



# BOOK OF PROCEEDINGS

**INTERNATIONAL CONFERENCE**  
**13<sup>th</sup> - 14<sup>th</sup> October 2023**

ISSUES OF HOUSING,  
PLANNING, AND  
RESILIENT DEVELOPMENT OF  
THE TERRITORY

**Towards Euro-Mediterranean  
Perspectives**

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# **Issues of Housing, Planning, and Resilient Development of the Territory Towards Euro-Mediterranean Perspectives**

## **Conference Theme and Rationale**

Albania, along with other Western Balkan countries, has undergone significant economic, social, and political changes in recent years. As a result, housing, planning, and the resilient management of territorial development have emerged as critical issues. This is because these regions face significant challenges in providing affordable housing, addressing the impact of urbanization on the environment, fostering evidence-based decision-making on the territory, and bringing forth the commitments towards climate neutrality.

The organizers use the term “multi-modality” to define complex situations (in matters of territorial planning, management, architecture, housing, public space, technology, etc.) that have historically encompassed Western Balkans and Mediterranean cities in a logic of coexistence and value co-creation. A combination of knowledge and heritage that throughout time and history have given life to civilization in this region of Europe. The active involvement of Albania in the existing network of the Mediterranean Basin and the EU, through a joint action plan with UN / UNECE, and the Albanian and regional authorities, including reputable scientific bodies such as the Academy of Sciences of Albania, makes this conference even more intriguing to explore fascinating areas of research. The conclusions, to be considered as a stage for open innovation, will include recommendations for further scientific and applied research, projects, and events.

The geographical focus of the conference covers three dimensions: i) Albania; ii) the Western Balkans; iii) Euro-Mediterranean countries. POLIS University aims to focus on the above-mentioned research areas that are of common interest to both Western Balkans and Mediterranean cities, including, but not limited to: housing policies, urban history and architecture typology, innovation and digitalization in urbanism, energy efficiency, resilience and environmental sustainability, governance and smart technologies for city management, education and gender aspects in urban planning research.

In this regard the main aim of this international conference is to bring together scholars, policy-makers, and practitioners to examine the pressing issues of housing, planning, and land development in these regions, in a context of transition fatigue, climate challenges and post-pandemic realities.

# **Issues of Housing, Planning, and Resilient Development of the Territory Towards Euro-Mediterranean Perspectives**

## **Conference Aim**

The main aim of this international conference is to bring together researchers, policy makers and practitioners to examine the urgent issues of housing, planning and land development in these regions, in a context of transition, climate challenges and post-pandemic realities.

## **Objective**

- Consolidation of the cooperation network between Albanian and non-Albanian researchers, lecturers, managers, with the aim of participating in joint research projects at the regional and international level;
- Support of local authorities with contemporary data, on the state of housing issues, planning and sustainable urban and environmental management, as well as representatives of public and private institutions operating in this field.

The conference is organized by POLIS University (U\_POLIS) in cooperation with the Academy of Science of Albania, and supported by other local and international partners.

In the framework of resilience, the main conference theme is devoted to Issues of Housing, Planning, and Resilient Development of the Territory from a Euro-Mediterranean Perspective, including Albania, Western Balkans and the Mediterranean Basin. This event aims to bring together academics, policymakers, researchers, experts, practitioners, and stakeholders from diverse backgrounds to discuss and address critical challenges related to housing, urban planning, and the development of resilient territories.

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# Aspects of legal-civil legislation on the impact of housing and the real estate market in Albania and the countries of the Western Balkans

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## Abstract

The real estate market represents a very important sector of the economy of a legal state, which is realized by a combination of factors and objects that in combination with each other ensure the functioning of the market and affect the implementation of one of the main rights of the individual, which is the right of ownership and related property rights. If we have not created the necessary conditions for the existence of a real estate market, we can no longer talk about the protection of the fundamental rights of the individual, as well as about the free market economy in a legal state of law, which is realized through its close cooperation with the market of goods, capital, services, or even labor. According to statistics, 35% are foreign citizens who buy in our country. And 65% are Albanian citizens.

The entire mechanism on which the real estate market is established and functions consists of real estate and legal assets released into civil circulation by economic entities operating in the market, as well as through various transactions undertaken by individuals with the aim of free disposal of these objects through the processes of creation, use and exchange of real estate objects in their market.

Among the main aspects related to ownership and real estate, the right to housing for any individual is considered as the effective implementation of their exercise and protection from any kind of encroachment. Thus, the right to housing is enshrined as a fundamental human right in a large number of international acts, such as the European Convention on Human Rights, which is directly applicable to our own legislation.

Keywords:

real estate; legislation; accommodation; market; property.



## **Introduction**

One of the most effective tools that a democratic state has for the protection and implementation of its constitutional rights is the legal framework built and used by it for the broad and complete fulfillment of its objectives. The more comprehensive this legislation is and the more aspects it foresees or touches, the more effective will be the stability and security it offers to citizens.

The right to shelter and to have a home represents and is closely related to one of the basic human rights, which is the right to property, in order to achieve an adequate standard of living and to enjoy it in full freedom as a human being. Different periods of the evolution of society have shown that the effective rights of the individual cannot be fully enjoyed and exercised if a complete legal framework does not exist, in order to regulate and effectively realize them through the restrictive mechanisms undertaken for these actions.

For this reason, our country has devoted special importance to the implementation of this right, through the sanctioning and approval of a genuine legal framework, which makes possible the implementation of rights related to ownership or housing. This framework starts from the sanctioning of this right in the most important legal act of the country, which is the Constitution of the Republic of Albania, and continues to be completed with the ratification of international conventions and acts, with the approval of specific laws, decisions or instructions approved by the responsible bodies.

In addition to the constitutional provisions and provisions, other juridical-civil aspects create favorable conditions for the implementation of this legal framework, especially in the provisions related to the system of exercising property rights, which is undoubtedly created on the principle of contractual autonomy<sup>1</sup>, a principle that permeates our Civil Code approved in 1994, related to the creation, change or extinguishment of legal ownership relations and which in this way significantly affects the effective functioning of the real estate market.

1 Registration is considered the most important form of publication of legal acts, provided for by Article 192 et seq. of the Civil Code.

(ii) Aspects of legal-civil legislation on housing and the real estate market

## **Elements of real estate market functioning**

The real estate market, as a relatively new organization and in the process of continuous development, with features and social-economic character for our society, with its identifying and basic features, as well as with the implementation models, has become the object of study in recent years, especially in Albania.

The real estate market as a whole consists of a group of regional markets that differ significantly from each other in terms of the way they operate and their essential elements, such as: real estate, prices, coverage areas, risk levels, real estate investment efficiency, sales, bank loans, costs, legal documentation, buyers, development areas, infrastructure, local policies, tax level, etc. The coordination and the level of connection of all these elements with each other, influence and constitute what is called the policy of setting and functioning of the real estate market, from which the main rights of the individual related to the exercise of ownership and housing rights originate and are implemented.

Among the main procedures carried out in the real estate market we can mention:

- change of ownership – which is realized through transactions such as: purchase and sale of real estate; inheritance; donation; exchange; ensuring the fulfillment of obligations through mortgage and foreclosure;

- partial or complete change of the composition of the owners - which is realized through transactions such as: privatization; nationalization; the change in the composition of the owners, including the division of the property; bankruptcy of economic entities with the sale of the property of the owners;
- no ownership change - which is realized through transactions such as: investment in real estate; real estate development (expansion, reconstruction, new construction); liens; rent; transfer to economic management or operational management, to free use, to trust management, etc2.

In the last two decades, all these chain procedures can be realized and made concrete only through the banking system, since each procedure must be carried out in a transparent manner through the reflection of concrete transactions carried out by the banking system. The most typical case of the role played by the banking system in the real estate market is related to granting loans to individuals so that they can buy real estate (mainly apartments), as well as also granting loans to businesses, mainly construction companies, which have the opportunity to build residential buildings. So, through granting of loans by second-tier banks, according to the instructions, policies, or interest rates determined by the Bank of Albania, the entire real estate market has potential opportunities for its development. If all these factors are coordinated and create elements of cooperation, then the real estate market will create high levels of stability and efficiency for its development. In Albania, the main problems encountered in the large real estate market are mostly related to the processes of property registration from the initial stage of construction, in the most important institution created in the country for this purpose<sup>3</sup>, directly affecting or violating the right of ownership, as well as the high price of offering them for sale on the market, especially in the most urban areas or the main cities and especially more in the capital of the Republic of Albania. For this reason, the demands are great, while the offer for real estate remains smaller compared to it, being accompanied by a very high cost, almost unaffordable for the economic level of living and income of Albanian citizens. All this imbalance creates suitable conditions for lack of housing, especially for the most vulnerable categories of our society. Such issues and problems regarding the disposition of real estate, denying the right of ownership and infringing in this case all the rights and obligations that come from it, are encountered every day in our daily life and often shake the foundations for the functioning of the economy of a democratic and legal state. Among the main functions that all real estate markets exercise, we can mention the three most important ones, which are:

1. Commercial function, which relies on the realization of profit by the participating entities related to the capital invested in real estate.
2. Investment function, which makes it possible to save (so to invest means to save and not to spend) and to increase the initial invested capital over the years. It is known that over the years, the economic and financial indicators of a country increase and, as a result, so does the value of real estate in the market.
3. Social function, is to stimulate the intensity of undertaking concrete actions, or investments and economic initiatives of citizens who seek to become real estate owners<sup>4</sup>.

## **Legal-civil aspects on the right to housing in Albania**

### *The constitutional aspect in function of the right to housing*

The Constitution of the Republic of Albania is the most important legal instrument in the Albanian legislation, which has given place and expressly provided for the right to housing. In many international instruments ratified by our country, the right to housing has a special place and care has been taken to implement it<sup>5</sup>; this also related to the fact that the Constitution has provided and left enough space to directly apply international acts in our domestic legislation, for provisions and constitutional norms that practically contradict the international principles of the right to housing<sup>6</sup>.

Here we can mention the European Convention on Human Rights<sup>7</sup>, which is with immediate effect applicable to our legislation. While we dwell on the main constitutional provisions, which provide directly and indirectly the right of individuals to housing, we quote:

**Article 38** of the Constitution of the Republic of Albania provides: “1. Everyone has the right to choose their place of residence and to move freely in any part of the state’s territory ...”.

**Article 39** of the Constitution of the Republic of Albania provides: “1. No Albanian citizen can be expelled from the territory of the state. 2. ... 3. Collective deportation of foreigners is prohibited. Deportation of foreign individuals is allowed under the conditions established by law”.

**Article 40** cites: “Foreigners have the right to shelter in the Republic of Albania according to the law”.

**Article 41** provides: “1. The right to private property is guaranteed.  
2. Property is acquired by donation, by inheritance, by purchase and by any other classical method provided for in the Civil Code. 3. The law may provide for expropriations or restrictions on the exercise of the right to property only for public interests.....”.

While in the chapter where the social objectives are foreseen in the Constitution of the Republic of Albania, in article 59, point 1/b of it, it is quoted that: “1. The state, within the constitutional powers and the means at its disposal, as well as in fulfillment of the initiative and private responsibility, aims to:.....b) meet the needs of citizens for housing”;

Referring to all these above-mentioned provisions, in their literal sense, we can clearly see aspects of all legal provisions with a constitutional character, created within the framework of the realization of the rights of freedom of expression, disposition, enjoyment and protection of property and all other rights related to it, such as the right to housing, which, as evidenced by what I quoted above, also enjoys genuine legal protection with a constitutional character.

## **Juridical-civil aspects in function of the right to housing**

### **Law no. 22/2018 “On social housing”**

Given that the right to housing is a right that enjoys constitutional protection in the Albanian state, a specific legislation could not be missing that could regulate in detail all aspects and situations arising from its implementation in our country. For this reason, the legislator approved Law no. 22/2018 “On social housing”<sup>8</sup> in the Republic of Albania, where its implementation constitutes a step forward in the reforms undertaken by the Albanian state on the protection of the right to housing. Referring to the object of this law, its article 1 provides, in general terms, all functions, main roles and goals for its implementation in practice, where specifically: *‘determining the rules and administrative procedures for the ways of planning, providing, administering and distributing social programs for housing, in order to create opportunities for suitable and affordable housing, relying on the paying abilities of families in need of housing and on the assistance of responsible state institutions’*<sup>9</sup>.

Article 11 of Law 22/2018 “On Social Housing” provides for and lists the six basic social programs created for the purpose of housing, which are:

- “The social housing program for rent;
- The program for improving the conditions of existing housing, up to a new construction;
- Low cost housing program;
- The program for the development of the area for the purpose of housing;
- Program for the creation of temporary housing;
- Specialized housing program”<sup>10</sup>.

Law no. 22/2018 “On social housing” is a progressive one that includes several important aspects related to meeting the housing needs of victims of gender-based violence, such as victims of trafficking, potential victims of trafficking and victims of domestic violence, and is in accordance with new international standards that precede the fulfillment of the state’s obligations for the protection and support of social strata of Albanians, and in particular victims of violence.

The law is important in sanctioning housing support services for women victims of violence<sup>11</sup>. Considering the above, it is worth quoting the standards established by the Council of Europe Convention “On preventing and combating violence against women and domestic violence”. One of the obligations arising from this Convention is to take the necessary measures to ensure that victims have access to services such as housing, which is one of the main support services for them<sup>12</sup>.

*The entities that play an influential role in the right to social housing in the Republic of Albania are:*

- Non-profit organizations in Albania that are active in the field of social housing policies and the field of protection of victims of domestic violence and victims of human trafficking;
- Active regional/international organizations working for the same goal;
- Local government units (administrative units or mini-municipalities, municipalities, districts);
- Second level banks; as well as
- Any person interested in the implementation of the law on social housing and the status of victims of violence and trafficking in this area.

## **Local government units**

Referring to the institutional framework, which through its organization and operation makes possible the effective realization of the right to ownership or housing in the Republic of Albania, the national legislation, specifically the Constitution of the Republic of Albania, in its article 113, has defined the unit of local government, consisting of communal, municipal and district councils as competent bodies, which have the legal right to exercise property rights. As such, Article 113 of the Constitution of the Republic of Albania provides: “1. The communal, municipal and district councils:

- a) independently regulate and administer local affairs within their jurisdiction;
- b) exercise property rights, independently administer the generated income, as well as have the right to exercise economic activity”<sup>13</sup>.

Based on the principle of decentralization of power, local government units have been given full powers on how to independently regulate and administer concrete issues within the jurisdiction of exercising their power.

The functions of local self-government units listed in Article 73 of Law no. 22/2018 “On Social Housing” include aspects such as the identification of housing needs and the approval of beneficiary lists, up to the implementation of the process by planning funds, identifying construction sites, identifying housing at risk of collapse, submitting requests to the minister responsible for housing, creating and administering the database, awareness, information and publicity respecting all legal principles.

While Article 9 of Law no. 22/2018 “On Social Housing”, in point a/i, while dealing with the principle of transparency, underlines that: *‘The bodies of local self-government units must ensure: i) the type of social housing program that is implemented in that local self-government unit’*.

It also provides that: *“Local self-government units take care that families and individuals, who do not qualify as beneficiaries in one program, have the opportunity to switch and benefit from another social housing program, when they meet the legal conditions.”*<sup>14</sup>.

## **Directorate of Housing in the Ministry of Finance and Economy**

In addition to the bodies of the local government units, in order to strengthen and effectively realize the rights related to housing, in the institutional framework, the legislator has foreseen and created a specific body in the Ministry of Finance and Economy, which is the Directorate of Housing and Economy, with the aim of providing the legal, financial and institutional basis within the framework of the reforms taken by the central government and the government in the Republic of Albania, related to the improvement of living conditions, increasing access to suitable, affordable housing and the improvement or maintenance of housing and urban settlements. This goal is consistent with:

- the social objectives of the Albanian state provided for in the Constitution of the Republic of Albania,
- governing objectives for economic growth and social development, and;
- in accordance with international acts and conventions that define the right to housing.

## **The right to housing in international law**

In the international framework, the right to housing is provided for in Article 25/1 of the Universal Declaration of Human Rights, where it is underlined that: “Everyone has the right to a standard of living adequate for the health and convenience of both themselves and their family, including food, clothing, housing, medical care and necessary social services, as well as the right to be insured in case of illness, unemployment, widowhood, old age and other cases of loss of livelihood due to circumstances beyond his/her control”<sup>15</sup>.

This right has also been reaffirmed in many international instruments, such as: International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>16</sup>, which requires member countries to take all necessary measures to promote the realization of the right to adequate housing. Other acts such as: The Convention on the Elimination of All Forms of Discrimination against Women<sup>17</sup>, the Convention on the Rights of the Child (CRC)<sup>18</sup> and the Convention on the Status of Refugees also provide for the right to asylum.

In its General Comment No. 4 on the right to adequate housing, the United Nations Committee on Economic, Social and Cultural Rights, the United Nations structure created to monitor the implementation of the ICESCR, provides for the constituent elements of the right to housing. The CESCR also states that the right to housing must be guaranteed to all persons, regardless of their income, and must be implemented in such a way as to match their means.

## **Methodology**

The above analysis, carried out during this paper, aims to provide answers to several main issues

1. The great importance that the right to property and housing represents for any individual during the exercise of their human rights, as well as the effect that state legislation plays in the realization of this goal.
2. How effective is the existing legislation in Albania and its shortcomings in dealing with the right to housing.
3. What international acts and standards describe in terms of the right to housing?
4. How the right to housing affects the functioning of the real estate market?

## **Conclusions and Recommendations**

The Albanian state, as a legal and democratic state, has an immediate and continuous obligation throughout its independent existence to take measures for the full fulfillment of all its social objectives, which it provides for in its Constitution. In order to realize and fulfill this, the state must take measures and offer guarantees not only in the provision of legal aspects, but also of the enterprise and practical actions

In the framework of the protection of one of the most important constitutional rights, which is the right to property, the legal provisions and sufficient guarantees given for this purpose should affect all aspects related to the exercise of this right, where, in addition to the disposition of the property title, this right includes and is closely related to the right to housing.

The right to housing represents one of the main social objectives of our Albanian state and as such it is closely related to the security of the person to exercise the right of ownership. So the state must guarantee legal protection and provide a basis for the progressive realization of all aspects of the right to adequate housing.

In the Albanian legislation, the approval of the specific law no. 22/2018 “On social housing”, was a necessity for the development of the country’s economic system and also marked an extraordinary progress in the protection and exercise of rights arising from ownership. Now we can now say that

its approval and entry into force and coexistence alongside the provisions of the Civil or Criminal Code in order to regulate all aspects arising from the right of ownership, represents a significant progress for the security of citizens and what they had absent from our democratic government system for years.

In the recent years in Albania, it has been noticed that the biggest changes in the progress or economic developments of the country have been widely reflected to have occurred and have affected the real estate market in all aspects of its operation. These changes tend to have come for a number of reasons and it is evident that they have brought some consequences that have changed the conditions of its operation in contrast to the past and in progress with positive predictions.

One of the main factors that has influenced these changes and circumstances is undoubtedly the adoption of the above law, which through its provisions on the right to housing, has sanctioned the basic constitutional or international principles for the protection of individuals and categories in need, creates new legal conditions and criteria for participating entities, establishes different criteria for implementation and administration by law enforcement bodies, reflects all the necessary measures that must be taken during the housing processes, as well as clearly foresees the inevitable cases when benefiting or state intervention is required for its regulation.

The anticipation and regulation of all these aspects on housing and ownership have been necessary measures to be taken by the Albanian legislator, in order to avoid the creation of abusive cases in today's real estate market, which must be admitted to fluctuate constant in his demands and offers. In its entirety, the Albanian juridical-civil legislation on the guarantee of rights arising from ownership has been built and described by the incorporation in it of international democratic principles and has been functional. What was necessary was the creation of a more specific legislation, which would cover and, through its provisions, be updated with the new situations of the country's economic developments, especially in the real estate market.

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**Scientific Academy of Albania**