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Adverse Possession Under the Albanian Civil Code: Retrospective and Legal Implications of the Present

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Abstract: *This article examines the doctrine of adverse possession within the Albanian Civil Code, emphasizing its legal foundations, ethical implications, and socio-economic impact. Adverse possession rooted in the Roman usucapio offers a legal pathway for a possessor to claim ownership over immovable property after continuous, peaceful, and public occupation. While this doctrine reconciles the efficient use of land with respect for ownership rights, it raises pressing philosophical, legal, and moral questions, especially in post-socialist Albania, where property registration and land reform remain problematic. By comparing domestic norms with international jurisprudence and theories of property from Roman law to modern utilitarianism, the article presents a holistic view of adverse possession's role in ensuring legal certainty, social justice, and economic development. The discussion draws on case law, doctrinal analysis, and economic data to argue for a balanced application of the doctrine that respects both the rights of absentee owners and the legitimate expectations of long-term possessors.*

Keywords: adverse possession, civil code, ownership, property law, Albania, usucapio, social justice

INTRODUCTION

The subject of impassioned controversy in modern law throughout the English-speaking world remains a legal construct developed under ancient property law as adverse property regime. There exist the normative habit of being established in both ways legally bound and forcefully bound. The legal established doctrine allows a person or subject of the law trespass and settle on land they do not legally enjoy ownership, however, they achieve to gain and win the executive title of ownership after following certain requirements for a defined period of time set by the law it self,

conversationally speaking. This doctrine of law seeks to reconcile the efficient use of land with the respect for ownership rights and is frequently a source of intricate legal, moral, and practical issues. In Albania, the right of adverse possession is regulated in the Civil Code of the Republic of Albania, in the second part, the chapter on property and real rights. The Albanian Civil Code regulates the acquisition of ownership by prescription (time-barred), *parashkrimi fitues pa titull* under the condition of a physical and peaceful exercise for 20 years (Civil Code of Albania, 2021). The doctrine of adverse possession is highly applicable particularly in informal land use agreement, as illustrated in a practical example where individuals simply lend property without any formalized contract. There is always the potential for unforeseen risk exposure based on informal arrangements such as this since if the owner conveys its title at one point in the future and the possession meets other a*dverse possession requirements* then theiris sufficient exposure to loss of title through adverse possession. It also begs the question of the proper balance to be struck in law and ethics between respect for property rights and respect for the legitimate expectations of long-term possessors.

Adverse possession has been praised and attacked worldwide. Legal scientist that support this doctrine, claim that it encourages efficient use of land, helps to clean up poor or stalled claims, and boost landowners to actively work their land, but a transfer to the state is also involuntary and, insofar as critics are concerned, no better than theft, making it just as unjustified as the transfer of ownership away from the original owner. These discussions are reflected in Albania as well; the law has to deal with the contradictory of proposals and tension between the protection of the ownership rights but the just form of treating the enjoying of property.

This article discusses about legal and non-legal solutions of adverse possession in Albania Civil Code. It compares the statutes, judicial interpreters and practical effects of the doctrine and also the broader ethical and policy implications. By exploring national and international perspectives, both the premise of the doctrine of adverse possession in Albania and the effect of adverse possession have been discussed in a holistic fashion, and its effect and impact on the local law on property in Albania and local societal norms has been examined.

I.Historical background on the Notion of *Possesio* and *Iura in Re Aliena rights*

The notion of possession was a significant consideration for Roman and Roman-Dutch jurists, whose discussion of its content has had a meaningful impact on the progress that civil law systems have taken. Possession necessitates the acknowledgment of the interest worthy of legal protection at any event in the lack of an equivalent claim to the property. Adverse possession, in medieval England, was considered a process of solving land disputes and stimulating productive property use. It avoided land from being undeveloped while the legitimate right of ownership was being challenged (Peiris, GL. 1983). In the course of time, adverse possession flourished by means of Common law statutes and principles with various jurisdictions approving diverse regulations and conditions. It commonly met topics of property, land ownership, and social inequalities. Traditionally, marginalized communities, together with local communities and agricultural population, used to be depended from time to time on adverse possession to ensure land rights

when *"legal paths"* were insufficient. In an urban environment, adverse possession could appear when unoccupied and left properties were engaged by squatters, occasionally resulting into discussions about improvement, urban progress, and accessibility to dwelling (Smith, J. 1970). Moreover, adverse possession posed significant questions about the character of property rights and the equilibrium between individual ownership and community interests. John Locke (1632-1704), a British philosopher established the idea that property rights are based upon labor force and utilization, proposing that adverse possession closely corresponds with the rule of a productive use of land.

Perhaps often described as one of the most atypical and peculiar legal concepts of property law, adverse possession, frequently referred to as squatter's rights, can be defined as: *" A method of acquisition of title to real property by possession for a statutory period under certain conditions*" (Black, 1990). In its broadest sense, adverse possession entails an individual whom after a statutory period of time can claim legal title to a property of which they had no previous title to, through continuous, public, and peaceful occupation of the property. Although this concept might not be defined as rudimentary, it is far from a novel notion.

Adverse possession makes its first written appearance in 1750 BC in the Code of Hammurabi whereby it states: *"If … a man leave his house … and someone else takes possession of his house … and uses it for three years: if the first owner return and claims his house… it shall not be given to him, but he who has taken possession of it and used it shall continue to use it"* (Waldron, 2020). This institution is effectively ubiquitous in all civil law and common law systems, this due to its usage in the Napoleonic Code in 1804 (Seward Law, 2018). In Albania, it first enters into force in 1929 with King Zog's Civil Code and then yet again in the current Albanian Civil Code following the communist regime (Davidhi & Katro, 2015). However, one must discern that despite its longevity, adverse possession has been widely discussed by many jurists and scholars for its debatable ethical, philosophical, and legal standings. This makes it pertinent for one to view international perspectives and arguments on the institution to fully grasp the Albanian context of adverse possession.

The denominations of *usucapio* and *longi temporis praescriptio* were approved by Roman law as encouraging the legitimate intention of acquiring title by adverse possession for the statutory period. Furthermore, Roman law established the concept that the possession of the land should first and foremost have been taken *bona fide* (the vigorous *"land-stealing"* could never attribute a squatter's title) and that there should have been occurred *justa causa* for the establishment of possession, specifically, acquiring by gift or a purchase from someone whom in a wrong way assumed to be the real owner or by an illegitimate method which was believed to be valuable (Goodman, M. J. 1970). Even if the original taker was tranquil and undisturbed, he was not in *bona fide* and recognized the land was not his, and thus he could not acquire a squatter's title. Nevertheless, a purchaser who purchased the land from him and has had a legitimate and reasonable cause might acquire title. Furthermore, the ethical basis of possession erected by Roman law specified that possession need to be *NEC VI, NEC CLAM, NEC PRECARIO* (without

pressure, without secrecy and without approval) in order to frame the legal protection. Based on Roman law, the legitimate owner of the soil was proclaimed, if not he had acquired the property dishonestly, in which circumstance the property was provided to the other party. (Peiris, GL. 1983). As postulated, there are no such restraints under English law. It is quite prospective, as a matter of the fact, that English law is the absolute mirror of Roman law. On the other hand, English law leads to adverse possession in event of deliberate land-stealing, even when there is a strained eviction; notwithstanding, lawfully acquired ownership with a lawful reason may not be regarded as *"adverse"* (Goodman, M. J. 1970).

II. Comparisons On Legal Families and Chosen Jurisdictions On Adverse Possession

The general ordinance is that the Continental law is basically Roman law, meanwhile the English law is considered to be the National law. The previous considers in all probabilities more Roman principles and in certain legal institutions it shows similarities to the law of Ancient Rome. As a rule Roman law is considered the law of remedies, by a far greater degree, of the English law; by comparison, the Continental law is significantly the law of substantive rights, belonging to which the remedies certainly attach (Treisen, A. 1917). The reason of the possessors remedies engaged recognition of possession, as a righteous concern of legal protection in any case in the lack of an equivalent demand to the property. The significant consequence of this righteous concern, under the auspices of the possessors remedies, is demonstrated by the concept that possession is that sort of control over an object for the profit of which the possessors prohibits were intended and that this kind of possession is related to the indirect possession.

Nowadays, this distinction is not of crucial practical relevance, as much as the subject is interested, however, according to the English Real Property Act of 1833, it was indeed conceivable in England for someone to have the title, and for another to be the owner. The Adverse Possession and the Limitation Act of 1833 introduced, in essence, that no entry should be happened or no action should be undertaken to retrieve the land except within twenty years following the right to create the entry or take the action first genuinely accrued, and that if the respondent's possession had been *"adverse"* or was not an irrelevant fact. Its fathers declared that the subsistence of *disseisin* should not matter in the view of the fact that they could not distinguish an adverse possession without it. Moreover, they developed a remedy for retrieval of possession versus a defendant who did not require possess adversely (Thayer, A. S. 1913). They proclaimed that it should be assumed to initiate either with *disseisin* (which would result to an adverse possession) or with pure termination of the possession of the pursuer that it should be considered to have first accumulated at the time of deprivation or termination of possession. However, this idea of taking accruing purely, through absence, by not being in possession was not accepted. Referring *Smith v. Lloyd* A gave the property to B, keeping in reservation the coal. For several years the coal was left "unbothered" until eventually B, who had initiated to get it himself, claimed that A's right to get it had been restricted (for more than twenty years), A's right to get it had been restricted by legislation. Parke B. stated:

> *"We are clearly of opinion that that statute applies not to cases of want of actual possession by the plaintiff, but to cases where he has been out of, and another in, possession for the prescribed time. There must be both absence of possession by the person who has the right, and actual possession by another, whether adverse or not, to be protected, to bring the case within statute."*

At the present time, as the old rule of *"non-adverse"* possession has been neglected, jurists consider adverse possession as an action for retrieval of possession. For this reason, adverse possession in relation with the determined period, the ongoing right of action for the determined period, shall cease the right to receive the *res*. Therefore, the idea of an action for retrieval of possession versus a non-adverse possession henceforward confuses the parties.

In some range jurisdictions in the United States it has been retained that a durable possession of land captured by mistake as an illustration as to the position of a border, does not bestow a squatter's title, in the same way as a plaintiff gave evidence, *"the reason why I occupied it was due to the fact I supposed to be my own land"*. The conviction that a *"pure squatter"* who demands no title to the property is not empowered to the profits of adverse possession as long as he did not pursue them constitutes the basis of this perspective. A more acceptable resolution of the issue would, it is introduced, be to assume that durable, enduring and persistent possession is adverse to the owner of the land, the assumption to be refutable only by evidence that the possession acquired from and has been maintained exclusively in accordance with the provision of existing tenancy, profit or lease (Goodman, M. J. 1970). As reported by some authorities, this legal doctrine contemplates English law as claimed in at least one certain kind of adverse possession.

Equivalent to early Common law, *Jus Civile* acknowledged the view of taking giving the right of possession, and executed it willingly in cases where there were involved only legitimate concerns with the *res*. However, for the purpose of obtaining the right of possession under a wrongful taking right of possession, the party involved must exercise his activity unperturbed and constantly, and suchlike acquisition ceased all rights to the person wronged. The Roman law as regards the consequences of wrong taking, for this reason, initiated as it does nowadays, at a particular point the improvement of the law which emerged to be approaching, nevertheless has not yet attained. Therefore, if in accordance with English law it was essential to take with a view to acquire the right of possession of land by a wrongful taking, equally as it was a need to take for the purpose of acquiring the right of possession of incorporeal things, in other words by unperturbed use for an interval of certain duration, as opposed to, to our days, and if aforementioned acquiring right, as illustrated by the acquisition under a wrongful taking of incorporeal things, it involved the acquisition of two considered together the right of possession and ownership, this kind of interpretation about the right of possession and ownership was remarkably similar to that of the *Jus Civile*. Stated on *Jus Civile*, the right of possession was prohibited to everyone till he had received the *res*, and, if the *res* belonged to another party, he was not supposed to have taken the *res* if not he has received it under gift.

From a philosophical approach, as many jurists may establish the theory of possession as an assumed requirement of touching on the separatism of the prevalence, attributed as a consequence of inclination to give the right of possession, *Jus Civile* would not consider the party involved to be under possession till he had so taken. However, it is by and large acknowledged that ownership might *"by mistake"* acquired without such taking, and for *Jus Civile* which failed to consider this event would be unjust. Accordingly, the Edict engaged to provide protection to everybody who did possess the land based on the principle of common understanding (Thayer, A. S. 1913). In Roman law perspective, the right of possession acknowledged by the Praetor's Edict, along with *"the just"* possession ascribed by the *Jus Civile*, was caused by taking, however, there were considered different interpretations referring to the decisions and judgements taken by both sources. Excluding the cases by gift, or using the land, the *Jus Civile* acknowledged no right of taking the party's property.

According to this interpretation, X might be the possessor whom was supposed to be the party concerning with the *res* to the exclusion of everyone, whom, thus, had obtained the right of possession over the others. For instance, if a preoccupied item was ascertained and settled to be in possession, the finder was allowed to acquire the right of possession against the owner. The party who had received *"by law"* was provided an act to justify the real right to cope with the *res*, and referring to this act a taking *"in fairness"* providing a right of possession under the Edict as opposed to the petitioner used to be no defense. However, as an alternative, if Y had taken *"in fairness"*, Y obtained the profit of diverse embargoes declared and issued by the Praetor unapproachable disruption and commotion, and to acts under these embargoes a taking *"by law"*, more specific, ownership, used to be no defense.

Moreover, based on Roman law, if the party Y authorized to judgement in defense was considered owner. Notwithstanding, if Z was allowed by the Edict to have the right of possession, Y was not considered the absolute owner, Y was not full competent to cope with the *res* (Thayer A. S. 1913). This party had genuinely the right to have the liberty to cope with it by means of prosecution of vindication. In opposition to somebody having the right of possession, the legitimate owner in Roman law controls a position analogous to that of *"fair"* and *"just"* owner under English law, i.e. mortgagor. For example, the party who was banned for coping with the *res* by virtue of the mortgagee's right of possession, might, notwithstanding through action of an order *"in goodwill"*, turn into the legal owner.

Albanian Regulatory Framework

The adverse possession, known also under the name of "*"prescription acquisitive"* is a pure phenomenon anchored in the Albanian society and also stipulated in the Civil Code of Albania, the one after the communism era.. This legal act aka the Civil Code is decisive in defining the rules for acquisition of title through adverse possession in aspects that relate to the fact to be admissible to a claim of title, and prescribes circumstances in which the same cannot be arbitrated. Article 169 of the Albanian Civil Code provides that ownership would be acquired if a person

possesses the property during 20 years without interruption, peaceful and public, and without challenge whatsoever.

Firstly, one issue often brought forth is the ethical of the matter, or rather, lack-there-of. Can one justify the immorality of adverse possession; should the law recognize what many would define as trespassers? Richard Epstein, a legal scholar recognized for his extensive writings regarding property law, has critiqued the doctrine of adverse possession, pushing for its abashment or substantial revaluation. Following a libertarian philosophy of law, Epstein argues that adverse possession infringes upon the inviolability of property and the title holder's rights to be protected or compensated for his possession (Ellickson, 1986). Epstein holds the belief that first possession, impedes adverse possession from having reasonable grounds, this, due to the principle that a title is only as strong as its roots, the strongest roots being those of original acquisition (Epstein, 1986). He further goes to mention that if neither individual or state should be able to benefit from their wrong-doings, it is this simple philosophy that should prohibit adverse possession (Epstein, 1986). This suggests that when discussing the morality of adverse possession, one should bare in mind that through a squatter receiving property title through this doctrine, what is being abstracted from the original title holder, is not simply the legal right to own and possess their land, but also their ability to receive compensation for said property.

However, to reiterate the question; should then the law recognize adverse possession? Evidently the law does and has done so for centuries, thus the above question might only provide futile answers. Perhaps the more sensible question, and one which provides a wider scope to understanding this legal concept, is why has the law recognize squatter's rights throughout history and does not consider adverse possession to be a reinforced of unlawful conduct? The answer might lie in the spirit of the notion. At first glance one might view adverse possession as aiming the protection of the rights of the occupier over the title holder of the property, however, one might argue that in reality, it is providing a consistent possessor the legal ability to apply the rights and obligations over a property which its title holder has failed to cherish (Katz, 2010). The distinction is trivial in wording but rather significant in spirit. It is the inability of the landowner to apply consistent authority over their property that emulates a stronger connotation than the possession and motive of the squatter (Goodman, 1970). Property rights as previously mentioned are largely viewed as sacred, due to the sanctity of the property as a concept in law, meaning, if the original owner is proven to not enjoy the fruits his possession bares, the title can then be transferred to one willing to take on these rights and obligations. Thus, on the matter of ethical this suggests that the indifference of the title holder takes precedence over any perceived immorality of the possessor.
Going back to the Albanian Legislation, according to the Civil Code, there are the conditions which need to be fulfilled in order for a claim of adverse possession to be accepted. These provisions were designed to bring the rights of the former owner into harmony with those of the holder. The key requirements consist of:

1. Peaceable Possession: The possession must be had without violence or force, and any violent or intimidatory acts by the possessor will make their possession void of conquest.

2. Public Possession: Possession must be public and known, meaning that it must be known to others and not done secretly from the true owner.

3. Continuous Possession: The adverse possessor must have had continuous possession of the property for the requisite statutory period of 20 years, free of discontinuances in possession.

4. Good Faith: This isn't necessarily always required to be expressly pleaded, but it is that the defendant heap their possession was in good faith--that they genuinely believed they should legitimately possess the property.

These conditions are intended to guarantee that claims for adverse possession are valid and do not arise through fraudulent or ill-willed acts (Civil Code of Albania, 2021). Ultimately, it is the claimant who must satisfy these requirements because the burden of proof in validating a claim of establishment belongs to the claimant.

To further address the legal position of adverse possession, one might find a helping hand in philosophy. The philosophical perspective often said to be the dominant philosophic practice for economists and policy makers is utilitarianism (McGee, 2013). Property, in most philosophic dogma has been attributed a role of pushing the individual to expand on values such as social standing, self-expression, and utility (Cooter & Ulen, 2016). For example, utilitarianism views property as a means to maximise satisfaction brought forth by material resources, however, this claim over the property is not exhaustive and their claim can be lost simply on the idea that another might benefit more from owning said property (Cooter & Ulen, 2016). Seeing as utilitarianism views property as a means to utility and satisfaction, when the aforementioned title holder lacks to produce this net-satisfaction, the resource itself is viewed to have lost its purpose and thus must be re-allocated.

However, here lies another conundrum. The above analysis is too broad, thus making it hard to distinguish where to draw the line between utility and a notion as highly protected as property rights. For example, one might consider the statute of limitations in places such as California too forgiving to squatters, with the squatter only being required to possess the property for five years (State Board of Equalization, 1991). This has led to homeowners having to take on extra costs for preventative measures towards squatter's such as alarm and security systems, frequent inspections, and legal costs in eviction processes, this especially due to the constrictive statute of limitations (James L. Arrasmith, 2023). This suggests that whilst the spirit of an institution such as adverse possession might not be inherently damaging, it is important for legislators to make a cost analysis when drafting the criteria and sanctions of said institution. Law as we know today, is instilled with positivist philosophy, meaning that law is created and enforced because an authoritative entity has created and enforces it (Green & Thomas, 2019). One of the pillars of positive law is regarded to be the power of sanctions; an authority has the right to impose sanctions and these sanctions are what ensure the power of the authority (Green & Thomas, 2019). This further indicates that citizens rely on their respective authorities to create fair legislation which does not encourage illicit behaviors which will lead to them incurring unnecessary costs and burdens.

Perspective on decision of European Court of Human Rights

To add further, perhaps one of the most interesting analysis of adverse possession comes from the European Convention of Human Rights (ECHR). The ECHR, in Article 1 of Protocol No.1 firmly protects the right to property, whereby it states: *"Every natural or legal person is entitled to peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by general principles of international law"* (Council of Europe, 1952). This is particularly significant and of interest due to the court's highest aim being the protection of the human rights it provides. There have been many cases brought forth to the ECHR in regards to adverse possession and the aforementioned article is used by said court to analyse each individual case. The court looks upon three criteria when judging cases of adverse possession: peaceful enjoyment, possibility of deprivation under certain criteria, the member states' right to control property in the name of general interest (Davidhi & Katro, 2015). Whilst during hearings there may have been dissenting opinions whether Article 1, Protocol No.1 has been violated, these opinions tend to be related to the specifics of the case rather than the recognition of adverse possession. This recognition by an esteemed authority on the protection of human rights builds a particularly strong case for acknowledgement of adverse possession as a credible property law institution.

Ultimately, after discussing the legal and non-legal arguments and perspectives of adverse possession in an international viewpoint, one can better portray the application of the institution in Albanian legislation. Under article 169 of the Albanian Civil Code, the possessor whom for 20 years has continuously, publicly, and peacefully occupied a certain immovable property may apply and is entitled to claim to become the legal owner of said property. Peacefully would indicate that the occupation is not acquired or maintained forcefully. This would divert the focus of the norm, which is rather put on the tranquil possession, meaning without disturbance. The difference is crucial for verifing the proper normative value of the norm.

One could suggest that the stipulations to qualify for adverse possession in Albania tend to strike a balance between the protection of the interests of both possessor and title holder. On one hand, the title holder is given ample time to take notice of the squatter occupying their land, and, on the other, allowing a *de facto* possessor who has treated and developed the property as theirs to legally procure it (Davidhi & Katro, 2015). To bring attention to the points made previously, it can be argued that the Albanian legislation on adverse possession has chosen a moderate course between ethical, utility, and fair legislation.

There is little data regarding the economic and social effects of adverse possession in Albania. However, drawing information from international economic studies from countries with a long history of property titles, it has shown that there has been a positive correlation between the institution of adverse possession and land utilisation (Raz*, 2018). This due to two factors. One component relates to the incentivisation of title owners to utilise their property due to the unease of losing their title, and the other, with increasing the possessor's incentive to utilise the land they possess to fulfil the criteria towards obtaining the land in the future (Raz*, 2018). Research has

found a 1.63% increase of agricultural output per one-year decline of the prescriptive period of adverse possession. (Raz*, 2018). This data suggests that a country's economy can benefit from the existence of adverse possession. Moreover, this could be particularly applicable to Albania due to the significant amount of properties left abandoned due to the effects of migration. It is estimated that 53% of citizens in the Kukes area and 15% in the Fier, Durres, Shkodra, and Vlora have left their hometowns, effectively turning many areas into deserted towns (Eknash, 2022). This suggests that over time, Albania might stand to benefit economically from these abandoned areas, the owners of which might have left to never return, to be utilized from possessors and the institution of adverse possession.

Case: Ramaj v. Albania *(Application no. 17758/06)* 10 December 2024

I. Fact of the case

The Ramaj v. Albania case involves "extreme administrative delay and legal uncertainty" with respect to an application for restitution and registration of property after the fall of Albania's communist regime. THE FACTS 2. The applicant, Mr Bashkim Ramaj, asked for the restitution of the property rights he inherited in a plot of land covering an area of 6,700 square metres situated in the Uji i Ftohtë quarter of Vlora, a coastal city in southern Albania. It used to be owned by his father, who was its original occupant and lost the property after it was expropriated in the communist era.

After Albania's transformation from Communism to democracy, the land was released back into use by the Ramaj family in the early 90s, with the restitution-ownership papers completed in 1996. This ban has then been invalidated by the administration however in 2000. Mr. Ramaj fought the annulment, and in 2004 the Vlora Court of Appeal issued a final ruling recognizing him as the landholder. Notwithstanding this binding court decision, the domestic authorities consistently refused to enforce it on the ground that there were ongoing administrative reviews, illegal constructions on the building and alleged conflicting interests.

Mr. Ramaj died in the course of the process before the ECtHR, and the complaint was pursued on his behalf by his son (ECtHR, 2021).

II. Legal Analysis

The Court observed the complaint under (Art. 1 of Protocol No. 1) which provides for peaceful enjoyment of possession. The main legal issue was whether, by not enforcing a final judicial decision and entering Mr. Ramaj's lawful title in a register, the Albanian authorities had violated this provision.

The Court held that Mr Ramaj had, for the purposes of the Convention, a "possession" even though he had not registered the land in question in the official cadastre. Under Albanian municipal law a court-validated title is good even if not recorded. Accordingly, the claimant's entitlement had been established (ECtHR, 2021).

The Court also analyzed the objecting party's objections to the property being registered. Over several years, different government authorities gave changing and contradictory explanations — all the way from continuous inspections of land titles to fears for informal construction on the land — without ever directly challenging the validity of Mr. Ramaj's land title under the law. The

Courtdeclared these types of administrative behavior as "opaque andcontrary to the fundamental requirement of legal certainty."

Two factors were found for interference:
1. Constructive expropriation: Third parties had invaded parts of the property, and had built upon the land, being later legalized. The Court discovered no violation of this complaint as the applicant failed to exhaust all available domestic remedies (ECtHR, 2021).
2. Ongoing refusal to register title: The ongoing failure of the authorities to implement the 2004 judgment and register the unencumbered part of the land had constituted a disproportionate interference with the applicants' property rights.
The Court stressed the systemic failings within Albania's restitution system, involving multiple claims, inaccurate mapping, executive interference and no legal certainty (ECtHR, 2021).
The ECtHR found a violation of Article 1 of Protocol No. 1 in respect of this part of the land which was unquestionably owned by Mr. Ramaj and not in use, but still unregistered because of the administrative inertia.
It concluded that there had been no violation in regard to the part of the sections where unauthorised buildings existed, because the applicant had failed to exhaust domestic remedies (ECtHR, 2021).

For violation of Article 41 of the Convention, the Court awarded the applicant EUR 4,000 for non-pecuniary damage and EUR 10,000 for costs and expenses. The point on pecuniary damage was left open for such future action.
Ramaj v. Albania is a leading case in the ECtHR's case law concerning the right to property in post-communist legal orders. This ruling shows the need for the execution of court decisions and the great danger that an administrative opacity and legal structural defects of the transitional ownership structures bring with them. The reasoning of the Court is also a useful guide in evaluating the like claims in other postsocialist cases (ECtHR, 2021).

CONCLUSION

To conclude, adverse possession is a fickle subject. Many different legislation apply different criteria with varying degrees of laxity. Moreover, different scholars have largely differing opinions in regards to its ethics, philosophy, and fairness in a social perspective. However, one must be conscious that this institution is one of the first to be implemented in written law and for centuries has been tied to one of the pillars of human existence, the right to property. Being the title holder of property, has been perceived as a sign of social standing, signifying part of a fulfilled life and wholeness to oneself; a privilege tied with certain obligations.

To a certain extent, one can be considered to be socially and legally condemned for the misappropriation of said right. That being said, it is the obligation of the legislative authority to develop the institution of adverse possession in such a way that neither possessor nor title holder takes unnecessary precedent over the other. Taking into account all of these factors, one could

argue that said balance has been achieved in Albanian legislation, with both parties given to opportunity to bare the protection of the institution of adverse possession, which is particularly important due to the economic benefits Albania might stand to gain from adverse possession.

In the final analysis, the right to acquire the property by adverse possession is not considered to be unprincipled and unethical. Moreover, it might have a benevolent effect on the social welfare and public assistance that defense should be attributed to the long possessor of the property. The reason, cause, purpose, target, conviction and belief of the supposedly adverse possessor do make no difference, it is immaterial. The intentional reciter and the inadvertent (by mistake) usurpation need to be qualified for acquiring the title. Long- term possession should *ipso facto* consult title if not it is demonstrated that that possession initiated and remained under a legal transaction with the real owner, i.e. that the possession was completely derivative (Thayer A. S. 1913).

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