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THE ENVIRONMENT OF POLITICAL AND LEGAL PROCESSES: RECONCEPTUALIZING EUROPEAN INTEGRATION FOR ASPIRING COUNTRIES

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ABSTRACT

Can the modernising paradigm of the European Union work? Can a country like Albania be democratised and economically developed through imposition of European Union principles, concepts, rules and standards? An obvious consequence of this paradigm is the development of a visionless politics, which is committed to only do its “homework”. In this way Albanian politics has been transformed from “art of the possible” to “science of obedience”. Moreover, the problem of social dysfunctionality of Europeanisation reforms have been added to the problem of deformation of the role of politics. These problems are treated from the viewpoint of sociology of law and political sociology, focusing specially on the concepts that aim at describing how, why, and with what effects happens the transfer of law from one legal system to another. In this light we argue that attention to environment is due, but environment in the sense this term is employed by systems theory. The article concludes that the problem of deformation of the role of politics and the problem of social dysfunctionality of Europeanisation reforms are inextricably linked with the current conception of the European integration process. This process ought to be reconceptualised dynamically so as to give an active role to politics, to bring back the vision it has lost in the metaphor of “homework”, and it should not be regarded anymore as a list of costs and benefits, but as challenges and opportunities.

Keywords: environment, legal transplant, legal culture, legal irritant, palace wars, European integration.