

**Decision no. 69, dated 27.12.2023**

**(V-69/23)**

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Elsa Toska, Sonila Bejtja, Sandër Beci, Ilir Toska, Genti Ibrahim, Marjana Semini, Fiona Papajorgji, members, with court secretary Blerina Basha, on 19.12.2023, took under examination in plenary session on the basis of submitted documents, the case no. 9 (GJ) 2023 of the Basic Court Register, pertaining to:

**APPLICANT: SUPREME COURT,  
GENERAL JURISDICTION COURT OF APPEAL**

**INTERESTED SUBJECTS:**

**ASSEMBLY OF ALBANIA**, represented with authorisation, by Mimoza Arbi and Artur Baku.

**COUNCIL OF MINISTERS**, represented with authorisation, by Besmir Beja and Irma Qosja.

**NATIONAL CHAMBER OF NOTERIES**, represented with authorisation, by practicing lawyer Arben Hakani.

**PEOPLE`S ADVOCATE (OMBUDSMAN)**, Erinda Ballanca, present at the hearing.

**OBJECT: Repeal of article 377 of the Civil Code, as incompatible with the Constitution of the Republic of Albania.**

**LEGAL BASIS: Articles 131, point 1, letter "a", 134, point 1, letter "dh" and 145, point 2, of the Constitution of the Republic of Albania (*The Constitution*); article 68 of law no. 8577, dated 10 February 2000 "On the organization and functioning of the Constitutional Court of the Republic of Albania", (*law no. 8577/2000*), amended.**

Constitutional Court of the Republic of Albania, in pursuance of articles 131, point 1, letter “a” and 134, point 1, letter “dh”, of the Constitution, as well as article 72 of Law no. 8577, dated 10 February 2000 “On the organization and functioning of the Constitutional Court of the Republic of Albania”, amended, by majority of votes,

**DECIDED:**

1. Admission of the application.
2. Finding article 377 of the Civil Code, as incompatible with the Constitution due to the legal gap in accordance with the reasoning of this decision.
3. Obligation of the Assembly of Albania to fill the legal gap within one year from the entry into force of this decision.

This decision is final and enters into force on the day of its publication in the Official Gazette.