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# THE IMPACT OF TECHNOLOGY ON STRENGTHENING BASIC HUMAN RIGHTS: REASSESSING PROPERTY RIGHTS ENFORCEMENT IN ALBANIA

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## **Abstract**

*Technology has emerged as a transformative force in reinforcing fundamental human rights, particularly the right to property as protected under Article 1 of Protocol No. 1 to the European Convention on Human Rights (ECHR). Albania's persistent challenges in enforcing property rights—rooted in post-communist restitution complexities, weak enforcement mechanisms, and administrative opacity—have led to repeated condemnations by the European Court of Human Rights (ECtHR). This paper reassesses Albania's property rights regime through a technological lens, exploring how digital innovation can enhance transparency, accountability, and access to justice. By analysing landmark ECtHR judgments and Albania's legal framework, it argues that digitisation of property registries and e-justice mechanisms can address the systemic deficiencies that have hindered effective enforcement. The study concludes that technology, if strategically integrated within Albania's justice and administrative systems, can serve as a catalyst for fulfilling ECHR obligations and advancing the rule of law as part of the European integration process.*

**Key words:** technology, human rights, property enforcement, Albania, ECtHR, digital governance.

## **INTRODUCTION**

### **TECHNOLOGY AS A DRIVER FOR HUMAN RIGHTS PROTECTION**

In the digital era, technology is increasingly recognised as a driver of transparency, accountability, and human rights protection. The right to property,

long considered a cornerstone of individual freedom and socio-economic stability, depends on the reliability and accessibility of legal and administrative institutions. In Albania, the enforcement of property rights remains one of the most problematic human rights areas, with systemic violations identified by the European Court of Human Rights (ECtHR) over the past two decades.

Despite legislative reforms, property restitution and compensation processes in the country have often been marred by inefficiency, legal uncertainty, and lack of enforcement. However, technological tools, ranging from digitised land registries to e-governance systems—offer new avenues for addressing these systemic shortcomings. The aim of this paper is to re-examine Albania’s property rights enforcement through the prism of technological progress and to propose how digital transformation can strengthen the protection of basic human rights in line with European standards.

## 1. PROPERTY RIGHTS IN ALBANIA: HISTORICAL AND LEGAL CONTEXT

Following the collapse of the communist regime in 1991, Albania inherited a legacy of confiscated properties and unresolved ownership disputes. The transition to democracy brought legislative efforts to restore property to former owners or provide compensation where restitution was impossible. The key framework—Law No. 133/2015 “*On the Treatment of Property and Conclusion of the Compensation Process*”—was adopted as a response to repeated ECtHR findings of systemic violations, notably in *Manushaqe Puto and Others v. Albania* (2012). The law sought to consolidate previous legislation and create a structured compensation mechanism through the Agency for the Treatment of Property (ATP).

Despite these efforts, implementation has remained inconsistent. As recent ECtHR judgments such as *Beshiri and Others v. Albania* (2020) and *Ramaj v. Albania* (2024) demonstrate, issues of non-enforcement, overlapping ownership claims, and administrative delays continue to persist. The *Sharxhi and Others v. Albania* (2018) judgment also revealed contemporary abuses of expropriation procedures, illustrating that problems are not merely historical but deeply institutional.

These failures undermine not only property rights but also broader democratic principles. The absence of efficient property registration, transparent compensation processes, and timely judicial enforcement weakens trust in the rule of law. Technology, however, offers mechanisms to address precisely these structural weaknesses.

## 2. DIGITAL TRANSFORMATION AND PROPERTY ENFORCEMENT

Digital transformation provides a pragmatic solution for enhancing the protection of property rights in Albania. Modern technologies can correct

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inefficiencies that have long plagued the country's legal and administrative systems.

### a. **Digital land registries and blockchain integration**

A core challenge in Albania's property regime has been the inaccuracy and fragmentation of cadastral data. Studies indicate that up to 80% of land records contain inaccuracies or overlaps. Establishing a fully digitised and blockchain-secured property registry could ensure immutable, transparent, and verifiable ownership records. Blockchain's distributed ledger structure prevents tampering and reduces the risk of corruption, while also simplifying verification for courts, notaries, and public institutions.

### b. *E-justice and automated enforcement tracking*

The implementation of digital case management systems, within the current e- Albania platform, could significantly reduce procedural delays. Automated reminders, online case tracking, and AI-assisted prioritisation would ensure that property-related court judgments are executed within reasonable timeframes, in line with ECtHR standards. Integration with the *e-Albania* platform could also allow citizens to monitor enforcement progress and file complaints electronically, improving transparency and accessibility.

### c. *Data transparency and open governance*

Digitalisation also enhances public oversight. Open data systems can make information about restitution cases, compensation payments, and administrative decisions publicly available. Transparency in decision-making is essential to restoring public trust and reducing opportunities for corruption. Moreover, digital auditing tools using artificial intelligence could detect patterns of administrative delay or discrimination, allowing real-time intervention by oversight bodies such as the Ombudsman or the High Inspectorate of Justice.

### d. *Lessons from several EU countries examples*

The experience of Estonia and Lithuania demonstrates that fully digitalised land registries and interoperable e-justice platforms can dramatically improve human rights compliance. These models provide valuable insights for Albania's integration path, suggesting that technological reform is not simply an administrative upgrade, but a structural transformation aligned with European rule-of-law standards.

## 3. LESSONS FROM ECTHR JURISPRUDENCE

The ECtHR's jurisprudence on Albania has consistently identified recurring violations of the right to property, the right to a fair trial, and the right to an effective remedy (Articles 1, Protocol 1; Article 6, and Article 13 of the

ECHR). The Court’s pilot judgment in “Manushaqe Puto and Others v. Albania”<sup>1</sup> (2012) required Albania to establish an effective compensation mechanism, while subsequent cases (“Luli and Others v. Albania”<sup>2</sup>, “Sharxhi and Others v. Albania”<sup>3</sup>, Beshiri and Others v. Albania”<sup>4</sup>, “Ramaj v. Albania”<sup>5</sup>) have underscored persistent implementation failures.

A technological perspective reveals that many of these violations could have been mitigated through digital tools:

- Non-enforcement of judgments could have been prevented through e-enforcement tracking systems that automatically escalate delayed cases and notify responsible institutions.
- Legal uncertainty and overlapping property claims could be addressed through blockchain-based cadastral systems ensuring transparency and interoperability among government agencies.
- Ineffective remedies and prolonged delays could be mitigated through online complaint platforms and automated procedural monitoring, ensuring compliance with ECtHR time standards.

The ECtHR’s emphasis on effective remedies, accessibility, and transparency aligns naturally with digital governance principles. Thus, integrating technology into property rights enforcement is not merely administrative innovation, it is a legal necessity for achieving compliance with the Convention’s guarantees.

#### 4. TECHNOLOGY, RULE OF LAW, AND EU INTEGRATION

Digital governance is now central to the European Union’s understanding of rule of law and fundamental rights. Chapter 23 of the *EU acquis*, concerning the judiciary and fundamental rights—explicitly requires candidate states to demonstrate effective, transparent, and technology-enabled judicial systems.

In its 2022 and 2023 Progress Reports, the European Commission acknowledged Albania’s digitalisation efforts but stressed that property rights

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<sup>1</sup> See Applications nos. [604/07](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-112529%22]}), [43628/07](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-43628%22]}), [46684/07](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-46684%22]}) and [34770/09](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-34770%22]}), accessible at: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-112529%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-112529%22]}). See also Driza v. Albania, Application no. [33771/02](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-83245%22]}), accessible at: [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-83245%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-83245%22]})

<sup>2</sup> See Applications nos. [64480/09](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-64480%22]}), [64482/09](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-64482%22]}), [12874/10](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-12874%22]}), [56935/10](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-56935%22]}), [3129/12](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-3129%22]}) and [31355/09](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-31355%22]}), accessible at: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-142305%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-142305%22]})

<sup>3</sup> See Application no. [10613/16](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-10613%22]}), accessible at: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-179867%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-179867%22]})

<sup>4</sup> See Application no. [29026/06](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-29026%22]}), accessible at: [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-202475%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-202475%22]})

<sup>5</sup> See Application no. [17758/06](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-17758%22]}), accessible at: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-238315%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-238315%22]})

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enforcement remains a “systemic rule-of-law concern.” The Commission recommended accelerated digitisation of the cadastre, improved transparency in expropriation procedures, and technological tools to prevent administrative delays.

Technology therefore functions as a bridge between human rights compliance and European integration. By adopting e-justice mechanisms, open registries, and data-based policy monitoring, Albania can both satisfy EU accession benchmarks and strengthen citizens’ trust in state institutions. Moreover, the European Union’s Digital Europe Programme and e-Justice Strategy (2023–2027) provide financial and technical frameworks that Albania can leverage to implement these reforms.

### CONCLUSION

*To align Albania’s legal and institutional framework with European human rights and technological standards, several policy directions are recommended:*

- ***Comprehensive digitalisation of property records:*** Complete the digital transformation of cadastral and land registration systems, integrating blockchain and GIS technologies to prevent overlapping claims and manipulation of records.
- ***Integration of e-enforcement tools:*** Establish a unified online system connecting courts, enforcement offices, and the ATP to ensure timely execution of property judgments, with real-time tracking available to claimants.
- ***Digital transparency and oversight:*** Create a national open-data portal for property-related decisions, compensation statistics, and pending enforcement actions. Such transparency can deter corruption and strengthen accountability.
- ***AI-assisted monitoring and early-warning mechanisms:*** Employ artificial intelligence to detect systemic delays or potential human rights violations in the property compensation process, allowing for preventive interventions.
- ***Strengthen legal frameworks for digital governance:*** Introduce legislative safeguards ensuring that digital records, smart contracts, and electronic registries have clear evidentiary and legal standing under Albanian law.

*The persistent violations of property rights in Albania have exposed deep structural weaknesses in law enforcement, administration, and judicial efficiency. Yet, these same challenges create an opportunity: the digital transformation of governance. By integrating technology into every stage of property rights enforcement, registration, adjudication, compensation, and oversight—Albania*

*can achieve the transparency, speed, and accountability demanded by both the ECtHR and the European Union.*

*Technology, therefore, is not merely an instrument of modernization; it is an enabler of justice. It transforms the right to property from a legal abstraction into an enforceable, measurable, and publicly accountable reality. If implemented with commitment and foresight, digital reform can ensure that Albania's long-standing property disputes give way to a new era of legal certainty—where technology and human rights mutually reinforce one another, and where justice delayed is finally justice delivered..*

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