

ALBANIAN CUSTOMARY LAW, ANGLO-SAXON LAW AND THE OLD WEST: HANDLING THE LAW ON YOUR OWN

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Customary law in Albania, Anglo-Saxon law, and the legal system that prevailed in the Old West are all examples of legal systems in which individuals were, to a certain extent, expected to manage the law on their own. Customary law in Albania, commonly referred to as Kanun, is an ancient body of laws that has been verbally transmitted from generation to generation for hundreds of years. Under this system, each person was responsible for their own disagreements and was supposed to find a way to resolve them on their own, whether by mediation, negotiation, or even resorting to violence if that was the only option. The Kanun placed relatively little attention on the use of formal legal systems, instead placing an emphasis on the values of honor, family, and vengeance. Individuals were also expected to take responsibility for resolving disputes on their own under Anglo-Saxon law, which originated in England during the early Middle Ages. Despite this, however, there was a greater emphasis placed on the role that the king and the court system played in the process of upholding the law. Under this legal framework, individuals were afforded the right to a trial conducted by their contemporaries, and the king was accountable for both the appointment of judges and the implementation of their rulings. In the United States, another example of a legal system in which individuals were expected to handle the law on their own is found in the time period known as the Old West. Because there was a dearth of formal law enforcement and judicial institutions during this time in the history of the United States, individuals frequently had to take matters into their own hands in order to safeguard both their person and their possessions. There was a widespread practice of vigilante justice, and disagreements were typically settled through duels or gunfights. In spite of the fact that these legal systems may appear antiquated in comparison to contemporary legal systems, they serve to demonstrate the significance of human responsibility and self-reliance in the process of conflict resolution. However, they also underscore the disadvantages of depending too heavily on violence and revenge to resolve problems, as well as the necessity of formal legal institutions in order to create a system of justice that is fair and unbiased for all parties involved.

Keywords: Legends, cowboys, Besa, the Oath, the King, the Sheriff, Shtjefn Gjeçovi, etc.

Introduction

Throughout human history, the administration of law has been handled very differently by a variety of different communities. Justice was administered differently in accordance with Anglo-Saxon law, Albanian customary law, and the law of the Old West. In this study, the contrasts between these three legal systems, as well as how

each one approaches the law on its own, will be dissected and analyzed. Because of the following factors, the primary purpose of our research was to investigate the three different codes and see how they were implemented in the communities that corresponded to them: to investigate the ways in which the aforementioned societies were changed by these rules, as well as the mentalities and challenges that these codes engendered; The following are some of the questions that we put to ourselves in order to achieve the goals of the research that were outlined earlier: In different ages, when the law did not function as it should have or did not function at all, what problems did society face as a result? Was there a loophole or a contradiction in the norms of these societies, and did these regulations restrict the freedom of civil society? We chose to adopt the comparative technique because it assisted us in refining our description and also played a very significant role in assisting us in forming the concept, which is the basis upon which the similarities and variations in the customary laws of different civilizations are presented in this manner with a particular focus. Concurrently, the application of this methodology is essential in this field, which is primarily concerned with the social sciences. In addition, the qualitative method was applied to the analysis of the results of this investigation.

We made an effort, utilizing this methodology, to present intricate textual descriptions of the manner in which the societies of three distinct areas and nations created a variety of various customary norms. It was more useful to better grasp and understand the complicated reality of the given situation and the implications coming from quantitative data in order to apply this way in conjunction with the quantitative method. This was because the quantitative method was used. This method was not particularly helpful and effective in identifying non-material elements in these three diverse countries, such as social norms, ethnicity, religion, and other similar topics. This study was carried out with the assistance of a wide range of researchers from a variety of fields, in addition to well-known and carefully selected pieces of literature written by both domestic and international authors.

In addition to these, reports, legal papers, libraries, and online secondary material that is accessible to the general public have all been utilized. Due to the fact that Roman law had both a direct and an indirect influence on these codes, it is abundantly obvious from the in-depth research that we conducted on them that the latter two, such as the Anglo-Saxon Law Code and the Albanian Customary Law, are more complicated. This suggests that the most senior member of the family, also known as the elder, played an important part in Albanian society and wielded a significant amount of authority. This is yet another area in which comparisons may be made between society in the Wild West and modern times, in which it is impossible to locate the same thing.

These communities struggled with a wide variety of different challenges. In spite of the fact that these communities made an effort to adhere to the laws that were set by their codexes, there were still times in which they disobeyed or disregarded these norms, and it is apparent that there were consequences in the form of a great number of denials, murders, slaughter, isolations, and so on. These were all extremely important and one-of-a-kind problems, but they also yielded insights that helped improve our comprehension of the organizational structures of these cultures. Beginning with our method of approaching and analyzing the same, we can say that we have discovered the emptiness or counterwords between these codes through some ideas that count as the primary pillar of behavior, such as behavior toward woman, house, family, guest, friend, property, and livestock, while at the same time the significance of the given word, honesty, bravery, hospitality, behavior, property, and the significance of the tribe. As a result, we may deduce from the findings of the study that our purpose has been accomplished to a significant degree.

Albanian Customary Law

The norms and practices that have been passed down through generations in Albania were the foundation for a body of law known as Albanian customary law. Instead of relying on a written rule of law, this legal system was founded on the principle that the administration of justice ought to be determined by the customs and traditions of the people. The local community was responsible for enforcing this legal system, and a council of elders was responsible for mediating any conflicts that arose. Instead than relying on a written rule of law, this legal system was founded on the principle that the administration of justice ought to be determined by the customs and traditions of the people.

The concept that justice should be determined by the customs and traditions of the people rather than by a written code of law served as the conceptual underpinning for the legal system known as customary law in Albania. The local community was responsible for enforcing this legal system, and a council of elders was responsible for mediating any conflicts that arose. Instead than relying on a written rule of law, this legal system was founded on the principle that the administration of justice ought to be determined by the customs and traditions of the people. This system of law also allowed for flexibility in its enforcement, as it permitted varied interpretations of the law depending on the circumstances. This flexibility allowed for the law to be applied in a variety of different ways.

A traditional code of behavior and customary law that has been orally transmitted from generation to generation in Albania, the "Kanun" is the name given to the country's body of traditional customary law. It has been an important facet of Albanian society and culture for centuries, notably in northern Albania, and it continues to have

an impact on the way of life of a substantial number of Albanians even in modern times.

The Kanun addresses many different areas of life, such as the dynamics of the family unit, the ownership of property, the commission of crimes, and the resolution of blood feuds. It lays out in great detail the laws governing marriage, inheritance, and other issues pertaining to the life of a family. In addition to this, it offers recommendations on how conflicts between individuals or families should be settled, including the use of mediation and the continuation of blood feuds.

It is true that throughout Albanian history, particularly in more rural parts of the country, the kanun has been an integral component of society, but in more recent times, its significance has diminished. At the present time, Albanian law takes precedence over the Kanun, and many of the Kanun's clauses are regarded as being outmoded or incompatible with current norms.

In spite of this, many tenets of the Kanun are still adhered to by some Albanians, especially those living in the north. Even though it is against the law in Albania, certain regions continue to struggle with issues such as blood feuds, which continue to be a source of tension. On the other hand, it is essential to keep in mind that the vast majority of Albanians do not adhere to the Kanun and strongly disapprove of any of the violent or archaic traditions that are linked with it.

The Anglo-Saxon legal system, the Old West, and the Albanian customary legal system are all instances of societies in which individuals were compelled to create their own legal systems out of need. These cultures relied heavily on individual responsibility and self-defense due to the absence of any formalized system of law enforcement. Disputes in Albanian customary law were typically resolved through the mediation of village elders or by the use of blood feuds, both of which were extremely violent. Dueling or the payment of wergeld, which was a form of compensation, were common methods for resolving disputes under Anglo-Saxon law. Under this legal system, individuals were responsible for their own defense as well as the defense of their property. When it came to protecting themselves and their property against lawbreakers and outlaws in the Old West, people were forced to rely on their own personal weaponry and their own resourcefulness. In these civilizations, the rule of law was not some intangible principle that was imposed by a remote government, but rather it was a concrete reality that people lived with on a day-to-day basis. As a direct consequence of this, people were compelled to accept personal responsibility for their own health and safety. They were under constant obligation to maintain vigilance and be ready to defend both themselves and their property. This called for a significant amount of individuality, self-reliance, and bravery on the part of the person.

On the other hand, this eventually resulted in a society in which the rule of law was frequently arbitrary and capricious. The court system was controlled by the whims of powerful persons, and the severity of the punishment for crimes was highly variable depending on the specifics of each case. For instance, according to the customary law of Albania, a blood feud can last for several generations and result in the deaths of hundreds of individuals. The punishment for offenses under Anglo-Saxon law could range from a simple fine to mutilation or even execution, depending on the severity of the offense. In the days of the Old West, dealing with lawbreakers often required resorting to the practice of vigilante justice, which resulted in the wrongful conviction and execution of a great number of innocent people. In short, the Anglo-Saxon legal system, the Old West, and the Albanian customary legal system are all instances of cultures in which individuals were required to handle the legal system on their own. In spite of the fact that this resulted in a society with a high level of individualism, self-reliance, and courage, it also led to a culture in which the rule of law was frequently arbitrary and capricious. When we consider these civilizations in retrospect, we see how critical it is to have a robust, equitable, and objective legal system that upholds the rule of law and safeguards the civil liberties of all people, irrespective of their social standing.

Anglo-Saxon Law

The rules and traditions of the Anglo-Saxon people served as the foundation for the legal system that came to be known as Anglo-Saxon law. A written code of laws served as the foundation for this legal system, which was supported by an established judicial system. This legal framework was founded on the principle that a written code of laws, as opposed to the norms and practices of a society, should serve as the foundation for the administration of justice. Due to the fact that this legal system enabled more consistent readings of the law, it also enabled greater uniformity in the manner in which the law was enforced. As a result of the fact that offenders might be punished for breaking the law under the Anglo-Saxon legal system, increased levels of responsibility could be achieved during the process of law enforcement. Because it permitted more uniform legal interpretations, this legal system also made it possible to maintain a higher level of coherence in the manner in which the law was enforced.

The Customary Law during the rule of Anglo-Saxon's King Alfred the Great

King Alfred, who governed the Anglo-Saxon kingdom of Wessex from 871 to 899 AD, was a key figure in the process of codifying England's customary law. At that time, the majority of customary law was not written down, and it differed considerably from one place and set of practices to another. The establishment of a legal system that came to be known as the "Book of Judgments" or the "Doom Book" by King Alfred is regarded as one of the most important contributions that he made to the evolution of English law. This code was aimed to establish a single legal system across the kingdom,

and it was based on the practices and rules that had been practiced traditionally in Anglo-Saxon England. The Doom Book contained rules for a wide variety of legal concerns, including as homicide, theft, and disagreements over ownership of property. Additionally, it introduced the idea of wergild, which is a system of compensation that is paid to the victim or the victim's family in the event of an accident or death. In addition to commissioning the writing of the Doom Book, King Alfred fostered the translation of Latin legal literature into Old English. This contributed to the widespread dissemination of legal knowledge and the development of Old English as a common legal language throughout the kingdom. In the grand scheme of things, King Alfred's efforts to codify customary law had a crucial influence in the establishment of the legal system in England, and they also provided the framework for the common law tradition that would evolve in the centuries that would follow.

The Old West

In the history of the United States, the time period known as the Old West was a time when there were no official laws or courts in effect. During this time period, the administration of justice was frequently carried out by lone individuals or small groups that took it upon themselves to uphold their own standards of right and wrong. This system of justice frequently relied on a person's personal views and ideals, as opposed to any written code of rules, as its foundation. This system of justice frequently gave rise to the practice of vigilante justice, in which individuals or groups took it upon themselves to administer their own brand of justice in the absence of any legitimate judicial process.

The Old West - A Legend or A Canon?

Both myth and fact are woven into the story of the Old West. It refers to the time period in American history between the late 1800s and the early 1900s, when settlers moved westward in pursuit of land, opportunity, and adventure. This movement took place in the United States. This time period has been depicted in innumerable films, books, and other forms of popular culture, most of which feature cowboys, gunslingers, and rugged individualism. These works have helped to immortalize this era. The story of the Old West is a compelling example of a cultural myth that has been handed down through the ages. It exemplifies core American ideals like as fearlessness, self-reliance, and rugged individualism, all of which are profoundly ingrained in the psyche of the American people. The American frontier, better known as the Old West, has evolved into a cultural touchstone and a source of national pride. The term "canon" is used to refer to a collection of historical and cultural works that have been recognized as being authoritative and important. This collection is known as the "Old West." This includes works of fiction, documentaries, and other forms of media that have helped shape our perception of the age in question. These works frequently draw inspiration from real-life occurrences and individuals, but they may also include fictional components that

contribute to the perpetuation of the myth surrounding the American Old West. In a nutshell, the Old West exists in two different worlds: the canon and the mythology. It is representative of a significant cultural myth that has been handed down through the ages as well as a body of works that have contributed to our development of an understanding of the time period.

Conclusion

In conclusion, the ways to justice utilized by Anglo-Saxon law, Albanian customary law, and the Old West were all distinct from one another. Contrary to the Anglo-Saxon legal system, which was founded on a written set of rules, the customary law of Albania was founded on the traditions and rituals of the people. In the days of the Old West, there were no formal laws or courts, thus the administration of justice was usually left up to people or organizations that felt it was their duty to uphold their own interpretation of right and wrong. Each system had its own one-of-a-kind strategy for dealing with the legal system, and each had its own set of benefits and drawbacks.

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