

Joinder of Claims and Joinder of Parties: Understanding and Practical Application in Civil and Administrative Cases According to the Civil Procedure Code and the Law on Administrative Courts

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Abstract: This paper examines two important procedural institutes in administrative judicial disputes: the joinder of claims and the joinder of parties. These institutes play a significant role due to the complexity of legal-civil relations between public administration and individuals, where issues not resolved through administrative channels often involve multiple parties and different claims.

- **Joinder of Claims** involves presenting two or more claims by the plaintiff in a single lawsuit, where the same procedure is followed for all claims.
- **Joinder of Parties** involves cases where several people are involved as plaintiffs or defendants.

Both institutes make civil procedures and the law on administrative courts more complex, requiring greater professionalism from the court due to the need to handle multiple pieces of evidence and hear numerous witnesses and experts. The paper also explores relevant principles and terms, including the concepts of objective and subjective joinder of claims, as well as the importance of the principle of economy.

The key of the material: it addresses two important procedural institutes in civil and administrative cases: the joining of claims and co-litigation. This material focuses on the understanding and practical application of these two concepts, with an emphasis on the rules and principles of joining claims and parties, as well as optimizing the judicial process to ensure efficiency and fairness in administrative and civil procedures.

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Introduction

Joinder of claims and joinder of parties are two procedural institutes that impact civil and administrative judicial procedures. Legal-civil relations between public administration and individuals that are not resolved administratively often involve multiple parties and different claims. This paper addresses these institutes by focusing on their meaning and application in accordance with the Civil Procedure Code and the Law on Administrative Courts.

Joinder of Claims

Meaning: Joinder of claims involves presenting two or more claims by the plaintiff in a single lawsuit, where the same procedure is followed for all claims.

Practical Application:

- **According to the Civil Procedure Code:**
 - Article 55: The court hearing the main lawsuit is competent to examine secondary claims, counterclaims, or principal interventions and can decide on their joinder into a single case.
 - Article 57: When two or more lawsuits are being judged in separate processes and are connected by subject or cause, they may be joined into a single judgment.
 - Article 159: Multiple claims can be made in a single lawsuit, provided the court is competent for all the claims.

- **Practical Examples:**

- When a person seeks compensation for material and moral damages from a traffic accident by presenting several claims in a single lawsuit.

Conditions for Joinder:

- Claims must have the same factual or legal basis.
- The court must have subject matter and territorial competence for all claims.
- Claims must contribute to the efficiency of the trial.

Joinder of Parties

Meaning: Joinder of parties occurs when several people are involved as plaintiffs or defendants in the same judicial process.

Practical Application:

- **According to the Civil Procedure Code and the Law on Administrative Courts:**

- Simple and Subsequent Joinder: When several individuals share the same interest in an administrative decision, they may join in the same judicial process.

- **Practical Examples:**

- When several individuals seek the annulment of administrative acts related to the same issue.

Criteria for Joinder of Parties:

- Claims must have common interests in issues related to the same factual or legal basis.
- The court must consider whether the joinder of parties helps expedite the procedure and reduce costs for the parties.

Terms and Principles

- **Objective Joinder of Claims:** Joinder of claims with the same factual or legal basis.
- **Subjective Joinder of Claims:** Joinder of parties with common interests in the issue.
- **Principle of Economy:** Using joinder to save time and resources and ensure a more efficient and fair procedure.

Rules and Procedures:

- Rules for joinder of claims and joinder of parties may vary according to national legislation. In Albania, the Civil Procedure Code and the Law on Administrative Courts define the conditions and procedures for these concepts.

In summary, joinder of claims and joinder of parties are important tools for ensuring a more efficient, economical, and fair judicial process. Lawyers and judges need to be well-versed in these concepts to ensure proper administration of justice.

Institute for Optimization of Judicial Procedures

This institute helps address more complex issues and optimize judicial procedures, making the process more effective and fair for all parties involved. This process typically concludes with a relatively swift judgment.

Typical Case of Cumulative Joinder of Administrative Claims

A typical case of cumulative joinder of claims in administrative judicial matters occurs when an individual or legal entity seeks resolution of several issues related to the actions or inactions of public administration in a single lawsuit. Here is an example:

Practical Case: Refusal of Services and Damages from Non-Compliance with the Law

- **Context:** To illustrate cumulative joinder of administrative claims, assume a small business, "ABC Companies," has filed a lawsuit against a public administration institution for several claims related to inappropriate administrative actions.

- **Case:**

- **First Claim:** "ABC Companies" has requested compensation for the delay in issuing a crucial license for its activity, which has caused significant financial losses.
- **Second Claim:** The company has requested the annulment of a public administration decision refusing to process some necessary documents for continuing its activity.
- **Third Claim:** The company also seeks a comprehensive inspection by the administration for promised financial aid that has not been provided.

- **Cumulative Joinder of Claims:** In this case, "ABC Companies" files a single lawsuit in the administrative court that includes all these claims against the public administration. These claims are closely related to the same actions or inactions of the administration and have the same factual basis - compensation for losses and requests for resolution of administrative issues.

- **Fulfilled Conditions:**

1. **Same Legal and Factual Basis:** All claims relate to inappropriate actions and violations by the administration in handling documents and licenses.
2. **Competence of the Same Court:** The administrative court is competent to examine all these claims related to the administration's actions.
3. **Efficiency of the Trial:** Joinder of these claims into one lawsuit helps expedite the procedure and reduce litigation costs for both parties.

- **Court Decision:** The administrative court may decide on all claims in a single judgment, possibly issuing a partial ruling for some of the plaintiff's claims as needed. This ensures a comprehensive and effective resolution for all issues raised in the single lawsuit.

2.2 Eventual Consolidation of Claims under the Civil Procedure Code and the Law on Administrative Courts of Albania

Eventual Consolidation of Claims under the Civil Procedure Code

- **Definition and Rules:** If the plaintiff presents two or more related claims in a single lawsuit and requests that, in the event of the rejection of the first claim, the court review and rule on the second claim, this is referred to as the eventual

consolidation of claims. This sequence of claims must be clearly outlined in the plaintiff's lawsuit.

- **Value of the Subject Matter:** According to Article 30 of the Civil Procedure Code, the value of the subject matter is considered only for the main claim. In the case of eventual consolidation, the value of the subject matter is determined by the main claim, while eventual claims only express their value if the main claim is rejected.
- **Court Competence:** For the realization of the eventual consolidation of claims, there must be a common factual or legal basis and the same subject matter and territorial competence of the court for both claims. Additionally, the procedure must be the same, i.e., contentious procedure.
- **Procedure Method:** If the first claim is approved, the court terminates the proceedings for the second claim. If the first claim is rejected, the court reviews the second claim in accordance with legal provisions.
- **Examples and Practice:** A typical example of eventual consolidation of claims is when a creditor seeks the termination of a contract and, if this claim is rejected, requests that the defendant be obliged to fulfill contractual obligations.
- **Defendant's Response:** The defendant has 15 days to respond to the lawsuit from the moment the lawsuit is delivered. If no response is filed, the court may issue a ruling in favor of the plaintiff's claim. If the defendant responds and accepts the claim, the court issues a ruling based on the defendant's admission.

Eventual Consolidation of Claims under the Law on Administrative Courts

- **Article 30 - Eventual Consolidation of Claims:**
 1. **Rules of Consolidation:** In administrative courts, eventual consolidation of claims occurs when a party presents more than one related administrative claim and requests that, in the event of the rejection of the first claim, the second claim be reviewed and approved. This helps optimize procedures and reduces the court's burden.
 2. **Consolidation Criteria:** To achieve eventual consolidation, the claims must be closely related and meet the requirements for the same competence and procedure. Additionally, there must be a common factual or legal basis for all presented claims.
 3. **Value of the Subject Matter:** The value of the subject matter is determined according to the main claim. If the main claim is rejected, the value of the subject matter is determined by the eventual claim in the case of eventual consolidation.
 4. **Procedure and Decision:** If the main claim is approved, the court halts the review of eventual claims. If the main claim is rejected, the court reviews the eventual claims according to legal provisions.

3. Types of Joint Actions

3.1 Material and Formal Joint Actions

- **Material Joint Action:**
 - Occurs when there is a legal or factual connection between the joint parties that exists before the start of the process and involves related claims or obligations.

- **Formal Joint Action:**
 - Occurs when the claims are of the same nature and are based on essentially the same factual and legal bases, despite differences in the involved parties.

3.2 Simple and Unique Joint Actions

- **Simple Joint Action:**
 - Each joint party is an independent entity, and actions of one joint party do not affect others. Examples: when a creditor sues the main debtor and the debtor's guarantor; each action is independent for each party.
- **Unique Joint Action:**
 - All parties are considered as a single entity. The performance or non-performance of a procedural action by one joint party has effects for all others. Examples: when several heirs seek recognition of inheritance rights for a specific property; the decision applies equally to all.

3.3 Initial and Subsequent Joint Actions

- **Initial Joint Action:**
 - When more than one subject is involved from the moment the lawsuit is filed. Examples: when two plaintiffs seek compensation from a single defendant.
- **Subsequent Joint Action:**
 - When a third party joins the process as a plaintiff or defendant after the lawsuit has been filed. Examples: when a plaintiff or defendant dies during the process, and their heirs become part of the process.

3.4 Joint Action with an Eventual Defendant

- **Joint Action with an Eventual Defendant:**
 - When the plaintiff includes two or more defendants, requesting that the claim be approved against one if it is rejected against the others. Examples: when an injured person in a traffic accident is unsure which of two defendants is responsible and seeks the claim to be accepted against one if it is rejected against the other.

Important Conclusions on Consolidation of Claims and Joint Actions in Administrative Matters:

1. **Definition and Importance of Consolidation of Claims:**
 - Consolidation of claims refers to the legal practice where several related claims are combined into a single procedure to avoid fragmentation of cases and to reach a unified decision. This helps in streamlining the judicial process and avoids unnecessary separations that could lead to inconsistent decisions on the same issue.
2. **Types of Joint Actions:**
 - **Material Joint Action:** Legal or factual connections between joint parties before the start of the process.
 - **Formal Joint Action:** Claims are of the same nature and are based on the same facts and legal bases.
 - **Simple Joint Action:** Parties are independent, and actions of one do not affect others.
 - **Unique Joint Action:** All parties are considered as a single entity, with actions affecting all.

- **Initial Joint Action:** More than one subject is involved from the beginning of the lawsuit.
 - **Subsequent Joint Action:** A third party joins the process after the lawsuit is filed.
- 3. Consolidation of Claims in Administrative Matters:**
- Consolidation of claims helps address similar issues in public administration and ensures integrated review of matters related to the same topic or public policy.
- 4. Limitations and Exceptions:**
- **Simple Joint Action:** Suitable for situations where parties are independent and claims are not directly related.
 - **Unique Joint Action:** Necessary to ensure a unified decision for all parties with similar claims.
- 5. Importance of Procedural Rules:**
- Adhering to procedural rules is crucial to ensure that consolidation of claims and joint actions are conducted fairly and effectively, preventing delays and ensuring all parties have the opportunity to present and defend their interests.
- 6. Benefits of Consolidation of Claims and Joint Actions:**
- **Improved Judicial Efficiency:** Reduces sessions and extended processes.
 - **Increased Legal Certainty:** Provides a higher level of legal certainty by reviewing similar issues in a consistent manner.
 - **Complexity of Issues:** Requires detailed and thorough analysis to ensure a fair decision.

In conclusion, consolidation of claims and joint actions are important tools for improving judicial practice by offering a more integrated and efficient approach to the review of legal matters.

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