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THE CONSTITUTIONAL GUARANTEE OF CIVIL PROCEDURAL RIGHTS

Abstract:

Our contribution to the present conference, shall address in this topic : "The constitutional guarantee of civil procedural rights". The article discusses the history of constitutional guarantees of civil procedural rights in Albania, their theoretical and practical treatment from the viewpoint of the European Convention of Human Rights and the Albanian Constitutional Court. The first part of the report gives a concise picture of the historical evolution of constitutional guarantees of civil procedural rights in Albania. The second part addresses the types of civil procedural rights, terms and specific features that each of them represents. The third part involves their approach to the European Convention of Human Rights and the Jurisprudence of Constitutional Court of Albania in the field of application of these constitutional guarantees.

The civil procedural rights, because of the importance that present, enjoy a broad constitutional protection. They constitute the basic and fundamental principles upon which is lifted the whole activity of state institutions in general and in particular the judicial one, in view of guaranteeing human rights and fundamental freedoms. The same warranty are predicted by the European Convention of Human Rights. Despite the legal provisions, in practise are observed cases of violation of these basic principles, which are determined by the Constitutional Court of the Republic of Albania as a violation of the right to a due process.

Keywords:

The civil procedural rights, constitutional guarantee, Constitutional Court , European Convention of Human Rights, due process.