



## UNIVERSITY OF NEW YORK IN TIRANA

Course: Albanian Business & Labor Law Syllabus  
Instructor: **Renata Leka, Lawyer:** e-mail: [leka@bogalaw.com](mailto:leka@bogalaw.com)  
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Phone: 00355 4 251 050  
Semester: Fall 2007  
Meeting Hours: (3 hours per week, Thursday 17:00-20:00)  
Speech in Albanian language

### Course Description:

The course comprises of three parts:

- A. Principles of Civil Law
- B. Albanian Business Law
- C. Albanian Labor Law

<b>Student Evaluation</b>	<b>Mid term</b> (part A)	<b>Final Exam</b> (part B+C)	<b>Final grade</b>
Class participation	20%	20%	20%
Written	80%	80%	40% (mid term)
<b>Written</b>			40% (final exam)
<b>Total:</b>			100 %

**Participation:** Participation extends beyond mere attendance. Expect your instructor to keep track of how often you contribute to class discussion (as a whole), particularly during the panel discussion section. You may miss up to three classes without penalty - your first two absences count whether you have a good excuse or not. Each absence beyond the first three will cost you points off of your participation grade. The only exceptions to this rule are severe illness (doctor's note required) and UNYP approved trips/activities. Appropriate documentation for absences beyond the first three is necessary the class day directly before or after the one you miss. In general: this class is intensive and interactive. Missing class could seriously affect your grade! Students are reminded not to approach the instructor for copies of the previous week's materials during immediately before, during, or immediately after class. Students are expected to collect materials from their classmates or see the instructor during consultation hours.

**Exams:** Two examinations will be taken, one during week seven of the course and a final exam covering all course content during the final examination period. Test format may combine a mixture of short answer,

true/false, matching, sort answer, and one or two essay questions covering *all* readings, lecture, hand-out and class discussion content.

<b>Grading Scale</b>	96-100 A	90-95 A-	87-89 B+
	83-86 B	80-82 B-	77-79 C+
	73-76 C	70-72 C-	67-69 D+
	63-66 D	60-62 D-	0-59 F

<b>Letter Grade</b>	<b>Percent (%)</b>	<b>Generally Accepted Meaning</b>
A	96-100	Outstanding work
A-	90-95	
B+	87-89	Good work, distinctly above average
B	83-86	
B-	80-82	
C+	77-79	Acceptable work
C	73-76	
C-	70-72	
D+	67-69	Work that is significantly below average
D	63-66	
D-	60-62	
F	0-59	Work that does not meet minimum standards for passing the course

#### **A. Description of PART ONE: Principles of Civil Law**

This Course examines the general principles pertaining to the Albanian civil legislation. Students will develop an awareness of legal processes and structure, and familiarity with legal reasoning and legal vocabulary. The module includes a review of the sources of law the Albanian Law, lawmaking procedure, the notion of legal entity, torts, contracts, agreements, liabilities, damages, appeals, negotiations, statute of limitation.

#### **B. Description of PART TWO: Albanian Business Law**

This module is focused on the legal framework governing business activities in Albania. It deals with the basic principles and provides the student with a basic grounding in problem solving with a legal framework. On completion of the module the student should be able to:

- a. Identify the basic legal relationships that are relevant to modern business organization.
- b. Identify the different legal forms of business organizations and be aware of the implication of these legal distinctions.
- c. Solve basic, legal problems relating to business operation (either inside them or with respect to a third party).
- d. Identify the role of legal institutions in the reconciling of typical commercial disputes.
- e. Identify the various types of drafts and be aware of their use in the business transactions.

## **B. Topics**

**Introduction:** Introduction and History of Business Law in Albania; Principles of the Business Law (B.L.); Legal forms of organization of business entities;

**The Sole Entrepreneur:** Definition and qualifications of the Sole Entrepreneur, Professional Obligations of a Sole Entrepreneur.

**Business entities (Commercial Companies):** Introductory remarks. Kinds of companies. Establishment and the Legal personality.

### **Companies of Persons:**

1. **Unlimited/ General Partnership:** Definition; Establishment; Administration, Liquidation and Procedure of partition.

2. **Limited Partnership:** Definition; Establishment; Administration, Liquidation and Procedure of partition. Differences between the companies of persons and companies of capital.

### **Companies of Capital**

1. **Limited Liability Companies.** The most used forms of business organization. Definition; Establishment; Administration, Capital, Liquidation. etc

2. **Joint Stock Companies:** Definition; Establishment; Administration, Capital, Liquidation., Shares, Collapse and Partition. Etc.

## **C. Description of PART THREE: Albanian Labor Law**

This module is concerned with the basic legal relationships associated with Labor. It examines the basic principles and provides the student with the adequate legal information on the current legal framework governing issued of labor law. This module is more focused on an examination of provision of the Albanian Labor Code also of the issues of the common practice including litigation (resolution of disputes) On completion of the module the student should be able to:

- a. Identify the basic legal relationships between employees and employers.
- b. Identify the different forms of employment contracts and be aware of their implications.
- c. Identify the role of legal institutions in the reconciling of typical labor disputes.
- d. Solve basic legal problems relating to labor disputes.

### **Topics.**

**Introduction:** Introduction and History of the Albanian labor law; The concept of Labor Law. Sources of Labor Law. Employment Contracts; Rights and Obligations of Employee and Employer; Termination of Employment; Collective Employment Contracts, Union rules; Collective bargaining. Collective agreements.

**Fundamental Concepts of Labor Law:** Work; Dependent work; Profession; Employee; Employer; Salary and Wages; Firm; Managers; Apprentices.

**Contracts of Employment:** Contract of Employment, Labor Relations and Contractual Obligations. Service Contracts and Employment Contracts; Differences;

**Establishment of Labor Relations:** Terms of the Employment Contracts and its validity

**Rights and Obligations of Employee and Employer.** Work; Personal fulfillment; Kind of work; Work schedule/ Shift; Overwork/ Extra work/ Extra Duties; Overtime; Weekly recess; Night work; Place of work.

**Students:** If you feel that you have special learning difficulties, please, make an appointment with Ms. A. Gramo. Ms. Anxhela Gramo is trained to help students with learning difficulties. She shall provide this service to our students, just as it is offered in all American universities.

TENTATIVE SCHEDULE

**(3 hours)**

A.

**Principles of the Legal System. Introduction to Law. Legal System. World Legal System.**

**Principles of Civil Law.**

<u>1<sup>st</sup> week</u>	<u>2<sup>nd</sup> week</u>	<u>3<sup>rd</sup> week</u>	<u>4<sup>th</sup> week</u>
<p><u>Introduction to Law:</u>  <u>Classification of Law:</u>  <u>The main sources of Albanian law.</u>  <u>Interpretation of the Law</u>  <u>Application of the law.</u></p>	<p><u>The law of Persons:</u>  <u>Natural person:</u>                      Relationship.                      Nationality                      Domicile.                      Personality.  <u>Legal entity (corporation) :</u>                      The nature of legal entity.  <u>Classification of legal entities:</u>  <u>Legal Representation</u>                      Representation.                      Representative- proxy.</p>	<p><u>The Law of Civil of Obligations (Tort Law):</u>  <u>The concept of Civil Actions</u>  <u>Categories of Civil Actions</u>  <u>Invalidity of actions</u>  <u>Consequences of invalidation</u>  <u>Means to secure fulfillment of obligations.</u></p>	<p><u>Provisions of Albanian Civil Code on Contract.</u>  <u>The concept of a contract.</u>  <u>Capacity to contract.</u></p>
<u>5<sup>th</sup> week</u>	<u>6<sup>th</sup> week</u>	<u>7<sup>th</sup> week (PART B)</u> <u>Albanian Business Law</u>	<u>8<sup>th</sup> week</u>
<p><u>Elements of contracts</u>  <u>Entering into contracts</u>  <u>Forms of contracts.</u>  <u>Interpretation of a contract</u>  <u>Contract resolution</u></p>	<p><b><u>A' mid-term exam</u></b></p>	<p><u>Introduction:</u>  <u>Introduction to Albanian Commercial Law</u>  <u>Sole Entrepreneur:</u>                      Definition; business capacity  <u>Commercial Companies as per Albanian Law</u>                      Introductory remarks.                      Types of companies.                      Establishment and the Legal personality.                      Establishment of a Company.</p>	<p><u>Companies of Persons</u>  <u>Companies of capital</u>  <u>Definition</u>                      Establishment.                      Administration                      Shares and capital                      Differences between <u>Companies of Persons and Companies of Capital</u></p>

<u>9<sup>th</sup> week</u>	<u>10<sup>th</sup> week</u>	<u>11<sup>th</sup> week</u> <b>PART C</b> <b><u>Albanian Labor Law</u></b>	<u>12<sup>th</sup> week</u>
<u>Limited Liability Companies (Ltd):</u> Establishment. Administration. Share Capital. Liquidation. The administrator in a Limited Liability Company	<u>Joint Stock Companies</u> Establishment. Capital, shares, Administration. Corporate governance in Joint Stock Companies Kinds of Joint Stock Companies	<u>Introduction:</u> Introduction and History of the Albanian labor law; The concept of Labor Law. Creation of employment relation. Group Contracts; part time contracts, work at home, commercial agent contract Apprentices	<u>Establishment of Labor Relations:</u> Legal validity of a contract of Employment. Ability to contract work. <u>Obligations of the Employee:</u> Work. Personal fulfillment. Kind of Work schedule/Shift. Overwork – Extra work – Extra duties. Overtime. Weekly recess. Night work. Place of work. <u>Obligations of the Employer:</u> Payment of salary. Types of salary Determination of salary. Default of the employer.
<u>13<sup>th</sup> week</u>	<u>14<sup>th</sup> week</u>		
<u>Collective employment contracts</u> Union rules. Articles of association. Collective bargaining. Work Regulations. <u>Termination of a Contract of Employment:</u> Definite time. Indefinite time. Notice of termination. Firing. Restrictions on firing. <u>Collective Bargaining &amp; Collective Agreements:</u> Concept. Types. Arbitration.		<b>Final exam in Business &amp; Labor Law</b>	

### Bibliography

Apart from those given by the instructor additional Readings are as follows:

Part A - Albanian Civil Code, Constitution

Part B - “Tri Ligje per Shoqerite Tregtare”, Zberthime dhe komente te ligjit per shoqerite tregtare dhe te legjislacionit tjetër qe ka te beje me keto shoqeri (Baki Berberi, Doktor i Shkencave),

Law no. 9723 dated 03.05.2007 “Per qendren kombetare te Regjistrimit”, Law no. 9748 dated 31.05.2007.

Part C - Albanian Labor Code