, many unsuitable individuals have been able to enter the institution and subsequently ascend its career ladder. The inclusion of personnel with questionable backgrounds and connections has often paved the way for various forms of corruption, interference in investigations, and even the compromise of major operations. *“In an environment characterized by widespread corruption, the Police have been among the institutions most exposed to and affected by corrupt practices. Despite ongoing efforts to address this issue, police corruption in Albania has not shown any significant decline. ... Strategic frameworks and anti-corruption measures have only been partially implemented, and their enforceability has encountered obstacles such as insufficient resources and capacities, a deeply entrenched culture of tolerance toward corruption, low public trust, and the politicization of anti-corruption efforts. Although the number of police officers investigated and convicted for corruption has increased over the past two years, the vast majority are from lower and mid-level ranks, while public perception of corruption at higher levels of the Police continues to grow. Bribery remains the most prevalent form of corruption and has remained almost unchanged compared to two years ago, while other forms of corruption have*

*shown an upward trend. The types of corruption that have increased most significantly include collusion with criminal organizations, involvement in trafficking, evidence manipulation, and corrupt procurement practices.*<sup>8</sup>

The former Minister of Internal Affairs of the Republic of Albania, Fatmir Xhafaj, during his tenure as head of the country's highest security institution, stated that “*numerous data indicate that within the ranks of the police there are officers who are criminally involved or corrupt, as well as those who are incompetent.*”<sup>9</sup> Faced with this situation, political authorities decided to implement the *Vetting* process within the State Police as a method for conducting a comprehensive evaluation. Initially, this process would be applied to senior/officer-level personnel to assess their professional conduct, connections with criminal elements, personal and family income, and moral standing. The Transitional Re-evaluation Process (*Vetting*) within the State Police, provided for under Law No. 12/2018, “On the Transitional Re-evaluation of Employees of the State Police, the Republic Guard, and SHÇBA,” was conceived as a tool to enhance institutional integrity and restore public trust in law enforcement agencies.

Despite the extensive publicity surrounding this much-needed process aimed at purging the State Police of criminally involved or corrupt elements, it became evident that its results were negligible and fell far short of expectations. The process highlighted the lack of reliable documentation and deficiencies in the internal control system, which immediately called for further institutional reforms. From the outset of this process until the end of 2024, its implementation has been observed to be slow and selective, as only a small portion of State Police leadership has been evaluated, while the remainder of the command and managerial chain has remained outside the scope of this process.

The *Vetting* process within the ranks of the State Police has been characterized by a marked lack of transparency and public reporting, as the External Evaluation Commission has published very limited data on the concrete results of the re-evaluation. This has hindered the development of an objective, scientifically grounded analysis of its effectiveness. Furthermore, the real impact on the fight against corruption has been limited, as even after several years of implementation, cases of abuse of power and connections with criminal elements among State Police personnel continue to be observed, openly demonstrating the absence of a sustained institutional impact. Under these conditions, it is evident that the *Vetting* process has not directly influenced the reform of police culture, failing entirely to consolidate a stable standard of professionalism, institutional integrity, and ethical conduct in accordance with the principles of the rule of law and the expectations of the justice reform.

Despite the sporadic cases highlighted by the *Vetting* process, which were addressed through attempts to hold individuals legally accountable, the process can essentially be considered an important institutional experiment that produced

mixed results. While it succeeded in identifying instances of corruption and unlawful influence, it did not establish a sustainable culture of integrity. Despite some partial and temporary successes, it is increasingly evident that the long-term effects of the process depend on the establishment of robust internal control mechanisms and the de politicization of the structures and ranks of the State Police.

In April 2025, the General Directorate of the State Police approved the “State Police Integration Plan and Action Plan 2025–2028,” which identified six areas “most exposed to the risk of corruption and integrity violations,” namely: *corruption within criminal investigation units; bureaucratic corruption in human resources; low-level or so-called “street” corruption; bureaucratic corruption in management; bureaucratic corruption in public procurement; and the “code of silence” alongside the law on “whistle-blowers and data protection.”*<sup>10</sup> The manner in which these areas—deemed the highest-risk for State Police personnel—are monitored, and the measures taken against those responsible, will demonstrate whether this law-enforcement and public-order institution is moving toward genuine improvement or will remain at its current levels of corruption and inefficiency.

## Challenges of the Rule of Law for the Albanian State Police

The rule of law is considered one of the fundamental principles of a democratic state and an essential condition for the effective functioning of public institutions. Within this framework, the police represent the primary link in law enforcement and in ensuring public order and safety. Their role is particularly critical in transitional societies, such as Albania, where the establishment of stable institutions and public trust remains an ongoing challenge. “*The Albanian State Police has been the subject of continuous reforms, particularly within the framework of the European integration process, but the practical implementation of the principles of the rule of law continues to face structural, institutional, and cultural difficulties.*”<sup>11</sup>

Respect for human rights is an essential component of the rule of law and a key criterion for evaluating police performance. “*Reports from international organizations have documented cases of disproportionate use of force, undignified treatment of detainees, and procedural violations during arrests.*”<sup>12</sup> Such practices not only undermine individual rights but also compromise criminal justice processes. Continuous training of police personnel in the field of human rights and the strengthening of oversight mechanisms are crucial for preventing violations. Independent supervisory institutions play an important role in enhancing accountability and transparency in police activities.

The legal framework governing the activities of the Albanian State Police is built upon constitutional principles, international standards, and obligations

arising from the European integration process. The Constitution of the Republic of Albania enshrines the principle of the rule of law and guarantees fundamental human rights and freedoms, positioning the police as an institution tasked with protecting public order and serving the interests of citizens. Within this context, the Law on the State Police clearly defines the competencies, responsibilities, and limits of police authority, aiming to strike a balance between the need for security and the respect for individual freedoms. However, academic literature and international reports emphasize a significant gap between the normative framework and its practical implementation. As noted by the European Commission, *“the adoption of legislation harmonized with European standards does not automatically ensure effective implementation in practice.”*<sup>13</sup> This assessment is particularly relevant for the State Police, where selective or incomplete enforcement of the law can have serious consequences for the rule of law and public trust.

One of the main challenges concerns the interpretation and application of legal norms by police structures in the field. In many cases, the lack of continuous legal and professional training leads to misunderstandings regarding police authority, particularly in situations involving detention, arrest, and the use of force. According to UNODC, *“formal knowledge of the law by police personnel is not sufficient; it must be accompanied by practical skills to apply it in a proportionate and lawful manner.”*<sup>14</sup> In the Albanian context, this gap between legal norms and their implementation is also evident in the inter-institutional relationship between the police, the prosecution, and the judiciary. Legal procedures require close cooperation and continuous coordination, but analytical reports indicate that the absence of standardized practices and institutional communication often results in failed investigations or compromised procedural evidence. This situation undermines not only police effectiveness but also the credibility of the justice system as a whole.

Another problematic aspect of the practical implementation of the legal framework relates to mechanisms of control and accountability. The law provides for internal control structures and oversight of police activities, but their effectiveness depends on functional independence and the actual resources available. According to the European Code of Police Ethics, *“police oversight must be real, independent, and capable of producing concrete consequences in cases of violations.”*<sup>15</sup> If these mechanisms operate merely as formalities, the legal framework loses its real force. Furthermore, the implementation of the legal framework is significantly influenced by the organizational culture within the State Police. Although the law promotes professionalism, political neutrality, and respect for human rights, entrenched practices and internal hierarchical pressures can create deviations from legal norms. As noted by the OECD, *“effective laws require institutions that not only enforce them but also believe in the values they represent.”*<sup>16</sup>

Public trust in the State Police is a key indicator of the rule of law. In the absence of such trust, citizens hesitate to cooperate with the police, weakening the prevention and investigation of criminal offenses. In Albania, perceptions of corruption, politicization, and lack of transparency have negatively affected the relationship between the police and the community. Community policing models represent a contemporary approach to strengthening this relationship. Active citizen participation in identifying security issues and building ongoing dialogue contributes to increasing trust and improving the rule of law. The relationship between the State Police and the community constitutes one of the most important elements for the rule of law and the democratic functioning of security institutions. Public trust in the police is not merely a perceptual indicator but a functional prerequisite for effective police activity, crime prevention, and the maintenance of public order. Academic literature emphasizes that, in a democratic state, the police cannot exercise authority solely on the basis of legal force; they must also rely on the social legitimacy derived from citizens' trust.

In the Albanian context, the relationship between the police and the community has been shaped by historical, institutional, and cultural factors. The legacy of the authoritarian period has fostered a perception of the police as an instrument of control rather than a public service—a perception that continues to influence how citizens view and experience interactions with police structures. This reality makes the building of public trust a long and complex process, requiring profound changes not only in policies and laws but also in the organizational culture of the Police itself. Public trust in law enforcement institutions is directly linked to the principle of the rule of law. According to contemporary theories of democratic governance, citizens are more likely to respect the law and cooperate with authorities when they perceive those authorities as fair, impartial, and accountable. In this sense, trust is not a secondary element but a fundamental component of the legal order. As Tyler notes, *“the legitimacy of the police derives more from perceptions of procedural justice than from fear of punishment.”*<sup>17</sup> This argument is particularly relevant for the Albanian State Police, where the exercise of authority is often perceived as arbitrary or influenced by non-legal factors. In the absence of trust, police interventions—even when legally justified—risk being perceived as repressive and unfair.

Community trust in the State Police is influenced by a range of factors, among which the most important are transparency, professionalism, equal treatment of citizens, and institutional accountability. International reports highlight that cases of abuse of power, corruption, and the lack of effective sanctions for disciplinary violations have a direct negative impact on public perception. According to Transparency International, *“corruption within law enforcement undermines citizen trust and weakens the foundations of the rule of law.”*<sup>18</sup> In Albania, perceptions of police corruption—even when not always based on personal experience—create a climate of mistrust that hinders cooperation between citizens and the

police. Another key factor is the manner in which the police communicate and interact with the community. The individual behaviour of police officers in daily interactions with citizens plays a crucial role in either building or eroding trust. As noted by the OSCE, “*respectful and professional interaction at the local level forms the foundation upon which institutional trust is built.*”<sup>19</sup>

Community policing represents one of the most important contemporary approaches for improving relations between the police and citizens. This model aims to shift the police’s focus from reactive crime response to crime prevention and active collaboration with the community. In academic literature, community policing is defined as an organizational philosophy that promotes partnership, joint problem-solving, and shared responsibility for public safety. Skogan emphasizes that “*community policing is not an isolated program, but a fundamental change in the way the police conceive their role in society.*”<sup>20</sup> In Albania, although initiatives have been undertaken to implement this model, the primary challenge remains its institutionalization and integration into everyday police practice. Frequently, community policing is applied in a fragmented and formal manner, without sufficient resources or specialized training for police officers. This limits the model’s real impact and creates a gap between institutional discourse and practical reality.

A central dimension of public trust is linked to the concept of procedural justice. This concept emphasizes that citizens evaluate institutions not only based on outcomes but also on how they are treated during institutional processes. In the policing context, this entails equal treatment, active listening, clear explanations of actions, and respect for human dignity. According to Tyler and Huo, “*when citizens feel they are treated fairly and with respect, they are more likely to accept police authority even in situations that are unfavourable to them.*”<sup>21</sup> In Albania, reports from human rights organizations indicate that procedural violations and undignified treatment during police stops and controls have contributed to a decline in public trust.

Institutional transparency and open communication with the public are essential elements for building trust. Providing accurate and timely information regarding police activities, achievements, and failures helps establish a more genuine relationship with the community. As noted by the European Commission, “*a lack of transparency fosters suspicion and speculation, undermining public trust.*”<sup>22</sup> In Albania, institutional communication by the State Police has improved, but it remains primarily oriented toward promoting successes rather than ensuring accountability for failures or violations. Such an approach limits the positive impact of transparency and does not fully contribute to the development of long-term public trust.

Community trust in the police has a direct impact on the effectiveness of crime prevention and law enforcement. Without citizen cooperation, the police face significant challenges in obtaining information, evidence, and support for criminal investigations. The UNODC emphasizes that “*community cooperation is one of the*

*most important sources of police intelligence.*”<sup>23</sup> In contexts of mistrust, citizens often choose not to report crimes or avoid contact with the police, creating areas of informality and insecurity. This situation reinforces a negative cycle, where the lack of trust weakens police effectiveness, and poor police performance further fuels public distrust.

The relationship with the community and public trust represents one of the most complex challenges for the Albanian State Police within the framework of the rule of law. Building trust cannot be achieved solely through legal reforms or public information campaigns; it requires profound structural, cultural, and professional changes. As academic literature emphasizes, trust is the result of citizens’ daily experiences with the police, not merely institutional discourse. Without a stable relationship grounded in mutual respect between the police and the community, the rule of law remains fragile and vulnerable. For this reason, strengthening public trust should be considered not a secondary objective but a fundamental component of police reform and democratic consolidation in Albania.

The Albanian State Police also faces significant operational challenges, such as a lack of financial resources, modern equipment, and advanced technology. These deficiencies limit its capacity to address contemporary forms of crime, including transnational organized crime and cybercrime. Additionally, the need for professional specialization and effective human resource management remains pronounced. Albania’s integration process into the European Union has served as a driving factor for reforming the State Police and strengthening the rule of law. However, the main challenge remains the transition from formal reforms to tangible and sustainable changes in practice. Without strong political will and institutional commitment, reforms risk remaining superficial.

In this context, the practical implementation of the legal framework governing the Albanian State Police cannot be analysed merely as a technical or procedural matter. It represents a structural challenge related to institutional capacities, professional integrity, and the political will necessary to ensure the rule of law is applied equally to all. Without addressing these factors, the legal framework risks remaining a formal instrument, incapable of producing tangible changes in police practice.

## **Governance and Its Impact on the Albanian State Police – Present Challenges and the Path Forward**

Governance and its mechanisms play a key role in the functioning and effectiveness of law enforcement institutions. The Albanian State Police, as the executive body responsible for maintaining public order and enforcing the law, is among the structures most sensitive to government policies and decisions. In a democratic

society, governance should not be viewed merely as political leadership, but as a system that ensures stability, transparency, accountability, and equal support for public institutions. In this context, analysing the impact of current governance on the Albanian State Police is critically important for understanding its challenges and for defining measures to enhance both operational effectiveness and public trust.

Current governance in Albania is characterized by a complex interplay of political, economic, and institutional factors that directly influence the State Police. The politicization of police structures, frequent leadership changes, and interventions in career advancement have created the perception of an unstable institution, vulnerable to political pressures. This perception affects both employee morale and the legitimacy the police enjoy in the eyes of citizens. According to the European Commission, *“political interference in the operational decision-making of the police weakens its capacity to function independently and to enforce the law equally for all”*<sup>24</sup>. This assessment highlights that current governance impacts not only the administrative structure of the police but also its public perception, thereby increasing challenges to legitimacy and citizen trust.

Another dimension of governance influence concerns the resources allocated to the police. Despite efforts to increase budgets and modernize equipment, strategic decisions are often uncoordinated and misaligned with actual operational needs. According to the OECD, *“a lack of strategic planning and alignment of the budget with operational requirements weakens the police’s capacity to address modern security challenges”*<sup>25</sup>. This situation underscores that governance, beyond political factors, must focus on efficient resource management and the establishment of priorities based on empirical evidence.

One of the main challenges is ensuring institutional independence and professionalism. According to the law, the State Police must operate based on the law and not on the political interests of the moment. However, current practices show that decisions regarding appointments and promotions often reflect political interests, which undermines the institution’s credibility. Another challenge relates to training and professional development. The current Albanian government often relies on international projects and technical assistance but has not established a sustainable system for the continuous training of police personnel in the local context. As the OSCE argues, *“investment in human resources is as important as investment in technology, because a well-trained police officer is more effective and more trusted within the community”*<sup>26</sup>. This indicates that governance must take an active role in building professional capacities and organizational culture.

Citizen trust in the police depends not only on the individual actions of officers but also on how governance provides support, transparency, and accountability. The police cannot function as a credible institution if governance does not establish a framework that promotes integrity, political neutrality, and respect for human

rights. In Albania, the absence of a sustainable strategy for building public trust has resulted in a perception of the police as an institution incapable of protecting citizens from abuse or legal violations. Governance must implement policies that encourage transparency, performance reporting, and active dialogue with the community, so that citizens feel part of the process rather than mere objects of it.

In European Union countries and the United States, governance plays a strategic role in strengthening the police by providing institutional independence, adequate resources, and robust transparency mechanisms. According to Skogan, *“police success is measured not only by crime statistics but also by citizens’ perceptions of fairness, credibility, and police integrity”*<sup>27</sup>. For Albania, this implies that government policies should be designed not only for operational performance but also for building legitimacy and public trust.

The current governance has a direct impact on the Albanian State Police, but this impact has not always been positive. In fact, today its influence is not only limited but also harmful. Politicization, lack of institutional independence, and sometimes poor resource coordination have constrained the police’s effectiveness and legitimacy. Effective governance should promote institutional independence, transparency, adequate resources, continuous training, and support for community engagement. Only through such governance can the Albanian State Police operate optimally, earn public trust, and uphold the rule of law in Albanian society.

## Conclusions

National security institutions are the frontline guarantors and enforcers of the law in a democratic state. Their proper functioning is a crucial link for both national security and the protection of citizens. The State Police in Albania, as a key institution responsible for public order and safety, continues to operate at low levels of professionalism and functionality. Its fundamental problems begin at the very genesis: from the selection of candidates applying to become police officers, to basic police training, and further promotions often influenced by political or personal connections. The lack of a thorough evaluation of the personality of applicants, as well as the absence of verification of their social and familial ties, creates an extremely delicate, almost alarming situation in selecting the individuals who are supposed to be the guarantors of the future rule of law and public safety.

Current basic police education in Albania has proven inadequate to meet the challenges imposed by evolving societal needs and technological advancements, producing police officers who cannot be compared to their European or broader international counterparts. In the European Union and the United States, basic police education is characterized by well-established professional standards, a strong practical orientation, and a continuous integration of theoretical training,

professional ethics, and operational skills. In most EU countries, initial police training takes place in academies or higher education institutions dedicated to policing, often integrated into the national higher education system. These programs typically last between two and three years and culminate in a university-level degree or an equivalent qualification. They emphasize respect for human rights, the rule of law, community policing, and ongoing professional development.

Basic police education in Albania has undergone significant reforms over the past decades but remains limited in terms of duration, academic integration, and teaching resources. Initial training focuses primarily on operational preparation and basic legal knowledge, while components such as professional ethics, human rights, scientific research, and modern policing are less developed compared to EU and U.S. models. Although efforts have been made to align curricula with international standards, challenges such as political influence, lack of institutional autonomy, and limited ongoing training continue to affect the quality of police education. In the EU and the U.S., basic police education aims to develop professional, ethical, and independent police officers. In Albania, further strengthening of the academic dimension, long-term standardization, and sustained institutional investment are needed to achieve a level comparable to the best international practices.

All political factions that govern Albania and hold responsibility for the country over a given period must recognize that, when it comes to national security institutions—in this case, the State Police—and their effectiveness in upholding the law, order, and public safety, they need to act transparently and implement concrete policies aimed at enhancing capacity, professionalism, and integrity.

These influences can be categorized into several levels:

**Institutional independence:** Governance must ensure that police operational decisions remain free from political pressure. **Adequate resources and equipment:** Providing sufficient budgets, modern equipment, and necessary technology is a primary responsibility of governance. Without this support, even the most academically capable police force cannot fulfill its mission. **Training and professional development:** Governance should establish sustainable programs for the continuous training of police personnel, including topics such as human rights, professional ethics, conflict management, and proportional use of force. **Accountability and transparency:** Government policies must promote mechanisms that enable effective oversight, public reporting, and strict sanctions for violations. **Support for community policing:** Governance should create legal and financial frameworks that encourage community policing strategies, strengthen police–citizen relations, and build long-term trust.

The analysis presented in this study demonstrates that corruption within the State Police constitutes a structural phenomenon, rooted in the period of democratic transition, which has significantly affected institutional functioning,

national security, and public trust in law enforcement agencies. Although the reforms undertaken in the context of European integration have been necessary and have brought partial improvements in legal and organizational aspects, they have not yet succeeded in ensuring a sustainable and profound reduction of corruption within police structures.

One of the main obstacles identified remains the persistent political influence over the State Police, which undermines institutional independence, professionalism, and the impartial enforcement of the law. This phenomenon renders the reform process fragile and often exposed to interventions beyond the legal framework, thereby limiting the real effectiveness of anti-corruption policies. As a result, weaknesses in the rule of law have created opportunities for the strengthening of organized crime and, at certain periods, have jeopardized the authority and normal functioning of public security institutions.

In conclusion, the fight against corruption within the State Police requires a comprehensive and long-term approach that goes beyond punitive measures and encompasses deep institutional reforms, the improvement of police education and training, the strengthening of accountability mechanisms, and the assurance of genuine institutional autonomy. Only the development of a professional, depoliticized police force oriented toward serving citizens can contribute to the consolidation of the rule of law and the sustainable alignment of Albania with European standards.

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# *Narrative Event Reconfiguration Across Media: A Literature Review Toward a Comparative Framework of Representation and Adaptation* \_\_\_\_\_

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## **Abstract**

*This study examined how a narrative event was represented and transformed in three narrative media: the novel, the film script, and the theatrical drama. Relying on a qualitative approach in the form of a literature review, the paper synthesized theoretical and critical studies from the field of narratology, adaptation studies and intermediality. The analysis showed that each media used different formal strategies for the construction of the event. The novel represented the event primarily through linguistic narration and access to psychological interiority, allowing for temporal elasticity and narrative subjectivity. The film script recast the event as visible action and structured around rhythm and causality, while the theatrical drama realized the event through embodied performance and real-time spatial presence. The study also found that time, space and narrative perspective directly influenced the way the event was constructed and experienced by the audience in each media. Moreover, it was found that adaptation and cross-media storytelling explained the transformation of the event as a process of reconfiguration rather than preservation of the original form. In conclusion, the paper provided a comparative framework for understanding how narrative events change in form and meaning when they circulate between different media.*

**Keywords:** Narrative Event, Narrative Theory, Adaptation Studies, Intermediality, Cross-Media Storytelling

## Introduction

In modern cinema, the telling of the same event through different narrative forms is considered an important area of research in narrative theory, film studies, and theater studies. Although the novel, screenplay, and play can construct meaningful stories, each medium uses different formal resources to represent events, organize meaning, and shape the audience's experience. In a special form, it is said that the possibilities and limits of each medium affect the reconfiguration of a single narrative event (Abbott, 2021; Grishakova, 2023). Through this research, the construction and transformation of narrative events in three narrative forms, including book, film script and play, has been addressed. Thus, incorporating theories from narrative theory, adaptation studies, and intermediality, this project sees adaptation as an interpretive and creative process rather than a matter of fidelity to the "original" (Pop, 2023; Spielmann, 2024). According to a study conducted by Grishakova (2023), he argues that this is an area where media techniques really shine because they analyze how meaning is created not only through a medium, but through the interactions between words, images, sounds and performances.

This article had addressed the differences between the book, the film script and the play in the way they formally show the same narrative event, then the influence of time, geography and narrative perspective on the presentation of an event in these three media, as well as research in adaptation and mediation studies to understand how an event changes when it is told in different ways. Through this literature review, an interdisciplinary framework is presented to understand how narrative events change in form, emphasis, and meaning as they move between literary, cinematic, and theatrical narrative practices (Abbott, 2021; Lowe, 2021; Sağlam, 2025). To do this, it combines relevant theoretical and comparative research.

## Literature Review

In contemporary literature, events and film narrative theory, within narrative theory has long understood the event as the basic unit through which stories generate meaning. Research conducted by Abbott (2021), events are not mere occurrences, but transformations that produce change within a narrative world. Narrative becomes intelligible when events are organized into causal, temporal, and experiential patterns that allow the audience to perceive progression and significance. In the study conducted by Abbott he states that events are cognitive

constructs shaped by human perception and cultural conventions, rather than objective facts. Postclassical narratology has presented a further expansion of this understanding by placing events within wider media and cultural frameworks. According to author Fludernik (2008), he argues that narrativity depends less on plot mechanics and more on the experience of how events are perceived, embodied and interpreted by characters and audiences. This difference is essential to understanding how events function differently across novels, plays, films, and new media forms. Mediation researchers such as Grishakova (2023) and Pop (2023) point out that events change meaning when they migrate through media. An event is not transferred intact, but is re-materialized through various semiotic systems, making narrative a dynamic and adaptive process rather than a fixed structure.

**Events in the novel** – in this context, events are deeply intertwined with interiority, temporality, and narrative voice. Author Abbott (2021) in his study notes that prose fiction allows events to unfold not only through action, but also through reflection, memory, and anticipation. Likewise, narrative events in novels often gain significance through access to the internal states of characters, enabling an understanding of the layers of cause and motivation. Diaries and first-person narratives further complicate the presentation of events. According to the author De Pasquale (2025), in her analysis of the *Quaderno proibito*, shows how events in diaristic novels are fragmented, serial and subjective. In this context, events are filtered through personal writing practices, transforming everyday actions into places of identity formation and sociocultural criticism. From an adaptation perspective, Alwazzan (n.d.) notes that new events are often expansive and diffuse, requiring reinterpretation when translated into visual media. The novel's ability to dwell on psychological depth and narrative delay presents challenges to media that rely on immediacy and visual momentum. Narrative of events in film scripts - Film scripts conceive of events as visible and realizable actions, structured around causality and rhythm. Friedmann (2021) argues that screen storytelling privileges events that can be externalized through behavior, dialogue, and *mise-en-scène*. As a result, internal or abstract events from novels often require conversion into concrete cinematic action. Kirezçik (2022) shows that in *The Sinner*, narrative events are rearranged across episodes to sustain suspense and character discovery. Similarly, Sakorn (2023) demonstrates how romantic events are reshaped using classical three-act structures to meet script conventions. Recent scholarship also considers technological interventions in the construction of events. Mirowski etc. (2023) and Uddin et al. (2025) explore how AI-assisted scripting systems rearrange narrative events hierarchically, raising questions about authorship, coherence, and narrative purpose in future screen media.

Theatrical presentation of narrative events - theater presents narrative events through embodied performances and spatial immediacy. Fludernik (2008) points out that drama is historically excluded from narrative, theatrical events are essential before we understand narrative action because they represent the act of mediation. Lowe (2021) asserts that theatrical adaptations reconfigure narrative events in accordance with stage conventions, historical context, and audience expectations. Events are shaped by actors' bodies, landscape, and living temporality, creating meanings that differ from both novels and films. From an intermediate perspective of translation, Sağlam (2025a; 2025b) conceives the adaptation of the novel to the stage as an intersemiotic translation, where narrative events recirculate in the place of reproduction. The events will become dramaturgical prisms that break ideological, cultural and historical meanings within new stage contexts. Time and space in media narratives: time and space play a crucial role in configuring how they perceive events in the media. Abbott (2021) points out that narrative time is elastic in prose, allowing for pauses, digressions, and retrospective narratives. But by contrast, cinema and theater impose tighter time constraints, often compressing or rearranging events to maintain pace and coherence.

Stadler (2020) points out that screen media constructs time and space through editing, sound and camera movement, transforming narrative events into audiovisual experiences. Virtual and immersive media further complicate this relationship. Weaving (2021) demonstrates that in virtual cinematic reality, events unfold without the traditional setting, transferring narrative control to the viewer. Transmedia narratology extends this discussion al enmarcar los eventos como nodos móviles dentro de redes narrativas. Le (2023) conceives events as "rizomáticos", able to penetrate across platforms, genres and cultural contexts while maintaining narrative continuity.

Perspective and Focus in Different Narrative Forms - Perspective profoundly affects the experience and interpretation of narrative events. In novels, accessibility enables readers to engage with subjective interpretations of events, often undermining objective facts (Abbott, 2021). Diaristic and autobiographical elements reinforce this influence by linking events to personal memory and identity formation (de Pasquale, 2025). In movies and plays, the director's performance, the actors' performances, and the way the camera frames the scene all affect how we see things. Yang and Qin (2024) claim that script analysis and the director's vision are crucial in determining the emphasis of events on screen and on stage. Adaptations such as *Queen Lear* show how a shift in perspective can turn important moments in history into places where politics and gender matter (Yilmaz, 2025).

In mediated and transmedia environments, the methodology evolves into a pluralistic and decentralized framework. Grishakova (2023) and Spielmann (2024) claim that modern narrative events challenge monolithic perspectives,

instead arising from multifaceted media activities that encourage reconsideration rather than conclusion. Adaptation and mediated storytelling are key issues in modern narrative, cinema, and media studies, especially as stories spread across books, theater, film, television, internet platforms, and emerging technologies. Initial adaptation studies focused on the transition from book to cinema, often prioritizing fidelity as the primary metric for evaluation. Recent research has ultimately moved from loyalty-based models to more adaptive, process-oriented, and mediational frameworks (Spielmann, 2024).

Abbott (2021) offers a fundamental understanding of history as a transmedia human behavior rather than a medium-specific creation. From this perspective, adaptation is not a derivative action, but a reconfiguration of narrative events influenced by the possibilities, limitations and cultural contexts of different media. Narrative meaning does not derive from linguistic similarities; rather, it emerges from the way stories affect audiences through different types of representation.

Mediation theory complicates classical models of adaptation by emphasizing the material, performative, and semantic aspects of media contact. Grishakova (2023) defines intermediality as a material activity and an artistic phenomenon, originating from avant-garde experimentation and media hybridization. Interdisciplinary methods investigate the production of narrative meaning through the interaction of text, image, sound, performance and technology, rather than viewing media as isolated entities. Pop (2023) elaborates on this perspective by contextualizing adaptation within broader discussions of multimodality and transmediality, arguing that modern narrative operates through constant “boundary crossings” across media. The cinematic version of the book is still a great place to see how stories can change. Alwazzan (n.d.) illustrates that the transition from book to cinema requires methodical stages of reduction, modification and addition. The research uses the adaptation of *Little Women* to show how the events, characters and themes of the stories have been changed in a way that suits the time, the visual story and the expectations of the film audience. Kirezçik (2022) shows that adaptations of television novels such as *The Sinner* rearrange narrative events using episodic frames, emphasizing psychological complexity, delayed revelation, and continuous suspense.

## Methodology

This study adopts a qualitative research approach in the form of a literature review that examines how the same narrative event is represented in three narrative forms: the novel, the film script, and the play. Rather than conducting primary textual analyzes of specific creative works, the research focuses on theoretical, critical, and comparative academic sources that address narrative representation and mediated storytelling.

The main goal of this study was to synthesize the existing to achieve an explanation of how a single event can be constructed and transformed in narrative ways, in literary, cinematographic and theatrical forms, as well as to clarify the specific strategies and limitations of a medium that manage to shape these representations. Through this review, it has been possible to use essential principles starting from narrative theory, adaptation studies and mediation, which create the analytical basis for understanding how narrative events are shaped by the formal constraints of different media. Through these limitations, an inclusion of the linguistic narrative in the novel, as well as the visual and structural economy of the film script, makes performative embodiment possible in the theater. Through this review, it is intended to create a comparison between recurring themes, dominant academic discourses and methodological frameworks that clarify the construction, transformation and interpretation of media events.

The search procedure in this research began with a targeted search of relevant academic literature, conducted primarily through Google Scholar, with additional sources identified through reference lists of key theoretical works. The search procedure used a number of terms and combinations of keywords, such as narrative event, event representation, narrative theory, comparison of novels and films, script narrative, theatrical narration, adaptation theory, mediation and cross-media storytelling. The search period included publications from 2021 to 2026, along with earlier fundamental theoretical texts selected to improve conceptual clarity.

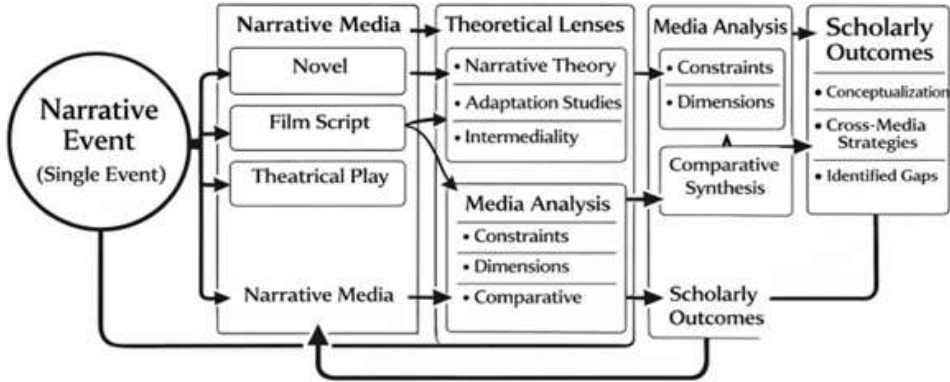
After identifying sources, literature was selected based on its academic relevance, theoretical depth, and direct relevance to the research focus. Selected texts were subjected to critical reading and thematic organization, with sources grouped according to their emphasis on specific narrative media or comparative frameworks. This process enabled the identification of similarities, differences and conceptual gaps within existing studies.

The final stage of the methodology involves synthesizing the reviewed literature into a coherent analytical framework that highlights how narrative events are conceptualized and represented differently in literary, cinematic, and theatrical forms.

### *Research questions*

1. How do the novel, film script, and theatrical play differ in their formal strategies for representing the same narrative event?
2. In what ways do time, space, and narrative perspective shape the construction of an event across these three media?
3. How does scholarship in adaptation studies and intermediality explain the transformation of an event when it is re-narrated across media?

**FIGURE 1:** A Framework for Cross-Media Narrative Analysis



This literature review can contribute to the field by providing an interdisciplinary synthesis of scholarship in literature, film, and theater studies. An explanation of how the concept of the narrative event is reshaped when transferred between media is presented and identifies common theoretical tools as well as areas requiring further research. So we say that, as a non-systematic study of the literature, the study does not aim to include all existing publications on this topic. The selection of sources is influenced by access and language (mostly English-language scholarship), and the focus on theory limits engagement with empirical approaches such as audience reception or production practices.

## Analysis and results

### 1. How do the novel, film script, and theatrical play differ in their formal strategies for representing the same narrative event?

Recent findings in contemporary literature consistently show that the novel, the film script, and the play use distinct formal strategies to represent the same narrative event, shaped by the expressive capacities and limitations of each medium. In the literature findings within the novel, events are constructed mainly through linguistic narration and internal access. As Abbott (2021) argues, prose fiction allows events to unfold through reflection, memory, anticipation, and psychological depth. Events do not rely solely on action, but gain meaning through narrative voice, temporal delay, and access to characters' inner states. Diaristic and first-person narratives further fragment events, presenting them as subjective and episodic experiences rather than unified actions (de Pasquale, 2025).

In contrast, the film script represents the events as outward visible and structural economic actions. According to Friedmann (2021), screen storytelling privileges events that can be displayed through behavior, dialogue and mise-en-scène. Internal or abstract events from novels must be translated into concrete cinematic actions or visual metaphors. Adaptation studies show that this often involves condensing, restructuring, and reordering events to meet cinematic rhythm and causal clarity (Alwazzan, n.d.; Kirezçik, 2022).

Whereas in the theatrical play, events are realized through embodied performance and spatial presence. Theater prioritizes acting over narration, making events immediate and shared. Lowe (2021) emphasizes that theatrical events are formed by actors' bodies, stage space and living temporality, while Sağlam (2025a; 2025b) shows that events are not reproduced, but recirculated as dramaturgical constructions formed by cultural and performative contexts.

We can say that, while the novel privileges interiority and narrative mediation, the film script emphasizes visual action and structural clarity, and theater relies on embodiment and direct performance, resulting in fundamentally different representations of the same narrative event.

## *2. In what ways do time, space, and narrative perspective shape the construction of an event across these three media?*

In recent studies, it is considered that the story of the book has room for change, where in his study, the author Abbott (2021) notes that prose facilitates pauses, digressions, retrospection and chronological layering, allowing events to be elaborated, postponed or revised. Also, space is often produced from within, mediated by mind rather than actual presence. Also, the narrative perspective, especially from the focus, facilitates subjective experiences of events, often undermining a particular authoritative description of the phenomena. Even editing, camera movement, sound, and framing all work together in films to fix time and space. Stadler (2020) states that montage and spatial continuity shape cinematic events by compressing or rearranging time to maintain rhythm and coherence. Perspective is managed through visual framing and directorial decisions, directing the audience's focus and interpretation. In serial television, incidents can be spread over several episodes to keep the tension high and the psychological depth deep (Kirezçik, 2022). In theatre, time passes in real or near-real time, and performers and audience members share the same space. Things happen instantaneously during a performance, which makes changing the time more difficult, but makes the presence stronger. Perspective is influenced more by staging, blocking and performance dynamics than by narrative mediation (Lowe, 2021). Sağlam (2025) asserts that the theatrical space serves as a place of cultural translation, where events take on new meanings through embodiment

and contextualization. Through these dimensions, they are increasingly growing in new and transmedia forms. Le (2023) theorizes events as rhizomatic, capable of existing across different temporal and spatial configurations, while Weaving (2021) illustrates how immersive technologies transfer narrative control to the spectator.

### 3. How does scholarship in adaptation studies and intermediality explain the transformation of an event when it is re-narrated across media?

Adaptation studies and intermediality scholarship elucidate the transition of narrative events as a process of reconfiguration rather than just reproduction. Early adaptation models prioritized accuracy; however, recent researchers contend that events undergo inevitable transformations when they traverse media, owing to divergent semiotic systems and cultural settings (Spielmann, 2024). Abbott (2021) conceptualizes adaptation as a transmedial narrative process wherein meaning arises from medial conditions rather than textual uniformity. Intermediality theory posits that events are re-materialized through the interactions of text, picture, sound, performance, and technology. Grishakova (2023) defines intermediality as a material and creative phenomenon, whereas Pop (2023) contextualizes adaptation within extensive multimodal and transmedial frameworks. From this viewpoint, events serve as adaptable narrative nodes instead of static entities. Empirical adaptation studies demonstrate this transformation via tactics like reduction, variation, and addition (Alwazzan, n.d.), episodic redistribution (Kirezçik, 2022), and intersemiotic translation (Sağlam, 2025). Gender and cultural reinterpretation further transform events, exemplified by adaptations that recontextualize canonical narratives through novel sociopolitical perspectives (de Pasquale, 2025; Yilmaz, 2025). Advances in technology make these changes even more dramatic. AI-assisted storytelling rearranges events in a hierarchy and with the help of others (Mirowski et al., 2023; Uddin et al., 2025), while immersive media breaks up the usual way of controlling a story (Weaving, 2021). These methods work together to show that adaptation is a dynamic process that changes narrative events across media all the time.

**TABLE 1:** Comparative Dimensions of Event Representation Across Narrative Media

Dimension (What changes?)	Novel (Prose Fiction)	Film Script (Screenwriting)	Theatrical Play (Drama/Theatre)	Key scholarship (APA)
Core strategy for representing an event	The event is built through language: narration, description, reflection, inner thought.	The event is turned into visible action: behavior, dialogue, mise-en-scène (what can be "seen").	The event is realized as embodied performance: body, voice, presence, live stage action.	Abbott (2021); Friedmann (2021); Fludernik (2008); Lowe (2021)

Dimension (What changes?)	Novel (Prose Fiction)	Film Script (Screenwriting)	Theatrical Play (Drama/Theatre)	Key scholarship (APA)
Access to interiority (psychology)	Very high: the novel allows direct access to feelings, memory, self-reflection.	Limited: interiority must be externalized into action, dialogue, or visual representation.	Mediated: interiority appears through acting choices (voice, rhythm, gesture).	Abbott (2021); de Pasquale (2025); Friedmann (2021); Lowe (2021)
Narrative economy (how much the medium can “hold”)	Can be expansive, digressive, highly detailed.	Requires compression and structural economy (pacing).	Requires economy due to performance time and stage constraints.	Alwazzan (n.d.); Stadler (2020); Lowe (2021)
Event structure (organization of the event)	Can be fragmented, serial, with retrospective turns.	Often reorganized by structural models (e.g., three-act structure; TV serialization).	Structure shaped by scenes/acts plus live rhythm.	Sakorn (2023); Kirezçik (2022); Neilan (2023); Abbott (2021)
Time (narrative time)	Elastic: pauses, digressions, flashbacks, retrospective narration.	Built through editing logic, rhythm, scenes, condensation.	Mostly “lived” time (live), with limited manipulation.	Abbott (2021); Stadler (2020); Lowe (2021)
Space (narrative space)	Can be mental/imagined; built through language.	Created audiovisually: framing, camera movement, locations.	Concrete and shared: stage, bodies, scenography/props.	Stadler (2020); Lowe (2021); Fludernik (2008)
Perspective & focalization	Strong internal focalization; subjectivity (especially diaristic forms).	Perspective controlled by camera and directing; often “guided.”	Perspective depends on staging/blocking and the arrangement of bodies onstage.	Abbott (2021); de Pasquale (2025); Yang & Qin (2024); Lowe (2021)
Typical adaptation operations (what happens to the event in adaptation)	The event may be longer and more complex (many sub-events).	Reduction/variation/addition; reorganization for pacing and clarity.	Intersemiotic translation: recirculating the event in a performative code.	Alwazzan (n.d.); Sağlam (2025a, 2025b); Spielmann (2024)
Intermediality (how the event changes across media)	Text produces the event as an interpretive/cognitive phenomenon.	The event is re-materialized in image/sound; meaning depends on filmic tools.	The event is re-materialized in live performance; meaning depends on presence and cultural context.	Grishakova (2023); Pop (2023); Abbott (2021)
Serial / network logic (transmedia)	Can sustain seriality through chapters/diary form.	TV/serial formats distribute events across episodes (suspense).	Can be re-staged in different versions (different productions).	Le (2023); Kirezçik (2022); de Pasquale (2025)
Cultural/gender reframing of events	Can deepen identity and subjectivity (e.g., diaristic).	Can “update” themes for contemporary audiences.	Often becomes political/gender reinterpretation through performance.	de Pasquale (2025); Yılmaz (2025); Lowe (2021)

Dimension (What changes?)	Novel (Prose Fiction)	Film Script (Screenwriting)	Theatrical Play (Drama/Theatre)	Key scholarship (APA)
Technology & AI influence on event construction	Indirect influence (as source/text).	AI can support structuring beats and event design in screenwriting.	AI may co-create theatre scripts too, but with coherence limits.	Mirowski et al. (2023); Uddin et al. (2025)
Immersive media implication (VR)	Not the main format, but narrative theory can be applied.	VR challenges traditional framing: events are experienced without a fixed frame.	Theatre has live “immersiveness,” but VR shifts authorial control.	Weaving (2021); Abbott (2021)
Overall takeaway	Event = linguistically mediated experience + interiority.	Event = visible action + structural/ audiovisual economy.	Event = performative act + spatial presence and live time.	Abbott (2021); Stadler (2020); Lowe (2021); Sağlam (2025)

## Discussions and recommendations

This research delineates a narrative experience that is transformed into a novel, film script, and theatrical performance, utilizing contemporary literature in narratology, adaptation studies, and intermediality. The analysis of the sources clearly shows that the event cannot be seen as a stable and unchanging thing, but as a story that changes based on the formal, semiotic, and cultural settings of each media (Abbott, 2021; Grishakova, 2023). When considering occurrences as a mean-dependent construct, it is posited that the novel, the film script, and the play employ markedly distinct methods to portray the same event. The novel primarily develops the event through language and narrative voice, enabling direct access to the characters’ psychological interiors and transforming the event into a subjective and meditative experience (Abbott, 2021; de Pasquale, 2025). The novel’s ability to stretch, break, or delay events makes it especially good at dealing with themes of identity and emotion.

The script for the movie even mentions that the occurrence is something that happens outside of the story and may be seen. Friedmann (2021) states that the way the movie tells the story focuses on action, conversation, and *mise-en-scène*, which gives the event a clear and structured shape around causality and rhythm. Adaptation studies show that this process often involves shortening, rearranging, and changing story events to meet the needs of the film business (Alwazzan, n.d.; Kirezçik, 2022). In dramatic theater, the event is expressed through physical performance and spatial presence. Fludernik (2008) posits that, unlike the novel and the film, drama constructs its narrative through action rather than narrative mediation. Lowe (2021) and Sağlam (2025a; 2025b) contend that the theatrical event does not merely copy the literary source; instead, it is transmuted into a

dramaturgical construct shaped by the players' bodies, the stage design, and the cultural context of the performance.

Time and space are even thought to be aspects that change an event and directly affect how it is made and seen in any media. The novel has temporal elasticity, which means that it can have digressions, retroactive narration, and temporal layering. This makes the meaning of the event bigger than the instant when it happened (Abbott, 2021). In the narrative, space is often mental or seen via the character's mind. Editing, moving the camera, and sound design are all examples of audiovisual techniques that filmmakers use to create time and place. Stadler (2020) says that these gadgets speed up and clarify the event, but they also limit the structure, which makes the story shorter. To keep the story interesting and suspenseful, events are generally spread out throughout episodes in TV shows (Kirezçik, 2022).

In the theater, time is mostly "lived time," and the space is real and separated between the players and the audience. This gives the event a lot of intensity, but it doesn't let you change the time as much as you can in the book and movie (Lowe, 2021). Sağlam (2025) posits that the theatrical space transforms into a locus of cultural translation, wherein the event attains novel significances through embodiment and contextualization. Perspective, focus, and audience experience: The examination of perspective reveals that each medium creates a different connection between the event and the audience. In the novel, internal attention enables the reader to perceive the incident from the character's mind, rendering the experience profoundly subjective (Abbott, 2021; de Pasquale, 2025). The camera and the director's vision influence the viewer's perspective in a movie. They do this by making aesthetic choices that draw the viewer's attention and create meaning (Stadler, 2020; Yang & Qin, 2024).

Staging, blocking, and acting all help to establish perspective in theater. The audience has more flexibility to perceive, but the performance's physical presence and rhythm also affect them (Lowe, 2021). This alteration reveals that the event's modification is not only formal, but also perceptual, meaning that it changes how the audience feels and interprets the event. Adaptation and intermediality as a framework for understanding - Adaptation and mediation studies offer a theoretical framework elucidating the transformation of events as a normative and unavoidable process. Spielmann (2024) contends that loyalty-based paradigms are inadequate for comprehending modern adaptation. Intermediality, on the other hand, sees the event as a unit that changes when different semiotic systems interact (Grisakova, 2023; Pop, 2023). Empirical investigations demonstrate that transformation occurs via techniques such as reduction, alteration, and augmentation (Alwazzan, n.d.), through intersemiotic translation in theater (Sağlam, 2025a; 2025b), and through cultural and gender re-marking (Yilmaz, 2025; de Pasquale, 2025). Technological advancements, such as artificial intelligence and virtual reality,

exacerbate this phenomenon by contesting conventional concepts of authorship and narrative authority (Mirowski et al., 2023; Uddin et al., 2025; Weaving, 2021). The discussion substantiates the conclusion that the narrative event is a mediated and dynamic phenomena, wherein meaning is generated not by maintaining the original form, but by the manner in which the event is reconfigured within the distinct parameters of each medium.

This literature study provides numerous recommendations for future research and analytical approaches in the fields of narrative studies, adaptability, and intermediality. The depiction of a narrative event varies significantly among the novel, film script, and stage drama. Future research must utilize theoretical frameworks that recognize the unique limitations of each medium while enabling meaningful cross-media comparison. Thinking of the event as a story unit that can change and adapt helps us understand how stories work in different types of media.

- Future research must clearly define the narrative event as a distinct unit of inquiry, specifying its identity and parameters across different media formats. A unified analytical framework (e.g., action, time, space, perspective, audience effect) applied across books, screenplays, and stage plays should assist comparative study.
- Researchers ought to transition from fidelity-based methodology to focus on transformation techniques (reduction, variation, augmentation, reconfiguration) utilized in adaptation processes.
- We should pay more attention to how people react to things. For example, we should look at how readers, viewers, and spectators experience and understand the same event in different ways.
- Future studies ought to examine the impact of emerging technologies, such as AI-assisted storytelling and immersive formats, on the production and distribution of narrative events.

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