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Abstract

The study offers a stringent, data-based comparative examination of contract enforcement efficiency and institutional quality in North Macedonia and Albania, benchmarked against European Union (EU) norms under the European Private Law framework. Although both states have formally advanced legislative harmonization with the *acquis communautaire*, systemic gaps between legal transposition and operational implementation persist. Through an empirical approach based on standardized benchmarks from the World Bank and the Worldwide Governance Indicators, the study measures three key aspects of enforcement—duration, cost, and procedural complexity—against institutional metrics such as rule of law and government effectiveness. Results indicate both jurisdictions fall substantially below EU medians, with North Macedonia having significantly longer enforcement delays (630 days compared to EU median of 545) and higher costs (33% claim value compared to 21%). Albania performs moderately better on timeliness but remains equally afflicted by high procedural complexity and affordability shortfalls. Despite significant enhancements in governance quality and economic growth between 2015 and 2020, these governance advances have failed to yield significant gains in enforcement results, thus disproving an assumed interconnection between governance reform and judicial efficiency. The study reveals a fundamental implementation gap: harmonization in form has not produced harmonization in function. The study contends that substantive convergence with EU legal standards demands not only legal alignment, but systemic reform of judicial administration, procedural simplification, and focused investment in access to justice. By consolidating comparative law with empirical legal research, the paper provides timely insight into the dilemmas of legal Europeanization in EU candidate countries and highlights the imperative for reform approaches premised on operational effectiveness over formal compliance. In this sense, the paper extends the author's broader research interest in the relationship between legal norms, institutional performance, accountability, and practical enforcement.

Keywords: Contract Enforcement, Institutional Quality, European Private Law, Judicial Efficiency, Legal Harmonization

1. Introduction

The effectiveness of European Private Law depends not only on formal legislative harmonization, but on the real-world capacity of legal systems to deliver contract enforcement that is timely, affordable, and accessible. In the context of EU candidate countries such as North Macedonia and Albania, the process of aligning national law with the *acquis communautaire* has been central to legal and policy reform. However, despite significant progress in statutory approximation, there remains a persistent gap between the letter of the law and the lived experience of contract enforcement.

While much scholarly and policy attention has focused on legislative transposition, fewer studies have undertaken comparative, empirical assessments of whether harmonization efforts have translated into tangible improvements in user-facing outcomes—namely, the duration, cost, and procedural complexity of enforcing private contracts. The ongoing “implementation gap” between legal form and operational reality thus remains an unresolved issue in both academic debate and judicial practice.

This study directly addresses this gap through a descriptive-comparative, data-driven analysis of contract enforcement and institutional quality in North Macedonia and Albania. By

benchmarking both countries against EU standards, the research foregrounds practical indicators—time to enforce, cost, and number of procedures—as well as the institutional context provided by rule of law and government effectiveness measures. The study's focus is not on causality or doctrinal theory, but on providing a clear, evidence-based picture of how far harmonization efforts have progressed in practice.

From this perspective, the study pursues three core objectives:

1. To statistically and comparatively evaluate the efficiency, cost, and complexity of contract enforcement in North Macedonia and Albania, using EU standards as a reference point.
2. To examine recent trends in institutional quality—specifically, rule of law and government effectiveness—and relate these developments to practical enforcement outcomes.
3. To identify whether legal and institutional reforms have succeeded in narrowing the implementation gap, or whether significant obstacles to effective harmonization remain.

These objectives give rise to the following research questions:

RQ1: How do North Macedonia and Albania compare with each other and with EU standards in the efficiency, cost, and procedural complexity of contract enforcement?

RQ2: Have observed changes in institutional quality coincided with measurable improvements in enforcement outcomes?

RQ3: Does the current evidence support genuine progress toward practical harmonization with European Private Law, or do substantial gaps persist?

Guided by these questions, the empirical analysis tests three hypotheses:

H1: Improvements in institutional quality (rule of law, government effectiveness) are associated with greater efficiency and lower cost in contract enforcement.

H2: Despite harmonization efforts, significant differences in contract enforcement persist between North Macedonia and Albania, reflecting divergent institutional capacities.

H3: The translation of European Private Law principles into practice depends not only on legislative alignment, but on concrete improvements in governance and judicial administration.

This study is conceptually connected to broader debates on the effectiveness of legal norms under institutional pressure. While international law research often examines the gap between normative clarity and enforcement capacity in cases of serious violations of international law, this paper applies a similar concern to the field of European Private Law. It asks whether formal legal harmonization in EU candidate countries produces real operational effectiveness in contract enforcement, or whether a persistent implementation gap remains.

2. Literature Review

The harmonization of European Private Law, particularly contract law, has long been recognized as a cornerstone of the European Union's project to foster a coherent internal market (Micklitz & Reich, 2014). The theoretical justification for legal harmonization stems from its role in reducing transaction costs, increasing legal certainty, and promoting economic growth by enabling cross-border transactions under predictable rules (Cafaggi, 2017; Smits, 2016). However, much scholarly debate persists regarding the mechanisms and outcomes of harmonization, especially in the context of post-socialist and candidate countries seeking accession to the EU (Pistor et al., 2009; Bogdanowicz & Mak, 2022).

A significant body of literature has critically examined the distinction between formal legal transposition and practical effectiveness of private law reforms. Pistor et al. (2009) emphasize that the transplantation of Western legal models into transitional economies often leads to a

gap between “law on the books” and “law in action.” In the specific context of the Western Balkans, scholars have observed that while legislative alignment with EU directives is frequently achieved, actual enforcement remains hindered by institutional limitations, resource constraints, and legacies of legal culture (Kmezic, 2017; Sancin, 2016). These results resonate with Legrand's (1997) classic criticism that legal harmonization is in danger of superficiality unless underpinned by profound institutional change.

Empirical studies of contract enforcement also emphasize the significance of judicial capacity and the quality of governance. Djankov et al. (2003) pioneered the operationalization of the efficiency of contract enforcement via cross-national measures, showing that more rapid and cheaper enforcement is associated with greater investment and economic growth. More recent research has applied this empirical strategy in the EU setting, stressing the enduring differences in judicial efficiency between Western and Eastern member states and their effects on the business environment (Voigt, Gutmann, & Feld, 2015; CEPEJ, 2022).

The connection between institutional quality—specifically the rule of law and government effectiveness—and legal outcomes is by now well established in law & economics and comparative law scholarship. Kaufmann, Kraay, and Mastruzzi's (2011) Worldwide Governance Indicators (WGI) have become a benchmark for measuring governance performance and its impact on legal and economic variables. A number of studies have utilized WGI data to contend that improvements in the rule of law are strongly correlated with judicial efficiency, lower corruption, and improved enforcement of private rights (Voigt et al., 2015; Kaufmann et al., 2011).

In the case of EU candidate countries, the progress reports of the European Commission regularly single out the efficiency of contract enforcement as a litmus test for readiness in the field of justice and fundamental rights (European Commission, 2023). However, in-depth quantitative study of the direct effect of legal and institutional reforms in the Western Balkans is scarce. In particular, Kmezic (2017) observes that although legislative convergence has been achieved by North Macedonia and Albania, empirical assessment of the impact of these changes on actual legal outcomes for citizens and businesses is lacking.

Against this backdrop, a research strategy systematically connecting contract enforcement indicators to governance quality addresses a dire need. This analysis has the potential to give sophisticated answers as to whether European Private Law harmonization in the Western Balkans proceeds beyond paper reforms and translates into concrete advances in legal certainty, economic activity, and trust in justice institutions.

Empirical legal analysis is ever more acknowledged as being indispensable for determining if private law harmonization initiatives lead to practical betterments (Voigt et al., 2015; Djankov et al., 2003). The variable selection indicates best practices in law & economics and institutional assessment, and the panel structure allows the analysis to account for both cross-country and time dynamics.

The effectiveness of law depends not only on the existence of formal legal rules, but also on the institutional capacity to enforce them. This issue is central both in public international law and in private law harmonization. In both areas, legal systems may formally recognize clear norms while failing to produce effective consequences in practice. The implementation gap therefore becomes a useful analytical lens for assessing whether legal convergence is substantive or merely formal.

3. Methodology

This research follows a descriptive-comparative empirical research design in assessing the efficiency of contract enforcement in North Macedonia and Albania, specifically focusing on the operational realization of European Private Law principles. The research focuses on the

judicial metrics most relevant to private law users: the time required to enforce a contractual obligation, the direct cost of enforcement as a percentage of the claim, and the procedural complexity measured by the number of legally required steps.

Similar to legal-empirical approaches that combine doctrinal analysis with measurable institutional indicators, this paper uses comparative statistical data to evaluate whether legal harmonization is reflected in practical enforcement outcomes.

3.1 Data Sources and Variables:

All data utilized in this study are derived from internationally recognized, open-access sources. The primary indicators of contract enforcement—time, cost, and procedures—are taken from the World Bank's Doing Business project, which provides standardized and comparable metrics on the judicial resolution of commercial disputes. Institutional quality is assessed through the Worldwide Governance Indicators, specifically the rule of law and government effectiveness dimensions, while macroeconomic and demographic context is sourced from the World Development Indicators (GDP per capita and national population).

The research proceeds in the following analytical sequence:

Data Collection and Compilation: All relevant indicators for both countries were systematically gathered for the most recent years available, ensuring comparability and completeness.

Variable Construction: Contract enforcement indicators were structured to reflect time (in days), cost (as a percentage of claim), and the total number of procedural steps required from filing to execution of judgment. Institutional quality scores and economic/demographic data were similarly organized.

Descriptive Statistical Analysis: Summary statistics (mean, minimum, maximum, standard deviation) were calculated for each indicator, both within and across countries, to provide a foundational empirical overview.

Cross-Country Comparative Analysis: The levels of enforcement efficiency, affordability, and complexity in North Macedonia and Albania were directly compared, with absolute and relative differences clearly quantified.

Benchmarking Against European Standards: The performance of both states was contrasted with corresponding European medians and best-practice figures (e.g., from CEPEJ and the EU Justice Scoreboard), allowing a direct measurement of progress towards harmonization.

Trend and Contextual Analysis: Where data were available, trends and percentage changes in economic and institutional quality indicators were examined in order to situate enforcement outcomes in wider patterns of reform.

4. Results

This chapter sets out the empirical results of the comparative survey of contract enforcement in North Macedonia and Albania, within the framework of the fundamental principles of European Private Law and the goals of legal harmonization. The findings are organized along the procedural steps of the methodology, from descriptive statistics to benchmarking, trend analysis, and legal interpretation.

These findings confirm that legal reform cannot be assessed only through formal alignment with European standards; it must also be measured through institutional performance, accessibility, affordability, and enforceability.

4.1. Descriptive Statistics: Contract Enforcement and Institutional Quality

Table 1. Descriptive Statistics for Core Indicators

Country	Time to Enforce (days)	Cost (% of Claim)	Procedures	Rule of Law (Mean)	Gov. Effectiveness (Mean)	GDP/capita (Mean, USD)	Population (Mean, m)
North Macedonia	630	33.0	38	-0.335	0.075	5,500	2.08
Albania	525	31.6	39	-0.375	-0.115	4,867	2.87

(Source: Authors' calculations using data from World Bank (2020); European Commission (2023)).

Table 1 shows a significant difference between North Macedonia and Albania in the operationalization of contract enforcement—a pillar of European Private Law. North Macedonia exhibits a markedly longer average duration for the enforcement of contractual claims (630 days) compared to Albania (525 days), translating into a 20% time penalty for legal actors and market participants operating in the Macedonian jurisdiction. This temporal gap is not a mere technicality: within the framework of the *acquis communautaire* and the jurisprudence of the Court of Justice of the European Union, timely judicial protection is an essential guarantee for the security of transactions, business confidence, and the predictability of rights and obligations.

The cost of enforcement—measured as a percentage of the claim value—further compounds this disadvantage. At 33% in North Macedonia and 31.6% in Albania, both jurisdictions impose a financial burden on contracting parties that far exceeds the thresholds observed in most EU Member States, where the median hovers around 21%. Such costs undermine the accessibility of justice, erode the principle of effective legal protection enshrined in Article 47 of the Charter of Fundamental Rights of the European Union, and risk incentivizing informal or extralegal dispute resolution.

Procedural complexity remains entrenched in both systems, with North Macedonia reporting 38 procedural steps and Albania 39. These figures indicate a persistence of formalism and administrative friction that is antithetical to the broader European project of simplifying and modernizing civil justice. The *acquis* and related European initiatives—including the ELI/UNIDROIT Model Rules of Civil Procedure—emphasize streamlined, user-centric processes as the backbone of a functional internal market.

Institutional quality, as captured by the mean scores for Rule of Law and Government Effectiveness, also reflects the ongoing structural challenges facing both countries. The negative values for Rule of Law (-0.335 for North Macedonia; -0.375 for Albania) and the modest (or even negative) scores for Government Effectiveness indicate systemic constraints on judicial independence, administrative capacity, and public trust. These institutional shortcomings not only hinder the enforcement of private rights but also signal risks to the broader credibility of legal harmonization efforts.

The economic and demographic context—represented by GDP per capita and population—frames these findings in a wider perspective. While North Macedonia demonstrates a higher mean GDP per capita than Albania, this advantage does not translate into greater judicial efficiency or accessibility, challenging the conventional wisdom that economic growth alone suffices to drive legal modernization. Both countries remain, in practical terms, below the convergence threshold with EU standards, and their populations continue to bear the social and commercial costs of underperforming justice systems.

4.2. Cross-Country Comparison of Contract Enforcement Efficiency

Table 2. Comparative Performance with EU Benchmark

Country	Time to Enforce (days)	EU Median (days)	Gap (%)	Cost (% of Claim)	EU Median (%)	Gap (%)	Procedures	EU Median	Gap (%)
North Macedonia	630	545	+15.6%	33.0	21.0	+57%	38	30	+26.7%
Albania	525	545	-3.7%	31.6	21.0	+50.5%	39	30	+30%

(Source: Authors' calculations using data from World Bank (2020); European Commission (2023)).

Table 2 offers a stark comparative assessment of contract enforcement efficiency in North Macedonia and Albania, situating both within the broader context of European Private Law standards. North Macedonia's contract enforcement regime stands out as 15.6% slower than the EU median, requiring 630 days to resolve a standardized commercial dispute versus 545 days in the EU. More critically, the cost of enforcing a contract in North Macedonia (33% of the claim value) is 57% higher than the EU median (21%), while procedural complexity, at 38 steps, exceeds the EU benchmark by 26.7%.

Albania, though marginally outperforming the EU median on speed (525 days, 3.7% faster), remains significantly less accessible in terms of affordability and procedural simplicity. The cost of enforcement in Albania (31.6%) is 50.5% higher than the EU reference, and the number of procedural steps (39) is 30% above the European baseline.

These comparative gaps are not simply quantitative; they are emblematic of a persistent *implementation gap* that continues to undermine the practical realization of European Private Law in both jurisdictions. While legislative reforms and formal harmonization have aligned the letter of the law with the *acquis communautaire*, the everyday experience of litigants and commercial actors reveals a justice system still characterized by delay, expense, and administrative burden. Such disparities not only deter economic activity and cross-border investment but also risk perpetuating distrust in judicial institutions and the rule of law.

From a doctrinal perspective, these findings signal that the European promise of effective, affordable, and predictable contract enforcement remains largely unfulfilled in practice. The data reinforce the argument that genuine harmonization demands not just transposition of legal norms but sustained investment in judicial modernization, procedural simplification, and access to justice. In sum, Table 2 provides compelling empirical evidence that both North Macedonia and Albania have yet to bridge the gap between formal convergence and the operational standards expected of EU Member States.

4.3. Institutional Quality and Economic Trends

Table 3. Percentage Change in Institutional and Economic Indicators (2015–2020)

Country	Rule of Law (% Change)	Gov. Effectiveness (% Change)	GDP/capita (% Change)
North Macedonia	+13.9%	+100%	+20%
Albania	+12.5%	+35.7%	+23.8%

(Source: Authors' calculations using data from World Bank (2020); European Commission (2023)).

Table 3 demonstrates that both North Macedonia and Albania achieved substantial improvements in key indicators of institutional quality and economic development over the

observed period. North Macedonia's rule of law score increased by 13.9%, and its government effectiveness doubled (+100%), while Albania recorded a 12.5% gain in rule of law and a 35.7% improvement in government effectiveness. In parallel, both countries posted robust growth in GDP per capita: +20% for North Macedonia and +23.8% for Albania.

These trends signal that the two countries are actively engaged in reforms and modernization efforts consistent with the broader objectives of European integration. The gains in institutional quality—especially in government effectiveness—reflect, at least in part, the impact of EU conditionality and policy alignment, as well as internal commitments to administrative capacity-building and governance.

However, the empirical findings elsewhere in this study reveal a critical disconnect: these positive developments in institutional and economic metrics have not translated into tangible improvements in the operational effectiveness of contract enforcement. Despite notable progress at the level of governance and economic context, the time, cost, and complexity of enforcing contracts remained unchanged in both jurisdictions.

From a European Private Law perspective, this disconnect is especially consequential. It highlights a persistent "implementation gap" whereby the benefits of institutional reform and economic growth are not yet realized in the daily experience of legal actors, businesses, or citizens seeking judicial protection of private rights. This result affirms the concern—central to recent legal and policy scholarship—that formal improvements in governance must be accompanied by targeted, user-centered reforms in judicial procedures and access to justice if the true aims of harmonization are to be achieved.

4.4. Synthesis: Legal Effectiveness and Harmonization Assessment

Table 4. Contract Enforcement: Legal and Policy Assessment Matrix

Country	Timeline	Affordability	Procedural Complexity	EU Alignment Status
North Macedonia	Low	Low	High	Substantially lagging
Albania	Moderate	Low	High	Partially converged
EU Reference	High	High	Moderate	Harmonized standard

(Source: Authors' calculations using data from World Bank (2020); European Commission (2023)).

Table 4 distills the empirical findings into a matrix of legal effectiveness and convergence with European Private Law standards. North Macedonia is characterized by low timeliness, low affordability, and high procedural complexity, placing it "substantially lagging" relative to the EU reference standard. Albania performs moderately better in terms of timeliness but remains burdened by high costs and procedural complexity, reflecting only "partial convergence" with EU benchmarks. In contrast, the EU reference standard is defined by high timeliness, high affordability, and moderate procedural burden, representing the target for harmonized contract enforcement across Member States.

The persistent inefficiencies and high costs observed in both jurisdictions strike at the heart of European Private Law's foundational principles—most notably, the right to effective judicial protection, legal certainty, and market accessibility. These shortcomings have real consequences: they erode trust in the justice system, deter domestic and cross-border investment, and perpetuate a dualism between law "on the books" and law "in action." The empirical evidence demonstrates that, notwithstanding legislative alignment and incremental institutional reforms, the everyday experience of litigants and commercial parties remains far

removed from the procedural guarantees and efficiencies envisioned by the *acquis communautaire*.

From a policy and reform perspective, these results underscore the imperative for a shift in focus: beyond statutory harmonization toward genuine modernization of judicial administration, procedural streamlining, and targeted investment in access to justice. Until such reforms are achieved, the promise of European Private Law harmonization will remain incomplete, and the practical benefits for citizens and businesses will continue to be elusive.

Conclusion

This study undertook a descriptive-comparative assessment of contract enforcement and institutional quality in North Macedonia and Albania, benchmarking both countries against EU standards and situating the analysis within the framework of European Private Law. The research was guided by three objectives: (1) to evaluate the efficiency, cost, and complexity of contract enforcement; (2) to relate trends in institutional quality to enforcement outcomes; and (3) to assess whether ongoing reforms have closed the gap between formal harmonization and practical effectiveness.

The first research question (RQ1)—comparing North Macedonia and Albania to each other and to EU standards—revealed a clear and persistent implementation gap. North Macedonia's enforcement is both slower (630 days) and more expensive (33% of claim) than Albania's (525 days, 31.6%), and both are well above the EU median (545 days, 21%). Procedural complexity remains high in both jurisdictions, with neither approaching the EU benchmark of 30 steps.

These findings confirm Hypothesis 2: significant differences in contract enforcement persist between the two countries, and both lag behind the standards expected under European Private Law despite legislative alignment.

The second research question (RQ2)—whether improvements in institutional quality coincided with better enforcement outcomes—was answered in the negative. While both countries achieved measurable gains in rule of law and government effectiveness, as well as robust GDP growth, these advances did not translate into any improvement in the time, cost, or complexity of contract enforcement. **This result rejects Hypothesis 1:** the anticipated positive association between governance gains and practical enforcement outcomes was not realized. The study thus demonstrates that reforms in institutional quality alone are not sufficient to overcome entrenched operational barriers in the delivery of justice.

The third research question (RQ3)—assessing progress toward practical harmonization—found that the core values of European Private Law remain unmet in the experience of private parties. Both countries, despite statutory reform and incremental improvements in governance, continue to fall short of EU standards for timely, affordable, and accessible contract enforcement. **This confirms Hypothesis 3:** translating European Private Law principles into practice requires not just legal and institutional transposition, but deep and sustained modernization of judicial administration and procedures.

The findings of this study offer clear, evidence-based answers to each objective and research question, and a direct evaluation of the hypotheses. The persistent "implementation gap" is revealed to be not merely a function of incomplete legislative harmonization, but of deeper systemic and procedural inertia that impedes the realization of effective justice in the Western Balkans. For policymakers and reformers, the lesson is clear: genuine convergence with European Private Law demands targeted investment in the practical, user-facing dimensions of contract enforcement—not only alignment of legal texts, but transformation of institutions, incentives, and everyday judicial practice.

By integrating empirical data with a critical understanding of legal harmonization, this research contributes to a more nuanced and realistic appraisal of the challenges and opportunities facing

EU candidate countries. Only by confronting and closing the gap between law in the books and law in action can the true promise of European Private Law be delivered for citizens, businesses, and courts across the region.

The paper contributes to the author's broader doctoral research trajectory by applying the concept of implementation gaps from international legal accountability to European Private Law. While the doctoral research examines the limits of enforcement in the international legal order, this article demonstrates that similar tensions arise in domestic and regional legal harmonization, where formal compliance with European standards does not automatically guarantee effective legal protection in practice.

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