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The Social Impact of Justice Reform on Due Process Rights: A Case Study of State Intervention in a Transitional Democracy

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Abstract

Justice reform constitutes one of the most significant institutional transformations in transitional democracies. While its primary objectives are to strengthen the rule of law, enhance judicial independence, and combat corruption, the implementation of such reforms may also affect fundamental due process rights. This paper examines the social impact of justice reform through the lens of procedural fairness, using Albania's comprehensive justice reform as a case study. It argues that extensive state intervention in judicial institutions has contributed to greater public confidence, accountability, and judicial integrity, but has also created challenges related to legal certainty, judicial efficiency, access to justice, and the timely resolution of cases. The study employs a qualitative legal and institutional methodology, drawing on constitutional principles, international human rights standards, and comparative experiences from other transitional democracies. Particular attention is given to the interaction between institutional restructuring and the protection of procedural guarantees enshrined in international human rights instruments. The findings indicate that justice reform can strengthen democratic governance only when institutional transformation is accompanied by effective safeguards for due process and access to justice. The Albanian experience demonstrates that anti-corruption measures and judicial accountability should not be pursued at the expense of procedural rights but rather integrated within a balanced rule-of-law framework that promotes both institutional integrity and the protection of individual rights.

Keywords: justice reform, due process, rule of law, transitional democracy, judicial independence, human rights

Introduction

Justice reform has become a defining feature of democratic transition in many post-authoritarian and post-communist states. The consolidation of democratic governance requires not only the establishment of democratic institutions but also the creation of an independent, impartial, and accountable judiciary capable of guaranteeing the rule of law and protecting fundamental rights. In countries emerging from authoritarian rule, judicial institutions often inherit structural weaknesses, political interference, limited public trust, and widespread perceptions of corruption. Consequently, comprehensive justice reforms have become a central component of state-building and democratic consolidation, particularly in Central and Eastern Europe and the Western Balkans, where judicial reform has been closely linked to the broader process of European integration (Carothers, 2002; O'Donnell, 1998). Justice reforms typically involve extensive state intervention in the organization and governance of the judiciary. Such interventions may include constitutional amendments, judicial vetting procedures, restructuring of judicial institutions, reforms of judicial appointment and disciplinary systems, the establishment of specialized anti-corruption bodies, and the strengthening of mechanisms for judicial accountability.

These measures seek to enhance judicial independence, increase institutional transparency, improve professional integrity, and restore citizens' confidence in the justice system. International organizations, including the European Union, the Council of Europe, the Venice Commission, and the Organization for Security and Co-operation in Europe (OSCE), have consistently emphasized that an independent and efficient judiciary constitutes one of the essential pillars of democratic governance and sustainable development (European Commission, 2024; Venice Commission, 2016). Despite these objectives, large-scale judicial reforms inevitably create tensions between institutional transformation and the protection of individual rights. The relationship between justice reform and due process is particularly complex because reforms designed to improve the long-term functioning of judicial institutions may temporarily affect procedural guarantees enjoyed by litigants. Measures such as the dismissal or suspension of judges, institutional restructuring, and the establishment of new judicial bodies can produce unintended consequences, including increased case backlogs, prolonged judicial proceedings, reduced access to courts, and legal uncertainty.

These developments may directly affect fundamental due process guarantees, including the right to a fair hearing, adjudication within a reasonable time, equality of arms, and access to an independent and impartial tribunal, as protected by Article 6 of the European Convention on Human Rights and Article 14 of the International Covenant on Civil and Political Rights (Council of Europe, 1950; United Nations, 1966). The challenge facing transitional democracies is therefore not merely to eradicate corruption or increase judicial accountability but to achieve these objectives without undermining the procedural safeguards that constitute the

essence of the rule of law. As Raz (1979) argues, the rule of law requires not only that public institutions operate effectively but also that legal processes remain predictable, accessible, and respectful of individual rights. Similarly, contemporary scholarship recognizes that judicial independence and judicial accountability should be viewed as complementary rather than competing principles, both of which are indispensable for maintaining public confidence in democratic institutions (Voigt, 2021).

This paper examines these competing dynamics through the case of Albania's justice reform, initiated by the constitutional amendments adopted in 2016. Widely regarded as one of the most comprehensive judicial reforms undertaken in Europe in recent decades, the Albanian reform introduced an unprecedented judicial vetting process, established new judicial governance institutions, strengthened anti-corruption mechanisms, and significantly reshaped the country's judicial architecture. The reform has been strongly supported by the European Union and other international partners as a key condition for Albania's EU accession process. At the same time, its implementation has generated significant legal, institutional, and social debates concerning judicial independence, access to justice, procedural fairness, and the protection of due process rights. Using Albania as a case study, this paper explores the broader social implications of state-led judicial reform in a transitional democracy. It seeks to assess whether comprehensive institutional intervention can simultaneously strengthen judicial integrity and preserve the procedural guarantees essential to democratic governance. By analyzing constitutional principles, international human rights standards, and comparative experiences from other transitional democracies, the paper contributes to the ongoing debate on how justice reforms can balance institutional accountability with the effective protection of fundamental rights.

2. Literature Review

Justice reform has attracted considerable scholarly attention as one of the central mechanisms through which transitional democracies seek to strengthen the rule of law, consolidate democratic institutions, and combat systemic corruption. The literature generally agrees that an independent and accountable judiciary is indispensable for democratic governance; however, significant debate remains regarding the most effective institutional strategies for achieving these objectives without compromising fundamental rights. Early scholarship on judicial reform emphasized institution-building and constitutional design. O'Donnell (1998) argues that democratic consolidation depends upon effective **horizontal accountability**, whereby independent institutions—including courts—exercise oversight over executive and legislative power. Similarly, Carothers (1998) observes that judicial reform extends beyond legislative change and requires long-term transformation of institutional culture, professional ethics, and public confidence. North (1990) likewise demonstrates that sustainable institutional change requires both formal legal reforms and changes in informal norms governing institutional behaviour.

Subsequent research shifted attention toward the relationship between judicial independence and accountability. While judicial independence is widely recognized as a prerequisite for impartial adjudication, scholars increasingly argue that independence must be accompanied by effective mechanisms of accountability and transparency. Voigt (2021) contends that these principles should be viewed as complementary rather than competing objectives. Likewise, Kosař (2016) warns that judicial self-governance, if insufficiently accountable, may create institutional isolation without necessarily improving judicial performance. A second strand of literature examines the influence of European Union conditionality on judicial reform in post-communist Europe. Grabbe (2006) argues that the EU has exercised significant transformative influence through accession conditionality, requiring candidate countries to strengthen judicial independence, combat corruption, and align domestic legal systems with European standards.

Dimitrova (2010) further notes that the effectiveness of these reforms depends largely on domestic political commitment and institutional capacity rather than legal harmonization alone. Comparative studies of Romania, Bulgaria, Croatia, and Serbia demonstrate that while EU conditionality has accelerated judicial reforms, implementation has frequently encountered challenges relating to political interference, administrative capacity, and institutional resistance (Bobek & Kosař, 2014). A growing body of scholarship specifically examines Albania's justice reform following the constitutional amendments adopted in 2016. International institutions have generally regarded the reform as one of the most comprehensive judicial transformation processes undertaken in Europe, particularly because of its unprecedented judicial vetting process and the establishment of specialized anti-corruption institutions such as SPAK (European Commission, 2024; Venice Commission, 2016).

Existing studies highlight important improvements in judicial accountability, transparency, and anti-corruption enforcement while simultaneously identifying concerns regarding judicial vacancies, court backlogs, delays in judicial proceedings, and access to justice (World Bank, 2019; European Commission, 2024). Despite the growing literature, relatively limited research has examined Albania's justice reform from the perspective of **due process rights and its broader social consequences**. Most existing studies concentrate on constitutional reform, judicial independence, anti-corruption policies, or the institutional performance of newly established judicial bodies. Comparatively fewer analyses evaluate how large-scale institutional restructuring affects procedural fairness, legal certainty, access to justice, and citizens' perceptions of judicial legitimacy during democratic transition. This paper addresses that gap by integrating constitutional law, rule-of-law theory, and socio-legal analysis. Rather than evaluating justice reform exclusively through institutional performance indicators, it examines how state-led judicial transformation influences procedural guarantees protected under international human rights law. In doing so, the study contributes to broader debates concerning the relationship between

institutional accountability, democratic legitimacy, and due process in transitional democracies.

3. Methodology

This study adopts a qualitative doctrinal and comparative case study methodology. Albania serves as the principal case study because its 2016 justice reform represents one of the most comprehensive judicial reform processes implemented in Europe and provides a valuable opportunity to examine the interaction between institutional transformation and procedural rights within a transitional democracy. The research combines doctrinal legal analysis with comparative institutional analysis. The doctrinal component examines constitutional provisions, legislation, international human rights instruments, opinions of the Venice Commission, and reports produced by the European Commission, the Council of Europe, the Organization for Security and Co-operation in Europe (OSCE), the World Bank, and other international organizations. Particular attention is given to the procedural guarantees protected under Article 6 of the European Convention on Human Rights and Article 14 of the International Covenant on Civil and Political Rights.

The comparative component situates Albania within the broader context of judicial reforms undertaken in Romania, Bulgaria, Croatia, Serbia, and North Macedonia. These jurisdictions were selected because they share comparable post-communist institutional legacies, have undertaken significant rule-of-law reforms during the European integration process, and provide useful examples of different approaches to strengthening judicial independence and accountability. The comparison does not seek to rank reform models but rather to identify common patterns, institutional innovations, and challenges associated with justice reform in transitional democracies. The analytical framework draws upon rule-of-law theory, theories of democratic consolidation, procedural justice, and institutional governance. The study evaluates justice reform through five interrelated dimensions: judicial independence, institutional accountability, access to justice, judicial efficiency, and protection of due process rights.

These dimensions provide the basis for assessing both the institutional achievements and the broader social implications of Albania's justice reform. The research relies exclusively on secondary sources, including peer-reviewed academic literature, constitutional documents, legislation, reports issued by international organizations, and official government publications. No empirical interviews or original survey data were conducted. Consequently, the study is interpretative rather than empirical and aims to synthesize existing legal and institutional evidence within a coherent analytical framework. A qualitative case study approach is particularly appropriate because it facilitates an in-depth examination of the interaction between legal reform, institutional change, and democratic governance.

Rather than establishing causal relationships through statistical analysis, the study seeks to explain how comprehensive judicial reform influences procedural rights and

public confidence in the justice system. By integrating doctrinal legal analysis with comparative institutional perspectives, the methodology provides a comprehensive framework for evaluating both the legal effectiveness and the social consequences of justice reform in transitional democracies.

4. Justice Reform and Transitional Democracies

Transitional democracies are characterized by the gradual transformation of political, legal, and administrative institutions from authoritarian or centrally controlled systems into democratic regimes governed by constitutionalism, the separation of powers, and the rule of law. In this context, justice reform is not merely a legal or institutional exercise but a broader process of democratic consolidation aimed at rebuilding public trust, strengthening state legitimacy, and ensuring the effective protection of fundamental rights. The judiciary occupies a pivotal position in this transition because it serves as the principal guarantor of constitutional order, individual liberties, and governmental accountability (O'Donnell, 1998).

The concept of transitional justice reform extends beyond the modernization of judicial institutions. It encompasses structural, legal, and cultural changes designed to transform judicial systems that have historically been characterized by political interference, corruption, limited professional capacity, and weak institutional independence. As Carothers (1998) argues, judicial reform is among the most challenging dimensions of democratic transition because success depends not only on legislative change but also on altering institutional practices, professional ethics, and public perceptions of justice. Similarly, North (1990) emphasizes that institutional reform requires changing both formal rules and informal norms, suggesting that durable democratic institutions cannot be established solely through constitutional amendments or legislative reforms.

The literature identifies judicial independence as one of the fundamental prerequisites for democratic governance. An independent judiciary protects individuals against arbitrary state action, guarantees equality before the law, and ensures the effective enforcement of constitutional rights. However, independence cannot be viewed in isolation from judicial accountability. Excessive independence without effective accountability mechanisms may reduce transparency and enable corruption, while excessive accountability, particularly when influenced by political actors, may compromise judicial autonomy. Consequently, contemporary constitutional theory increasingly treats judicial independence and accountability as complementary principles that must coexist within a balanced institutional framework (Voigt, 2021).

Justice reform in transitional democracies generally pursues several interrelated objectives. These include strengthening judicial independence by insulating courts from political influence; enhancing institutional accountability through transparent appointment, evaluation, and disciplinary procedures; combating systemic corruption; improving judicial efficiency by reducing delays and case backlogs;

increasing public confidence in legal institutions; and ensuring compliance with international human rights standards, particularly those established by the European Convention on Human Rights and the International Covenant on Civil and Political Rights (Council of Europe, 1950; United Nations, 1966).

In many countries seeking membership in the European Union, judicial reform has also become a central component of the accession process, as reflected in the Copenhagen criteria and the emphasis placed on the rule of law under Chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security) of the EU acquis (European Commission, 2024). Despite these objectives, justice reform often presents a paradox. Measures intended to strengthen the long-term integrity and effectiveness of judicial institutions may generate short-term consequences that affect individual procedural rights. Large-scale restructuring of judicial institutions, comprehensive vetting processes, or the dismissal of judges and prosecutors may reduce judicial capacity, create substantial case backlogs, prolong litigation, and temporarily limit access to justice.

Consequently, reforms designed to reinforce the rule of law may inadvertently place pressure on fundamental due process guarantees, including the right to a fair hearing, the right to an independent and impartial tribunal, and the right to a trial within a reasonable time. This tension reflects a broader theoretical debate concerning the relationship between the effectiveness of institutional reform and the protection of individual rights. Raz (1979) argues that the rule of law requires more than efficient public administration; it also demands legal certainty, predictability, and accessible legal procedures that protect individuals from arbitrary exercises of public power. Likewise, Fuller (1969) contends that legality depends upon the consistent application of general and publicly known legal rules, suggesting that institutional reforms must themselves respect procedural fairness if they are to strengthen rather than undermine the legitimacy of democratic institutions.

Comparative experience demonstrates that transitional democracies have adopted different approaches to balancing judicial independence, accountability, and due process. Romania prioritized strengthening specialized anti-corruption institutions while preserving judicial continuity, whereas Croatia focused on judicial modernization and administrative efficiency as part of its European Union accession process. Albania, by contrast, implemented one of Europe's most comprehensive judicial vetting systems, fundamentally restructuring the judiciary through constitutional amendments and institutional renewal.

These different models illustrate that there is no universal formula for successful justice reform; rather, the effectiveness of reform depends on each country's institutional context, political commitment, administrative capacity, and ability to reconcile anti-corruption objectives with the protection of procedural rights. In this sense, justice reform in transitional democracies should be understood as a continuous process rather than a single legislative event. Sustainable reform requires

not only institutional restructuring but also the cultivation of an independent judicial culture, effective constitutional safeguards, public confidence, and unwavering respect for due process. Without these elements, institutional transformation risks replacing one form of democratic deficit with another, thereby weakening rather than strengthening the rule of law.

5. Albania's Justice Reform: Institutional Transformation in Comparative Perspective

Following the collapse of communist regimes across Central and Eastern Europe, judicial reform emerged as one of the principal challenges of democratic transition. Countries in the region inherited judicial systems characterized by political dependence, weak institutional accountability, limited public confidence, and insufficient safeguards against corruption. Consequently, justice reform became an essential component of democratic consolidation, constitutional modernization, and, for many countries, the process of accession to the European Union (Grabbe, 2006; Magen & Pech, 2022). Although most post-communist states pursued judicial reforms, Albania adopted one of the most comprehensive and far-reaching reform models in Europe. The constitutional amendments adopted in July 2016 fundamentally transformed the country's judicial architecture in response to persistent concerns regarding judicial corruption, political interference, excessive delays in court proceedings, and declining public trust in the justice system.

The reform was developed with substantial technical assistance from the European Union, the Council of Europe, the Venice Commission, the United States, and other international partners, making it an important example of internationally supported institutional transformation (European Commission, 2024; Venice Commission, 2016). Like many Eastern European countries, Albania sought to strengthen judicial independence, improve institutional accountability, combat high-level corruption, and align its legal framework with European standards. However, the Albanian approach differed significantly in both its scope and implementation. While countries such as Croatia, Romania, Bulgaria, Serbia, and North Macedonia concentrated primarily on judicial governance reforms, constitutional amendments, modernization of court administration, and disciplinary mechanisms, Albania introduced an unprecedented system of comprehensive judicial re-evaluation, commonly known as the **vetting process**, which became the defining characteristic of its justice reform. The Albanian reform consisted of several interconnected components, including constitutional amendments, restructuring of judicial governance, establishment of specialized anti-corruption institutions, strengthening disciplinary mechanisms, and extensive international monitoring throughout implementation.

The reform established a new institutional framework that included the High Judicial Council (KLGJ), the High Prosecutorial Council (KLP), the Justice Appointments Council (KED), the High Justice Inspector (ILD), the Special Structure against Corruption and Organized Crime (SPAK), the National Bureau of Investigation (BKH),

and the Special Courts against Corruption and Organized Crime (GJKKO). Together, these institutions replaced the previous governance model with a system intended to reinforce judicial independence while simultaneously increasing institutional accountability and professional integrity (European Commission, 2024). The most innovative aspect of Albania's reform was the constitutional vetting process. Under Law No. 84/2016, every judge and prosecutor serving in Albania became subject to an extraordinary evaluation based on three cumulative criteria: verification of assets, assessment of professional competence, and integrity screening, including possible links to organized crime. Unlike ordinary disciplinary procedures, the vetting mechanism constituted a one-time systemic review of the entire judiciary, supported by the International Monitoring Operation (IMO), composed of observers from the European Union and the United States (Venice Commission, 2016).

This approach differs substantially from judicial reforms implemented elsewhere in Eastern Europe. Romania, for example, strengthened judicial independence through the Superior Council of Magistracy and established the National Anticorruption Directorate (DNA), which became internationally recognized for prosecuting high-level corruption. However, Romania did not subject all judges and prosecutors to comprehensive re-evaluation. Instead, reforms focused on improving institutional independence, strengthening prosecutorial capacity, and enhancing judicial professionalism within the existing judicial framework (European Commission, 2019). Similarly, Bulgaria introduced constitutional reforms aimed at strengthening judicial governance, reorganizing the Supreme Judicial Council, and enhancing prosecutorial accountability. Nevertheless, repeated reports from the European Commission under the Cooperation and Verification Mechanism (CVM) identified persistent concerns regarding corruption, judicial independence, and prosecutorial accountability.

Unlike Albania, Bulgaria relied primarily on institutional reforms and disciplinary procedures rather than systematic vetting of judicial officials (European Commission, 2019). Croatia adopted judicial reforms principally in preparation for European Union accession. Its reform agenda emphasized modernization of court administration, reduction of case backlogs, digitalization of judicial services, and improvements in judicial efficiency. Although integrity mechanisms and disciplinary procedures were strengthened, Croatia avoided extraordinary transitional measures comparable to Albania's comprehensive vetting process (Bobek & Kosař, 2014). North Macedonia and Serbia likewise implemented constitutional and legislative reforms intended to reduce political influence over the judiciary and strengthen judicial councils. Progress in both countries has been gradual, with continuing concerns regarding judicial independence and political interference highlighted in successive European Commission reports. However, neither country adopted Albania's model of comprehensive constitutional re-evaluation of the judiciary (European Commission, 2024).

From a comparative perspective, Albania therefore represents a unique model of transitional justice reform. While most Eastern European states sought to improve judicial performance through incremental institutional reforms, Albania pursued systemic judicial renewal by combining constitutional restructuring with the removal of judicial officials who failed to satisfy integrity, professional competence, or financial transparency requirements. The Albanian model has produced significant institutional benefits. Public confidence in anti-corruption institutions has increased, judicial accountability has been strengthened, and SPAK has demonstrated growing effectiveness in investigating high-ranking public officials and organized criminal groups. International assessments have consistently recognized these achievements as important milestones in Albania's European integration process (European Commission, 2024).

At the same time, the Albanian experience illustrates the risks associated with extensive institutional intervention. The dismissal or resignation of a substantial proportion of judges and prosecutors created considerable vacancies throughout the judiciary, resulting in increased case backlogs, prolonged proceedings, and reduced access to justice. These consequences have raised important questions concerning the proportionality of extraordinary reform measures and their compatibility with due process guarantees, particularly the right to a hearing within a reasonable time as protected by Article 6 of the European Convention on Human Rights. The comparative evidence therefore suggests that no single model of justice reform is universally applicable. Countries such as Romania and Croatia demonstrate the effectiveness of gradual institutional strengthening, whereas Albania illustrates both the potential benefits and the institutional costs of comprehensive systemic reform. Ultimately, successful justice reform depends not only on combating corruption but also on preserving judicial efficiency, ensuring legal certainty, and maintaining effective protection of fundamental procedural rights throughout the reform process.

6. Social Impact of Albania's Justice Reform: Public Trust, Access to Justice and Institutional Accountability

The Albanian justice reform has produced profound social consequences that extend well beyond institutional restructuring. While the reform was primarily designed to strengthen judicial independence, combat corruption, and improve the integrity of the justice system, its implementation has also affected citizens' perceptions of justice, access to judicial protection, and confidence in democratic institutions. These social dimensions are particularly significant because the legitimacy of judicial reform depends not only on its constitutional or institutional outcomes but also on its capacity to enhance public trust while safeguarding fundamental procedural rights. One of the most notable achievements of the reform has been the gradual restoration of public confidence in anti-corruption efforts.

Prior to the constitutional amendments of 2016, Albania's judiciary consistently ranked among the least trusted public institutions. National and international

assessments repeatedly identified corruption, political interference, lack of transparency, and judicial inefficiency as the principal causes of declining public confidence (European Commission, 2015; Transparency International, 2016). From a sociological perspective, this evolution reflects an important transformation in legal culture. Institutional legitimacy derives not only from compliance with legal procedures but also from public confidence that judicial institutions operate fairly, independently, and free from corruption. Tyler (2006) argues that citizens are more likely to respect legal institutions when they perceive decision-making processes as legitimate and procedurally just. In Albania, the reform contributed to changing public expectations regarding judicial accountability by reinforcing the principle that no judicial official should remain immune from scrutiny. Consequently, corruption increasingly came to be viewed as punishable rather than inevitable, representing a significant shift in societal attitudes toward the justice system.

Despite these positive developments, the reform also generated substantial challenges concerning access to justice. The dismissal or voluntary resignation of a considerable proportion of judges and prosecutors during the vetting process significantly reduced judicial capacity across the country. Numerous courts operated with insufficient numbers of judges, while vacancies remained unfilled during the establishment of new judicial governance institutions. As a result, litigants experienced prolonged waiting periods, postponed hearings, increased case backlogs, and, in some jurisdictions, limited geographical access to judicial services (European Commission, 2024). These institutional consequences directly affected one of the fundamental guarantees of due process, the right to a hearing within a reasonable time. Article 6 of the European Convention on Human Rights requires States not only to establish independent courts but also to ensure that judicial proceedings are conducted without unreasonable delay.

The European Court of Human Rights has consistently held that excessive judicial delays may themselves constitute violations of the right to a fair trial, regardless of the structural difficulties faced by national judicial systems (Council of Europe, 1950). In Albania, although many delays resulted from exceptional transitional circumstances rather than administrative negligence, their practical consequences were borne primarily by citizens seeking judicial protection. Judicial efficiency likewise became one of the most significant challenges during the implementation of the reform. Institutional restructuring initially reduced the operational capacity of courts because newly established institutions—including the High Judicial Council, the High Prosecutorial Council, SPAK, and the Special Courts against Corruption and Organized Crime—required time to become fully operational. Simultaneously, the large number of judicial vacancies significantly increased the workload of remaining judges and prosecutors. The resulting backlog affected civil, administrative, and criminal proceedings alike, illustrating the complex relationship between institutional integrity and the effective administration of justice. This experience highlights an important paradox of justice reform in transitional democracies.

Measures intended to strengthen the long-term quality and legitimacy of judicial institutions may produce short-term reductions in institutional effectiveness. While judicial vetting succeeded in removing officials who failed to satisfy constitutional standards of integrity, it also temporarily weakened the judiciary's ability to deliver timely justice. As Voigt (2021) observes, the rule of law depends not only on judicial independence but equally on the effectiveness and accessibility of judicial institutions. A justice system perceived as honest but incapable of resolving disputes within a reasonable period risks undermining public confidence in much the same way as a system affected by corruption. Nevertheless, subsequent evaluations suggest gradual institutional stabilization.

The appointment of new judges and prosecutors, the strengthening of judicial governance institutions, increased digitalization of court administration, and improved coordination among anti-corruption bodies have contributed to progressive improvements in judicial performance. European Commission reports indicate that SPAK has demonstrated increasing effectiveness in investigating and prosecuting high-level corruption and organized crime, thereby reinforcing perceptions of institutional accountability and equality before the law (European Commission, 2024). The broader social significance of Albania's justice reform therefore extends beyond institutional restructuring. It has contributed to redefining the relationship between citizens and judicial institutions by promoting a culture of accountability, strengthening public expectations regarding judicial integrity, and increasing awareness that corruption within the justice system should be subject to effective legal sanctions. At the same time, the reform illustrates the delicate balance between institutional transformation and the protection of procedural rights. Sustainable judicial reform requires not only eliminating corruption but also ensuring continuous access to justice, judicial efficiency, and respect for due process throughout the reform process.

In this sense, Albania's experience demonstrates that the success of justice reform cannot be measured solely by the number of judicial officials dismissed or new institutions established. Rather, its long-term effectiveness depends upon its capacity to simultaneously enhance judicial integrity, maintain public confidence, protect fundamental procedural guarantees, and ensure that justice remains both independent and accessible. These dimensions are mutually reinforcing and collectively determine whether institutional reform ultimately strengthens democratic governance and the rule of law.

7. Conclusion

The Albanian justice reform provides an important case study for examining the complex relationship between institutional transformation, democratic consolidation, and the protection of due process rights in transitional democracies. The findings of this study demonstrate that judicial reform cannot be assessed solely through institutional or legislative achievements. Rather, its success depends upon

its capacity to strengthen judicial integrity while simultaneously preserving the procedural guarantees that constitute the foundation of the rule of law. The reform confirms a central paradox identified in the literature on judicial governance: measures designed to enhance the long-term legitimacy of judicial institutions may produce significant short-term constraints on access to justice and procedural fairness (Carothers, 1998; Kosař, 2016).

Albania's comprehensive vetting process substantially improved judicial accountability by removing judges and prosecutors who failed to satisfy constitutional standards of integrity, professional competence, or financial transparency. At the same time, the unprecedented scale of the re-evaluation process created considerable institutional disruption. Judicial vacancies, increased case backlogs, prolonged proceedings, and temporary reductions in judicial capacity directly affected litigants and placed pressure on one of the essential guarantees of due process—the right to a hearing within a reasonable time under Article 6 of the European Convention on Human Rights (Council of Europe, 1950). These developments illustrate that justice reform should not be understood as a choice between judicial independence and judicial accountability. Contemporary constitutional scholarship increasingly recognizes these principles as mutually reinforcing rather than mutually exclusive.

Judicial independence protects courts from improper external influence, while accountability mechanisms strengthen public confidence by ensuring transparency, ethical conduct, and institutional responsibility (Voigt, 2021). The Albanian experience demonstrates that the effectiveness of accountability measures depends upon their compatibility with constitutional guarantees, legal certainty, and procedural fairness. From a broader comparative perspective, Albania differs from most Central and Eastern European countries because it adopted a comprehensive constitutional re-evaluation of virtually the entire judiciary rather than relying exclusively on incremental institutional reforms. Countries such as Romania, Croatia, and Bulgaria primarily strengthened judicial councils, disciplinary procedures, and anti-corruption institutions while maintaining greater institutional continuity (Bobek & Kosař, 2014; Grabbe, 2006). Albania's approach therefore represents a distinctive model of systemic judicial renewal, combining constitutional reform with extraordinary transitional accountability mechanisms under extensive international supervision.

Although this model has been widely recognized for strengthening anti-corruption institutions—particularly the Special Structure against Corruption and Organized Crime (SPAK)—its implementation has also highlighted the institutional costs associated with large-scale judicial restructuring (European Commission, 2024). The findings further suggest that institutional legitimacy depends not only on legal compliance but also on public perceptions of fairness, transparency, and effectiveness. Tyler's (2006) theory of procedural justice argues that citizens are more willing to accept judicial decisions when they perceive legal institutions as

impartial, accountable, and procedurally fair. Albania's justice reform appears to support this proposition. Public confidence in anti-corruption efforts has increased, while judicial accountability has become more deeply embedded within public expectations regarding democratic governance. Nevertheless, improvements in institutional integrity must be accompanied by efficient judicial services if public trust is to remain sustainable over the long term.

These observations have broader implications for justice reforms in transitional democracies. Comprehensive institutional intervention may be justified where systemic corruption threatens constitutional governance and undermines public confidence in the judiciary. However, exceptional measures should remain proportionate, legally predictable, transparent, and subject to effective constitutional oversight. As Raz (1979) emphasizes, the rule of law requires that even extraordinary governmental action remain constrained by legal principles that protect individuals from arbitrary exercises of public authority. Consequently, anti-corruption objectives should not be pursued at the expense of fundamental procedural guarantees but should instead reinforce the broader constitutional framework within which democratic institutions operate.

The Albanian experience also demonstrates that justice reform should be conceived as a long-term institutional process rather than a single legislative event. Future reforms should incorporate mechanisms capable of minimizing judicial vacancies, ensuring continuity in judicial service delivery, strengthening legal aid systems, expanding judicial digitalization, and improving case management during transitional periods. These measures would reduce the unintended social costs associated with institutional restructuring while preserving access to justice and procedural fairness. Equally important is continued investment in judicial education, ethical training, institutional transparency, and public communication, all of which contribute to strengthening legal culture and reinforcing confidence in democratic institutions.

Ultimately, the Albanian justice reform illustrates that the effectiveness of judicial transformation cannot be measured solely by the number of judicial officials dismissed, the establishment of new institutions, or the prosecution of high-level corruption. Sustainable reform should instead be evaluated through a broader constitutional perspective that considers judicial independence, institutional accountability, public trust, access to justice, procedural efficiency, and the effective protection of due process rights as interconnected dimensions of the rule of law. Only by maintaining this balance can transitional democracies ensure that justice reform strengthens rather than compromises democratic governance, constitutional legitimacy, and respect for fundamental rights.

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