

LAW
No. 8678, dated 14.5.2001

ON THE ORGANIZATION AND FUNCTIONING OF THE MINISTRY OF JUSTICE
(amended by Law No. 9112, dated 24.7.2003; No. 9694, dated 19.3.2007; No. 33/2012, dated 21.3.2012; No. 40/2017, dated 30.3.2017; No. 27/2024, dated 4.4.2024)

(as amended)

Pursuant to Articles 78, 83, point 1 of the Constitution, upon the proposal of the Council of Ministers,

THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I
GENERAL PROVISIONS

Article 1
Object of the Law

This law defines the rules on the organization, functioning, as well as the fields of activity of the Ministry of Justice.

Article 2
Legal basis for the organization and functioning of the Ministry of Justice
(amended by Law No. 40/2017, dated 30.3.2017)

The Ministry of Justice is organized and functions in accordance with:

- a) The Constitution of the Republic of Albania;
- b) the law on the organization and functioning of the Council of Ministers;
- c) the law on the organization and functioning of the state administration;
- ç) the law on the civil servant;
- d) other special laws that provide rules related to the Ministry of Justice;
- dh) this law.

Article 3
Secondary legislation on the organization and functioning of the Ministry of Justice

This law provides for the most important matters relating to the structure, organization, and functioning of the Ministry of Justice, whereas the detailed regulation of these matters is

determined in the Regulation of the Ministry of Justice as well as in the orders and instructions of the Minister of Justice.

Article 4

Status of the employees of the Ministry of Justice

(amended point 3 by Law No. 9112, dated 24.7.2003 and amended by Law No. 40/2017, dated 30.3.2017)

1. The political functionaries of the Ministry of Justice enjoy the rights and fulfill the obligations provided for in the law on the organization and functioning of the state administration.
2. The civil servants of the Ministry of Justice enjoy the rights and fulfill the obligations provided for in the law on the civil servant.
3. The employment relations of other employees shall be regulated by the provisions set forth in the Labor Code.
4. Magistrates may be seconded to the Ministry of Justice in accordance with the provisions set forth in the law on the status of judges and prosecutors in the Republic of Albania. Seconded magistrates enjoy the status of magistrate as provided for in the law on the status of judges and prosecutors in the Republic of Albania.

CHAPTER II

FIELD OF ACTIVITY

Article 5

The Mission of the Ministry of Justice

(a sentence added in paragraph 1 and paragraph 3 amended by Law No. 40/2017, dated 30.3.2017)

1. The Ministry of Justice, in accordance with the Constitution and the laws, exercises functions and has the competence to draft and follow policies, prepare legal and sub-legal acts, as well as provide the necessary services related to the judicial system, the system of execution of criminal or civil decisions, the system of free legal professions, international cooperation in the civil and criminal fields, other areas of justice and its competencies under the law, as well as for the coordination, harmonization, and reform of Albanian legislation as a whole. Exceptions are made for bylaws and services related to the justice system which, according to special laws, fall under the competence of other justice system bodies.
2. In exercising its activity, the Ministry of Justice aims to ensure observance of the Constitution and the laws, the realization and protection of dignity, human rights and fundamental freedoms, as well as to contribute to the prevention of violations of the law, in compliance with and in the service of the requirements of democratic development and the European integration of the Republic of Albania.

3. The Ministry of Justice exercises competencies, supports, cooperates, and coordinates its activity, under this law, in relation to the governing bodies of the justice system, with the institutions of the prison system, probation service, free professions, except in cases where otherwise provided by special laws.

Article 6

Object of the activity of the Ministry of Justice

(amended by Law No. 9112, dated 24.7.2003, repealed point 23 by Law No. 33/2012, dated 21.3.2012, amended by Law No. 40/2017, dated 30.3.2017)

The Ministry of Justice carries out its activity in the following fields:

1. Monitors and is responsible for the implementation of general state policy in the field of justice.
2. Drafts legal and bylaws acts in the field of justice, with the exception of bylaws that are under the authority of other state bodies, according to the provisions of special laws.
3. Provides specialized opinions on draft legal acts and normative sub-legal acts of the Council of Ministers, ministers, and heads of other central institutions, as well as on the implementation of legislative reform in general.
4. Provides specialized opinion on the content of draft international agreements concluded on behalf of the Republic of Albania or the Council of Ministers.
5. Prepares and monitors the implementation of the unified Albanian methodology for the legislative process, the drafting of normative acts, and legal terminology.
6. Monitors and implements policies and activities related to issues of alignment and integration of the justice system into the respective international initiatives and structures, as well as coordinates work with other institutions, for the purpose of approximating Albanian legislation with that of the European Union and its member states.
7. Ensures the organization and functioning of services related to the judicial system and to justice in general, with the exception of services that fall under the competence of state bodies, as provided by special laws.
8. Repealed.
9. Repealed.
10. The Minister of Justice may submit a complaint to the High Inspector of Justice regarding alleged disciplinary violations by magistrates, as well as request from the High Inspector of Justice the conduct of institutional and thematic inspections in courts and prosecutors' offices.
The Minister of Justice shall forward to the High Inspector of Justice a reasoned request for inspection only after having assessed all the information obtained, in relation to the legal provisions in force, which indicate that there are reliable data showing that the magistrate has committed a disciplinary violation.
11. Repealed.
12. Manages the pre-trial detention system and the execution of criminal judgments.
13. Manages the system for the execution of civil judgements and enforceable titles.
14. Manages the activity of the Center for Official Publications.

15. Analyzes statistical data and publishes the statistical yearbook in the field of justice. The governing bodies of the justice system forward to the Ministry of Justice the required statistical data, with the aim of publishing the statistical yearbook, according to the provisions of special laws. The format of the statistical yearbook and the periodicity of forwarding information are approved by order of the Minister of Justice, after consultation with other bodies of the justice system, according to the field they cover.
16. Maintains the Judicial Records Register and issues certificates based on that register.
17. Repealed.
18. Oversees and supports the exercise, organization, and functioning of the professions of lawyer, notary, arbitrator, mediator, bankruptcy administrator, and other free professions related to the justice system, in accordance with the provisions of the special legislation in force in the respective field.
- 18/1. Supervises, monitors, inspects, and carries out disciplinary proceedings for the profession of notary, private bailiff, mediator, bankruptcy administrator, and other free professions related to the justice system, in accordance with the provisions of the special legislation in force in the respective field.
19. Repealed.
20. Supports the implementation of activities in the field of juvenile justice, for the protection of their rights and legitimate interests, legal education, and the prevention of violations of the law by minors, as well as for the provision of services to minors by the respective structures of the justice system, in accordance with the provisions of the special laws in the respective field.
21. Manages legal expertise services.
22. Provides methodological guidance for civil status services.
23. Repealed.
24. Provides methodological guidance for the legal offices of ministries and other central institutions.
25. Exercises competencies related to the initial and continuing professional training of the subjects provided for in the law on the governing bodies of the justice system, as well as for the professional preparation, qualification, and specialization of the subjects of special laws for free professions in the field of justice, in accordance with the provisions of the special laws.
26. Oversees and supports scientific activities in the field of justice and the dissemination of legal education.
27. Oversees the monitoring and coordination of relations with civil society in the field of justice.
28. Monitors international cooperation in the criminal and civil fields and, in accordance with international agreements to which the Albanian state is a party, ensures the implementation of judicial relations with the competent authorities of other states, as well as with international bodies.
29. Performs other functions in accordance with international agreements to which the Albanian state is a party.
30. Performs other functions and activities in accordance with the law.

31. The structures responsible for the maintenance of technology shall provide the Ministry of Justice with “visitor” level access to the data generated by the respective electronic information technology systems and the documents produced by the courts, which show the procedural progress of the case, with the exception of data and documents containing protected personal data, information related to minors, state secrets, financial and commercial data of the parties, matters concerning the safety of the parties or witnesses, or any other data and information protected by law.

The structures responsible for the maintenance of technology shall provide the Ministry of Justice with “visitor” level access to the data generated by the respective electronic information technology systems and the documents produced by the prosecution office, only after the completion of the investigation, which show the procedural progress of the case, with the exception of documents containing protected personal data, information on minors, state secrets, financial and commercial data of the parties, matters related to the safety of the parties or witnesses, and any other data and information protected by law.

32. The Minister of Justice organizes the work for the collection of information, with the purpose of preparing and submitting to the Council of Ministers recommendations for the prosecution, within the framework of the fight against criminality. The Minister of Justice communicates to the heads of prosecution offices at all levels the priority recommendations to be pursued for the upcoming year in the fight against criminality. The Minister of Justice continuously monitors the manner of implementation of the recommendations given by the Council of Ministers. For this purpose, the Minister of Justice requests, no fewer than twice a year, from the Prosecutor General and the Head of the Special Prosecution Office, information on their implementation. The information received shall be assessed by the Minister of Justice and, based on the findings, the Minister shall propose to the Council of Ministers and to the High Prosecutorial Council the adoption of organizational measures, in accordance with the law, with the aim of fulfilling the recommendations.

CHAPTER III

ORGANIZATION OF THE MINISTRY OF JUSTICE

Article 7

Political appointees

1. The Minister of Justice has competence over and directs, under his responsibility, all fields of activity of the Ministry of Justice.
2. The Minister of Justice, in the exercise of his competencies, issues orders and instructions.
3. The Minister of Justice, in the exercise of his competencies, is assisted by the Deputy Ministers.
4. The Minister of Justice, in the exercise of his competencies, is supported by the Minister’s Cabinet.

Article 8

Organizational structures of the Ministry of Justice

(title repealed and point 5 repealed by Law No. 40/2017, dated 30.3.2017)

In accordance with the fields of activity, the civil services of the Ministry of Justice are performed by:

- 1.The Secretary General
- 2.The General Directorates
- 3.The Directorates
- 4.The Sectors
- 5.Repealed.

Article 9

(amended by Law No. 40/2017, dated 30.3.2017)

For the fulfillment of his competencies, the Minister of Justice shall approve detailed rules for the day-to-day administration of activities, the internal functioning, the job descriptions of employees, and order and discipline within the institution.

Article 10

(amended by Law No. 9112, dated 24.7.2003; Law No. 9694, dated 19.3.2007; and Law No. 40/2017, dated 30.3.2017)

The functional structure and the detailed organizational chart of the institution shall be made in accordance with the law on the organization and functioning of the state administration.

Article 11

General Directorate of Justice Affairs

(amended by Law No. 9112, dated 24.7.2003, and repealed by Law No. 9694, dated 19.3.2007)

Article 12

Directorate of International Judicial Cooperation

(amended by Law No. 9112, dated 24.7.2003, and repealed by Law No. 9694, dated 19.3.2007)

Article 13

Directorate of Economic and Financial Control

(amended by Law No. 9112, dated 24.7.2003, and repealed by Law No. 9694, dated 19.3.2007)

Article 14

Directorate of Personnel, Organization and Services

(letter “ë” repealed by Law No. 9112, dated 24.7.2003, and repealed by Law No. 9694, dated 19.3.2007)

Article 15

Economic Directorate

(amended by Law No. 9112, dated 24.7.2003, and repealed by Law No. 9694, dated 19.3.2007)

Article 16

General Directorate of Prisons

The General Directorate of Prisons is an institution under the authority of the Ministry of Justice which, in accordance with the law, oversees and implements the organization and functioning of the pre-trial detention system, the execution of criminal judgments, the serving of sentences, and the treatment of detainees, arrestees, and convicts.

Article 17

General Directorate of the Bailiff Service

The General Directorate of the Bailiff Service is an institution under the authority of the Ministry of Justice which, in accordance with the law, oversees and implements the organization and functioning of the system for the execution of civil judgments and enforceable titles.

Article 18

Official Publications Center

(amended by Law No. 40/2017, dated 30.3.2017)

The Official Publications Center is a public legal entity under the authority of the Ministry of Justice, responsible for the publication of the Official Gazette, the Official Notices Bulletin, and for the updating and proper functioning of the Electronic Archive of Acts and other publications, in accordance with the provisions of the law on the organization and functioning of the Official Publications Center.

Article 18/1

Albanian Adoption Committee

(added by Law No. 9112, dated 24.7.2003)

The Albanian Adoption Committee is an institution under the authority of the Ministry of Justice which, in accordance with the law, oversees and implements the organization and functioning of activities related to adoptions, in the legitimate interest of protecting the rights of minors.

Article 18/2

Probation Service

(added by Law No. 40/2017, dated 30.3.2017)

The Probation Service is a public service organized and operating under the authority of the Minister of Justice, in accordance with the provisions of the special legislation.

Article 18/3

Forensic Medicine

(added by Law No. 40/2017, dated 30.3.2017)

The Institute of Forensic Medicine is a central budgetary institution under the authority of the Minister of Justice, in accordance with the provisions of the special legislation.

Article 18/4

State Archive of the Judicial System

(added by Law No. 40/2017, dated 30.3.2017; amended by Law No. 27/2024, dated 4.4.2024)

The Central State Archive of Justice is a typological archive organized and functioning under the Ministry of Justice. The rules of organization and functioning of the Central State Archive of Justice shall be determined by decision of the Council of Ministers, in accordance with the provisions of the legislation in force on archives.

Article 18/5

National Bankruptcy Agency

(added by Law No. 40/2017, dated 30.3.2017)

The National Bankruptcy Agency, as the competent state authority for the supervision, training, and licensing of the activity of administrators, is organized and operates under the Ministry of Justice, in accordance with the provisions of the special legislation.

CHAPTER IV

FINAL PROVISIONS

Article 19

Law no. 7381, dated 8.5.1990, "On the establishment of the Ministry of Justice," as amended, and any provision that conflicts with this law, are hereby repealed.

Transitional Provision

(added by Law no. 40/2017, dated 30.3.2017)

Judges and prosecutors who exercised functions at the management and executive levels in the Ministry of Justice at the time of the entry into force of Law no. 96/2016, "On the Status of Judges

and Prosecutors in the Republic of Albania,” are considered seconded magistrates and are treated in accordance with the law on the status of judges and prosecutors in the Republic of Albania. They are subject to the re-evaluation process, in accordance with the law on the transitional re-evaluation of judges and prosecutors in the Republic of Albania.

Article 20

This law enters into force 15 days after its publication in the Official Gazette.

Promulgated by decree no. 3026, dated 24.5.2001 of the President of the Republic of Albania, Rexhep Meidani.

SWORN TRANSLATOR DECLARATION

I, Eva Xhani, a sworn translator of the English language, certified by the Ministry of Justice with certificate number 185, dated 31.07.2024, hereby declare that I have translated the attached document from Albanian into English accurately, with due diligence and under legal responsibility.