

REAL ESTATE LEGISLATION AS IMPERATIVE FOR A SOUND AND FUNCTIONAL DEMOCRATIC LEGAL SYSTEM: THE CASE OF ALBANIA

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Abstract

This paper aims to explore one of the most fundamental juridical principles of a democratic society, the soundness of its property legislation. This has been a commonly found problematic issue in countries in transition, especially in Eastern Europe and the Western Balkans. Our case study will be Albania and the way that its property registration system reflects the functionality of its legal system as a whole. As such, this paper will very much be about the state of democracy in Albania, since the Rule of Law and the State of Law is the most important pillar of a western democracy. In Albania, the Property Registration System has gone through a number of stages to reach its present form. In the past, the property registration system has been fragmentary and with a completely different model from the concept of the today's immovable property registration. We will analyze the institutions which administrated the property information, with special reference to urban areas, where the focus was the owner of the property.

In the early 90's Albania undertook a series of reforms in the land market. These reforms resulted in the fragmentation and reorganization of the boundaries of land and as a result - the creation of over 3 000 000 private properties. Transfer of rights from the state to private created at that time over 500 thousand private owners. The new system of immovable property registration has in the focus the property and not the owner. The property consists of several components such as: the act of legal acquiring the property, the Index map and the property cartel containing all the information on the property. Currently, the immovable properties are recorded and are being recorded through three specialized private companies, contracted by the Main Registry of Albania. Due to all innovations and the problematic carried the new Immoveable Property Registration System in the Republic of Albania, I appreciate the need to analyze a range of important issues related to this process as well as the interests of citizens and other subjects of the right affected by it.

Keywords: right, joy, disposition, heritage, land, forests, pastures, meadows, rivers, streams, channels, lakes, lagoons, reservoirs.