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Paper: “Mandatory Defence in Albanian Criminal Procedure: Between Formal Guarantee and Effective Defence”

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Peer review:

Reviewer 1: Favio Farinella
National University of Mar del Plata, Argentina

Reviewer 2: Giorgi Latsabidze
Grigol Robakidze University, Georgia

ESJ Manuscript Evaluation Form 2026

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Reviewer Name: Favio FARINELLA	
University, Country: Universidad Nacional de Mar del Plata, Argentina	
Date Manuscript Received: 22/4/26	Date Review Report Submitted: 22/4/26
Manuscript Title: MANDATORY DEFENCE OF THE ACCUSED IN THE ALBANIAN CONTEXT: BETWEEN FORMAL GUARANTEE AND EFFECTIVE DEFENCE	
ESJ Manuscript Number: 20.60.04.26	
You agree your name is revealed to the author of the paper: Yes	
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Evaluation Criteria:

Please give each evaluation item a numeric rating on a 5-point scale, along with a thorough explanation for each point rating.

Questions	Rating Result [Poor] 1-5 [Excellent]
1. The title is clear and it is adequate to the content of the article.	5
<i>The title clearly identifies the central subject (mandatory defence), the specific legal context (Albania), and the core analytical tension ("between formal guarantee and effective defence"). This accurately reflects the paper's critical approach, which distinguishes between the mere existence of legal rules and their practical implementation. No changes are recommended.</i>	
2. The abstract presents objectives, methods, and results.	5
<i>The abstract is well-structured and meets good academic standards. It clearly states the objective: to analyse mandatory defence as a fundamental guarantee of the right to a fair trial, focusing on the role of defence counsel in ensuring equality of arms.</i>	

<i>The methods are explicitly mentioned: the analytical-doctrinal method, examination of constitutional and procedural norms, and a jurisprudential analysis drawing on the Albanian Constitutional Court, the Supreme Court, and the European Court of Human Rights. The main results are summarised effectively: the distinction between formal presence and genuine effective defence; the lack of clear qualitative criteria for selecting and supervising court-appointed lawyers; and the consequences of abuse of process by the accused or defence counsel.</i>	
3. There are a few grammatical errors and spelling mistakes in this article.	4
<i>The paper is generally well-written, but several grammatical, stylistic, and formatting issues should be corrected before publication. Inconsistent capitalisation: In the abstract and keywords, terms like "Mandatory defence" and "Right of defence" are capitalised, but in the main text they are not. Typographical errors: In Section 2.9, the reference to "Article 310 of the Criminal Procedure Code" contains a misplaced parenthesis. In Section 3, an inconsistent spelling of "defence" (British) and "defense" (American) appears occasionally; British English should be used consistently. Some paragraphs, particularly in Sections 3 and 4, are overly dense. Breaking them into shorter sentences would improve readability and clarity. These issues do not fundamentally undermine the article's clarity, but they do detract from its professional presentation.</i>	
4. The study methods are explained clearly.	4
<i>The methodology is explained in a dedicated section and is generally clear. The authors specify the use of the analytical-doctrinal method, a systematic examination of the constitutional, conventional, and criminal procedural framework, and a jurisprudential perspective drawing on case law from the Albanian Constitutional Court, the Supreme Court, and the European Court of Human Rights. This approach is entirely appropriate for a legal study of this nature.</i>	
5. The results are clear and do not contain errors.	5
<i>The results are presented clearly, logically, and systematically. The paper is well-organised, first identifying the categories of cases where mandatory defence applies under Albanian law, then analysing each category in detail.</i>	
6. The conclusions or summary are accurate and supported by the content.	5
<i>The conclusions are accurate, concise, and fully supported by the evidence presented in the paper</i>	
7. The references are comprehensive and appropriate.	5
<i>The references are comprehensive, up-to-date, and appropriate for a scholarly legal article. The bibliography includes national and international legislation, and domestic and international case law.</i>	

Overall Recommendation (mark an X with your recommendation) :

Accepted, no revision needed	
Accepted, minor revision needed	x
Return for major revision and resubmission	
Reject	

Comments and Suggestions to the Author(s):

Thank you for submitting your valuable paper on mandatory defence in Albania. I found the article well-researched and it makes an important contribution to the field.

Comments and Suggestions to the Editors Only:

The minor revision is related to the English language that is generally clear, but a light revision is recommended before publication.

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Reviewer Name: Giorgi Latsabidze	
University, Country: Grigol Robakidze University; Georgia, Tbilisi.	
Date Manuscript Received: 22.04.2026	Date Review Report Submitted: 26.04.2026
Manuscript Title: MANDATORY DEFENCE OF THE ACCUSED IN THE ALBANIAN CONTEXT: BETWEEN FORMAL GUARANTEE AND EFFECTIVE DEFENCE	
ESJ Manuscript Number: 0460/26	
You agree your name is revealed to the author of the paper: Yes;	
You approve, your name as a reviewer of this paper, is available in the “review history” of the paper: yes;	
You approve, this review report is available in the “review history” of the paper: yes;	

Evaluation Criteria:

Please give each evaluation item a numeric rating on a 5-point scale, along with a thorough explanation for each point rating.

Questions	Rating Result [Poor] 1-5 [Excellent]
1. The title is clear and it is adequate to the content of the article.	3
The title is too long and slightly overloaded.	
2. The abstract presents objectives, methods, and results.	4
3. There are a few grammatical errors and spelling mistakes in this article.	3
1. “their objective inability to exercise the right of defence effectively...” better is “ <i>the objective inability of the accused to exercise the right of defence effectively...</i> ” 2. “analyses the substantive role of defence counsel as a key element in ensuring the principle of equality of arms and adversarial proceedings before an impartial court.” “ <i>...as a key element in ensuring equality of arms and adversarial proceedings...</i> ”	

3. “the analytical and doctrinal method” - “ <i>analytical and doctrinal methods</i> ”	
4. “the actual realisation of the right to defence” - “ <i>the actual realization of the right to defence</i> ”	
5. “or the person under investigation” - “ <i>the accused (or person under investigation)</i> ”	
6. “serving a necessary public function..” - “ <i>serving a necessary public function.</i> ”	
7. “About the right of defence, in its consistent jurisprudence...” - “ <i>Regarding the right of defence, in its consistent jurisprudence...</i> ”	
8. “them in court” - “ <i>the accused in court</i> ”	
9. “such protection..” - “ <i>such protection.</i> ”	
10. “gave rise to several issues in Albanian judicial practice.” - “ <i>gave rise to several issues in judicial practice in Albania.</i> ”	
11. “About the cases in which defence is mandatory...” - “ <i>The cases in which defence is mandatory may be exhaustively identified as follows:</i> ”	
12. “support this approach.which requires...” - “support this approach, which requires...”	
13. “Defense counsel should not be regarded...” - “Defence counsel should not be regarded...”	
14. “mandatory defense functions...” - “mandatory defence functions...”	
15. “the person under investigation / the accused”	
4. The study methods are explained clearly.	3
The description of the methods is not sufficiently clear—it does not explain which method is used for what purpose. A more detailed explanation of each method’s function and application is needed.	
5. The results are clear and do not contain errors.	4
<i>The result is clear but it contains some errors</i>	
6. The conclusions or summary are accurate and supported by the content.	4
<i>(Please insert your comments)</i>	
7. The references are comprehensive and appropriate.	4
<i>(Please insert your comments)</i>	

Overall Recommendation (mark an X with your recommendation) :

Accepted, no revision needed	
Accepted, minor revision needed	X
Return for major revision and resubmission	
Reject	

Comments and Suggestions to the Author(s):

Comments and Suggestions to the Editors Only: