

Course Name : Procedurë Civile II							
Course Code	Course Type	Regular Semester	Lecture (hours/week)	Seminar (hours/week)	Lab. (hours/week)	Credits	ECTS
LAW 318	N/A	Spring	3.00	1.00	0.00	3.50	6.00
Lecturer		Ada Güven, PhD					
Assistant							
Course language		Albanian					
Course level		Program i Integruar					
Description		670 / 5,000 Translation results Translation result Civil procedural law, as one of the parts of the law, studies the rules of the development of the civil process, which make it possible to give justice by guaranteeing both the integrity of the legal order, as well as the subjective material rights of different subjects, whether in their mutual relations , even against the bodies of public power and offering these subjects the legal means for the protection of their legal rights and interests. Through this course, students will acquire knowledge on the methods of taking evidence, special trials, appeals, appellate and Supreme Court trials as well as arbitration-related issues.					
Objectives		The purpose of this program is to equip students with in-depth knowledge to deal professionally with civil court proceedings. Upon completion of this level of studies, the student should be able to search, analyze and solve problems of theoretical or practical issues of civil procedural law.					
Core Concepts		1. Insurance Claim 2. General rules for taking evidence 3. Expertise and expertise 4. Written evidence, forgery 5. Suspension and suspension of judgment 6. Completion of the judicial investigation and rendering of the decision 7. Appeal 8. Appeal to the Supreme Court 9. Arbitration 10. Executive title					
Course Outline							
Week	Topic						
1	This topic will cover lawsuit insurance. Upon the claimant's request, the court within 5 days allows taking measures for securing the claim, when there are reasons to suspect that the execution of the decision on the claimant's rights will become impossible or difficult. The court should not base the decision to take a temporary measure to ensure the lawsuit in facts or actions, as well as in their legal definition, which are related to the examination and resolution of the case in substance. VUGJL no. 10, dt. 24.03.2004: Claim insurance is allowed for all types of lawsuits and at every stage of the trial, until the decision becomes final. Claim insurance is also allowed by the appellate court, when the claim is being examined by it. Claim insurance is not allowed in cases of lawsuits that are filed during the execution phase of the decision, to which the fourth part of this code applies." (Article 203 of the Criminal Code)						
2	In this topic, the general rules for taking evidence will be discussed. The parties may ask the court to receive evidence other than those specified in the preparatory session or taken in the court session, only when the explanations of the other party or the newly emerged circumstances are useful for the judgment of the case (time limit maximum 10 days) (Article 180/4) After the parties' request for new evidence, the court issues an interim decision. The refusal must be justified (Article 183). Evidence is data that is obtained from sources and according to the rules provided in this Code and other laws, which prove or disprove the claims or allegations of the participants in the process (Article 11 K.Pr.C.).						

3	In this topic, the expert and expertise will be dealt with. For establishing or clarifying the facts, which are related to the dispute in the trial, special knowledge in the fields of science, technology or art is required, the court may call one or more experts. An expert is a natural person who has special knowledge in the above fields and who can help the court to ascertain information that is important for resolving the dispute. The expert gives his opinion in writing, but can also be heard in a court session and be questioned by the court and the parties. The opinion of the expert is not binding on the court. The opinion of the expert is evidence and does not have a predetermined probative value. The expert does not give a legal opinion (Article 224/b/3). The expert must be limited only to specifying the facts for which he was asked, always within his sphere of expertise.
4	In this topic, written evidence, falsity will be dealt with. Evidence is data that is obtained from sources and according to the rules provided in this Code and other laws, which prove or disprove the claims or objections of the participants in the process (Article 11 K.Pr.C.). Evidence is a procedural tool through of which the parties can prove their claims and rebuttals and the judge forms the conviction of the truth of the facts presented by the parties. The claim must be supported by written evidence. The object of proof is a legal fact that is the basis of the claims of the parties or other participants during the trial and that are related to the resolution of the case.
5	In this topic, the suspension and termination of the judgment will be dealt with. The suspension of the trial is the temporary stoppage of the procedural activity in a certain case for all participating entities in the civil process. Cases of suspension of judgment are as follows: a) the case cannot be resolved before another criminal, civil or administrative case is resolved; b) requested by both parties; c) one of the parties dies or the legal entity expires; d) one of the parties does not have or has later lost the legal capacity to act as a party and it is deemed necessary to appoint a legal representative; e) is expressly provided for in the law. (Article 297): The dismissal decision is a non-final decision that is taken in the following cases: a. None of the parties requests within six months the resumption of the suspended trial at their request, when the court has not scheduled a future hearing in the suspension decision; b. The plaintiff waives the judgment of the suit; c. Suspension of judgment is expressly provided for in the law.
6	In this topic, the conclusion of the judicial investigation and the rendering of the decision will be addressed. The court takes an interim decision on the conclusion of the judicial investigation: 1. After reviewing all the evidence that was accepted by the court. In practice, the decision on the administration of relevant evidence. 2. After the other requests of the parties are not accepted; 3. Invites the parties to submit final claims about the case (up to 5 days). Order of submission of final claims: 1. The plaintiff and the secondary intervener (joined with him); 2. The respondent and the secondary intervener (joined with him); 3. Main intervenor; 4. The prosecutor (with the exception of cases he raised himself, where he speaks first) (Article 303).
7	This topic will deal with special trials, types of special trials, incidental trial, trial procedure related to marriage, etc. In the special judgments we have; special trial rules, in addition to the general ones, the special rules prevail over the general rules, special courts (administrative courts) or judges specialized in the relevant field (special sections near the courts of first instance), Special Court (jurisdiction subject) vs. section (non-jurisdiction).
8	Midterm
9	The Complaint will be dealt with in this topic. Article 43 of the Constitution provides: Anyone has the right to appeal against a judicial decision in a higher court, except when otherwise provided by law for minor criminal offenses, for civil or administrative matters of minor importance or value, in accordance with the conditions provided for in Article 17 of the Constitution. When the law allows it and the circumstances of the case dictate the taking of a judicial decision, regardless of the knowledge of a party, the latter has the right to appeal in court against the given decision." Article 21 Constitution of the Republic of Albania. Article 443 of the Criminal Code provides: The deadline for appealing to the Court of Appeal, against the final decisions of the court of first instance, is 15 days, the deadline for special appeals is 5 days.

10	The Appeal Judgment will be dealt with in this topic. Article 465 of the Criminal Code provides: 1. The appellate court examines the case within the limits of the appeal. 2. In examining the case on appeal, the provisions on the trial procedure at first instance are taken into account, as far as they are applicable. 3. At the request of the parties or mainly, the court of appeal partially or completely reopens the judicial investigation. 4. In the appellate trial, new claims cannot be presented, elements of the lawsuit may be added or changed, with the exception of the claim for the costs of the appellate trial. 5. The appellate court may accept new facts and evidence for examination, if: a) the interested party proves that, through no fault of his own, during the consideration of the case before the court of first instance, he was unable to present these facts and/or new evidence; b) the interested party requested them, but the court of first instance, contrary to the law, did not receive these facts and/or evidence, which are important for the case; c) the interested party proves that he could not have been aware of the new facts and/or evidence during the trial in the first instance. 6. This provision does not apply to obtaining judicial or extrajudicial confirmation. After the opening of the session, the court verifies the regular appearance of the parties.
11	In this topic, recourse to the Supreme Court will be dealt with, the term of recourse; Entities that can appeal to the Supreme Court; Decisions against which recourse can be exercised; Appeal against the decisions of the Court of First Instance and the Court of Appeal; Recourse as a procedural act; The method of exercising recourse against the decision of the Court of First Instance and the Court of Appeal; Counterrecursion; Effects of recourse; Examination in the united colleges; Trial procedure in the Supreme Court; Decisions of the Supreme Court; Retrial Appeal against the decisions of the Administrative Court of Appeal; Revision (Entities exercising the right to request for revision; Entities exercising the right to request for revision; Deadline for submitting the request for revision; Reasons for which revision is requested; Submission of the request for revision; Effects of submitting the request for revision ; Consideration of the request for review; Differences and commonalities between recourse and request for review.
12	In this topic, the recognition of the decisions of foreign countries will be addressed. The decisions of the courts of foreign countries are recognized and implemented in the Republic of Albania, under the conditions provided for in this Code or in separate laws. When for this purpose there is a special agreement between the Republic of Albania and a foreign state, the provisions of the agreement are applied (Article 393 of the Criminal Code). The appellate court does not examine the case on its merits, but only checks whether the submitted decision does not contain provisions that contradict Article 394. The decision of a court of a foreign state is not given force in the Republic of Albania in the following cases: a) according to the provisions that are in force in the Republic of Albania, the dispute cannot be within the competence of the court of the state that gave the decision; b) the claim and the summons to the court were not notified to the defendant in absentia, in a regular and timely manner, to give him the opportunity to defend himself; c) between the same parties, for the same object and for the same reason, a different decision was given by the Albanian court; c) the Albanian court is examining a lawsuit that was filed before the decision of the court of the foreign state has become final; d) it has been given a definitive form contrary to its legislation; dh) does not agree with the basic principles of Albanian legislation (Article 394 K.Pr.C).
13	In this topic, arbitration will be addressed. Arbitration is an alternative way of resolving disputes which consists of a legal technique designed to provide a solution to an issue related to the relationship between two or more persons, by the judgment of one or more other persons. arbitrators/arbitration courts that exercise their power based on an agreement without being charged by the state with such a mission. An arbitration agreement is a contract through which two or more persons agree not to resolve disputes between them before the usual state jurisdiction, but before one or more arbitrators chosen by them. At the end of the arbitration process, there is always a decision that resolves the case definitively, even in cases where the parties reach an agreement.
14	In this topic, the executive title will be addressed. The executive title is the act, the existence of which makes it possible for the creditor to ask the court for the issuance of the execution order for the beginning of forced fulfillment of obligations by the debtor. Compulsory execution can only be done on the basis of an executive title. The execution order is executed by the judicial, state or private enforcement service, through the judicial bailiff, based on the creditor's request.
15	RECAPITULATION
16	Final Exam

Prerequisites	The student must attend the course at a minimum rate of 75%.		
Literature	• Flutura Tafaj, Procedura Civile (Tiranë) • Kodi i Procedurës Civile		
References	• Vendime Gjykatë te Lartë		
Course Outcome			
1	Students will have a thorough knowledge of the elements of civil procedure.		
2	Students will be introduced to the different types of evidence in the civil process as well as the ways of obtaining them.		
3	Students will be able to search, analyze and solve problems and theoretical or practical issues of civil procedural law.		
4	Students will be equipped with detailed information about appealing court decisions at the relevant levels of judgment.		
Course Evaluation			
In-term Studies		Quantity	Percentage
Midterms		1	40
Quizzes		0	0
Projects		0	0
Term Projects		0	0
Laboratory		0	0
Class Participation		0	0
Total in-term evaluation percent			40
Final exam percent			60
Total			100
ECTS Workload (Based on Student Workload)			
Activities	Quantity	Duration (hours)	Total (hours)
Course duration (Including the exam week: 16x Total hours of the course)	16	4	64
Study hours outside the classroom (Preparation, Practice, etc.)	14	3	42
Duties	0	0	0
Midterms	1	19	19
Final Exam	1	25	25
Other	0	0	0
Total Work Load			150
Total Work Load / 25 (hours)			6.00
ECTS			6.00