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DOI: <https://doi.org/10.52259/historijskipogledi.2026.9.15.96>*Received/Primljeno: 18. 12. 2025.**Accepted/Prihvaćeno: 12. 04. 2026.***INSTITUTIONS AND THE LAW IN ALBANIAN EYALET
IN THE XVIII-XIX CENTURY: SHKODAR AND JANINA**

Abstract: *This paper examines the institutional structures and legal practices of the Albanian Eyalets of Shkodra and Janina. In addition, the paper analyzes the main sources of law and the relationship between Sharia and Albanian customary law, with a focus on fundamental legal institutions. Ideas for separation from the Ottoman Empire to create an Albanian state began to take shape during the existence of the two Albanian Eyalets. Key figures such as Kara Mahmud Pasha and Ali Pasha governed their respective Eyalets within the Ottoman Empire, adapting them to the Empire's formal structures and administrative divisions while pursuing their own interests. This paper aims to describe and explain how these Eyalets were established, and to examine their central institutions, administrative divisions, legal system, and the resources of law in the Eyalets of Shkodra and Janina.*

The Eyalet of Shkodra was a semi-autonomous and, at times, de facto entity within the Ottoman Empire, created by Albanian leaders in northern Ottoman Albania, encompassing today's Northern Albania, a large part of Montenegro, Southern Serbia, most of Kosovo, and Northern and Western Macedonia. The weakening of central Ottoman authority and the timar system brought anarchy to the Albanian-populated lands. By the end of the 18th century, two Albanian centers of power had emerged: Shkodra, under the Bushati family; and Janina, under Ali Pasha of Tepelena.

The Eyalet of Janina was a de facto independent entity created by Ali Pasha, an Albanian leader in southern Albania, that encompassed much of

continental Greece, southern and central Albania, and southwestern Macedonia. In 1787, Ali Pasha was awarded the Eyalet of Trikala as a reward for his support for the sultan's war against Austria. But this was not enough to satisfy his ambitions. Shortly afterwards, he took control of Ioannina, which remained his power base for the next 33 years. Like other regional leaders who emerged at the time, such as Osman Pazvantoğlu, he exploited a weak Ottoman government to expand his territory further until he gained de facto control of most of Albania, western Greece, and the Peloponnese, either directly or through his sons. In both Eyalets, the Sublime Porte delegated power. As such, authority remained within a form of autonomous governance, which ultimately failed to transform into an independent state.

In Shkodra Eyalet, Mehmet Pasha Bushatli failed to establish a fully structured system of central and regional administrative organs, nor to create a new legal order. In the Eyalet of Shkodra, legal norms similar to those of the broader Ottoman Empire were applied. In the Eyalet of Janina, legally the power of Ali Pasha was - and remained - a delegated authority granted by the Sublime Porte. The General Assembly is an organ that could be considered virtually non-existent,

The Divan was an auxiliary organ of Ali Pasha, to which he had delegated executive functions. Members of the divan were called secretaries (γραμματικός). In the Shkodra Eyalet, Mahmud Pasha appointed and dismissed various clerks and bylykbashas without permission of the Sublime Porte. He collected taxes that were used to maintain the Eyalet's state apparatus without any accountability to Istanbul.

According to sources, two parallel legal systems coexisted in the Ottoman Empire: Sharia (theocratic) law and secular (laic) law. Bujurides as the source of law – despite certain limitations in the field of legislation, the Albanian pashas of these two major Eyalets - Bushatli in Shkodra and Ali Pasha in Ioannina - exercised their right to issue legislative acts through so-called bujurdiies.

The authors employ a combined methodology, incorporating legal and historical analyses, to construct a detailed account of the principal developments in these two significant Eyalets that contributed to the weakening of the Ottoman Empire (often referred to as „the sick man of Europe”).

Key words: Ottoman Empire, Shkodra, Janina, Pasha, Eyalet, law, Albania.

INSTITUCIJE I PRAVO U ALBANSKIM EJALETIMA U XVIII I XIX VIJEKU: SKADAR I JANJINA

Apstrakt: Ovaj rad istražuje institucionalne strukture i pravne prakse albanskih ejaleta, Skadarskog i Janjinskog. Pored toga, rad analizira glavne izvore prava i odnos između šerijatskog i albanskog običajnog prava, s posebnim naglaskom na temeljne pravne institucije. Ideje o odvajanju od Osmanskog Carstva radi stvaranja albanske države počele su se oblikovati za vrijeme postojanja dva albanska ejaleta. Ključne ličnosti, poput Kara Mahmud-paše i Ali-paše, upravljale su svojim ejaletima unutar Osmanskog Carstva, prilagođavajući ih formalnim strukturama i administrativnim podjelama Carstva, dok su istovremeno slijedili vlastite interese. Cilj ovog rada je opisati i objasniti kako su ovi ejaleti uspostavljeni, te istražiti njihove centralne institucije, administrativne podjele, pravni sistem i izvore prava u Skadarskom i Janjinskom ejaletu.

Skadarski ejalet bio je poluautonomni, a povremeno i *de facto* nezavisni entitet unutar Osmanskog Carstva, koji su stvorile albanske vođe na sjeveru osmanske Albanije, a obuhvatao je današnju sjevernu Albaniju, veliki dio Crne Gore, južnu Srbiju, veći dio Kosova te sjevernu i zapadnu Makedoniju. Slabljenje centralne osmanske vlasti i timarskog sistema dovelo je do anarhije na područjima naseljenim Albancima. Krajem XVIII vijeka pojavila su se dva albanska centra moći: Skadar, pod vlašću porodice Bušatlija, i Janjina, pod vlašću Ali-paše Tepelenskog.

Janjinski ejalet bio je *de facto* nezavisni entitet koji je stvorio Ali-paša, albanski vođa na jugu Albanije, a obuhvatao je veći dio kontinentalne Grčke, južnu i centralnu Albaniju te jugozapadnu Makedoniju. Godine 1787. Ali-paši je dodijeljen ejalet Trikala kao nagrada za podršku sultanovom ratu protiv Austrije, ali to nije bilo dovoljno da zadovolji njegove ambicije. Ubrzo nakon toga, preuzeo je kontrolu nad Janjinom, koja je ostala njegova baza moći naredne 33 godine. Poput drugih regionalnih vođa koji su se pojavili u to vrijeme, kao što je Osman Pazvantoğlu, iskoristio je slabu osmansku vlast kako bi dodatno proširio svoju teritoriju, sve dok nije stekao *de facto* kontrolu nad većim dijelom Albanije, zapadne Grčke i Peloponeza, bilo direktno, bilo preko svojih sinova. U oba ejaleta, Visoka Porta je delegirala vlast. Stoga je autoritet ostao u obliku autonomne uprave, koja se na kraju nije uspjela transformisati u nezavisnu državu.

U Skadarskom ejaletu, Mehmed-paša Bušatlija nije uspio uspostaviti potpuno strukturiran sistem centralnih i regionalnih administrativnih organa, niti stvoriti novi pravni poredak. U Skadarskom ejaletu primjenjivale su se pravne norme slične onima u širem Osmanskom Carstvu. U Janjinskom ejaletu, pravno gledano, moć Ali-paše bila je – i ostala – delegirana vlast koju mu je dodijelila Visoka Porta. Opća skupština je organ koji se može smatrati praktično nepostojećim. Divan je bio pomoćni organ Ali-paše, kojem je delegirao izvršne funkcije. Članovi Divana nazivali su se sekretarima (γραμματικός). U

Skadarskom ejaletu, Mahmud-paša je imenovao i smjenjivao razne činovnike i buljukbaše bez dozvole Visoke Porte. Prikupljao je poreze koji su se koristili za održavanje državnog aparata ejaleta, bez ikakve odgovornosti prema Istanbulu.

Prema izvorima, u Osmanskom Carstvu su koegzistirala dva paralelna pravna sistema: šerijatsko (teokratsko) pravo i sekularno (laičko) pravo. Bujurdije kao izvor prava – uprkos određenim ograničenjima na polju zakonodavstva, albanske paše ova dva velika ejaleta, Bušatlije u Skadru i Ali-paša u Janjini, koristili su svoje pravo da izdaju zakonodavne akte putem takozvanih bujurdija.

Autori koriste kombinovanu metodologiju, koja uključuje pravnu i historijsku analizu, kako bi konstruisali detaljan prikaz glavnih dešavanja u ova dva značajna ejaleta koja su doprinijela slabljenju Osmanskog Carstva (često nazivanog „bolesnikom Evrope”).

Ključne riječi: *Osmansko Carstvo, Skadar, Janjina, paša, ejalet, zakon Albanija.*

Introduction

Albania and territories inhabited by Albanians were under Ottoman rule for approximately 470 years. Resistance to the Ottoman occupation of these territories varied in intensity and effectiveness, sometimes more aggressive and effective, at other times weaker and less impactful. Key examples of this resistance include Skanderbeg and the Eyalets of Shkodra and Ioannina, which also represented significant efforts to break away from Ottoman control. The Albanian Eyalets of the 18th and 19th centuries marked the first step in the country's political unification, a status that had last been achieved (to some extent) in the 14th century.¹

In the second half of the 18th century, Albanian feudalists established two major Eyalets: the Eyalet of Shkodra and the Eyalet of Ioannina. The Ottoman Empire had taken the plunge, and under these circumstances, there were two prominent cases in which pashas nominated by the sultan sought to separate from the Turkish government and establish autonomous Eyalets.²

During the late 18th and early 19th centuries, the Ottoman Empire faced a multifaceted crisis stemming from internal economic and political struggles and external pressures. A key factor was the collapse of the Timar system, which could no longer meet the Empire's needs. The Timari Army, outdated in the face of modern warfare and firearms, became ineffective, leading to the system's

¹ Skënder Anamali, Kasem Biçoku, Ferit Duka, Selim Islami, Muzafer Korkuti, Stavri Naçi, Frano Prendi, Selami Pulaha, Pëllumb Xhufi, *Historia e Popullit Shqiptar I*, Akademia e Shkencave e Shqipërisë, Instituti i Historisë, Tirana 2002, 61.

² Kosta Çekrezi, *Shqipëria e shkuara dhe e tashmja*, Tirana 2012, 68.

eventual dissolution.³ The Eyalets of Janina and Shkodra marked a significant turning point in the Albanian territories' movement towards separation from the Ottoman Empire. These autonomous entities emerged within the framework of the Empire's *elayetes* (provinces) but gradually severed *de facto* ties with central authority.⁴ These state formations, built and led by Albanians, although integral to the Ottoman Empire, gradually gained a degree of autonomy, as clearly reflected in both their internal organization and their foreign relations with the major powers of the time. After centuries of occupation, the Eyalets began to express aspirations for independence, much like other Balkan nations, many of which gained independence earlier than the Albanians for various reasons.⁵ These two Eyalets were located in regions that served as crucial interprovincial trade centers, populated predominantly by Albanians, and were governed by an Albanian ruling class.

During the 18th century, it was the Albanian feudal lords who established the feudal aristocracy. They were divided into factions, among which armed conflicts erupted in the mid-18th century. This phenomenon was particularly evident in Shkodra, where leading families fought to establish their dominance in this part of the Ottoman Empire. The prominent rival families were the Bushatli and the Çausholli.⁶

The Ottoman Turks divided the Albanian-inhabited territories into several districts, or *vilayets*. In the late eighteenth century, two major Albanian centers of power emerged: Shkodër, under the Bushati family, and Janina, under Ali Pasha of Tepelenë. Depending on their interests, both centers at times cooperated with the Sublime Porte, and at other times acted independently of the central Ottoman authority.⁷ The *Eyalets* were autonomous territories ruled by influential local leaders. These were established on the initiative of the rulers themselves, often without the approval of the Ottoman central government.⁸

The Eyalet of Shkodra had a longer existence compared to that of Janina. It was established earlier and lasted longer. The Shkodra Eyalet was led by members of the powerful Bushatli family and spanned the period from 1757 to 1831. In contrast, the Eyalet of Janina, under Ali Pasha, existed from 1787 to 1822. At its peak in 1812, it controlled the entire region of Toskëria. Both Eyalets were granted delegated authority from the Sultan, and their power was exercised in his name. As such, they remained autonomous possessions within the Ottoman Empire, without evolving into independent Albanian states. However, from an

³ Aleks Luarasi, *Historia e Shtetit dhe e së Drejtës në Shqipëri*, Tirana 2018, 236.

⁴ Nuray Bozborra, *Shqipëria dhe nacionalizmi shqiptar në Perandorinë Osmane*, Tirana 2002, 97-98.

⁵ Aleks Luarasi, *Historia e Shtetit dhe e së Drejtës në Shqipëri*, Tirana 2018, 237.

⁶ Grup autorësh (Group of authors), *Historia e shtetit dhe e së drejtës në Shqipëri*, Tirana 2007, 215-220.

⁷ Raymond Zickel, Walter. R. Iwaskiw, *Albania a country of study*. Federal Research Division Library of Congress, 1992, Second Edition, First Printing, 1994, Library of Congress Cataloging-in-Publication Data.

⁸ A. Luarasi, *Historia e shtetit dhe e së drejtës në Shqipëri*, 246.

organizational standpoint and in terms of how power was exercised, they displayed features characteristic of autonomous state-like entities.⁹

According to the researcher Egro, both the Bushatlis and Ali Pashë Tepelena took the first steps toward separation from the Sultan's authority and the Ottoman Empire. Each pasha—one in the north and the other in the south of Albania—issued their currency, an act that provoked the Sultan's anger and fury. Neither ruler was particularly fanatical about religion: Catholicism thrived under the Bushatlis, while Ali Pasha of Janina placed great trust in his Orthodox Christian subjects.¹⁰

Ali Pashë Tepelena governed the Eyalet in southern Albania. At the same time, the one in the north, centered in Shkodër, was ruled by the feudal Bushatli family, who maintained near-independence for almost three-quarters of a century (1757–1831). From the early days of Ottoman rule, the empire attempted to manage the region by aligning the interests of local elites with those of the state, incorporating many into the ruling *askeri* class.¹¹ Mahmud Pasha of Shkodra envisioned himself as a new Skanderbeg. However, Western historiography has shown relatively little interest in him compared to his southern counterpart, Ali Pasha of Janina—often referred to as the „Lion of Janina.“¹² As Ottoman power declined, some genuine feudal principalities emerged, forming what were known as the large *Eyalets*. The Ottoman government placed *sipahis* in each district—cavalry soldiers who were expected to respond to the Sultan's call to arms, appearing on horseback and accompanied by infantry. To cover their expenses, the *sipahis* were granted *timars*—plots of land taken from public holdings.¹³ Although the Pashas of Shkodra and Janina governed their territories within the framework of the Ottoman imperial system, they did not act to sustain the empire. Instead, they pursued ambitions that leaned toward the creation of an Albanian state. As Misha Glenny notes, despite being an Ottoman official, Ali Pasha reportedly spoke no more than a dozen words of Turkish.¹⁴ The independent and decentralizing policies pursued by the Bushatli family in the north and Ali Pasha Tepelena in the south were early expressions of a broader movement that would eventually culminate in the Albanian National Renaissance.¹⁵

⁹ S. Anamali, K. Biçoku, F. Duka, S. Islami, M. Korkuti, S. Naçi, F. Prendi, S. Pulaha, P. Xhufi, *Historia e Popullit Shqiptar I*, 671.

¹⁰ Dritan Egro, *Bushatllinjë dhe Ali Pasha thyen ligjet e Portës së Lartë*, In: Inforpress Albania, Tirana 2018.

¹¹ Rederick F. Anscombe, Albanians and “mountain bandits, in: Anscombe, Frederick F, (ed), *The Ottoman Balkans, 1750-1830*, Princeton, NJ, 2006, 87-113.

¹² Noel Malcolm, *Kosova një histori e shkurtër*. Tirana 2001, 182.

¹³ Sokol Pacukaj, The Independence of Albania, *Mediterranean Journal of Social Sciences*, E-ISSN 2039-2117, Vol. 4, Nr. 11, 2013.

¹⁴ Misha Glenny, *Historia e Ballkanit 1804-1999, Nacionalizmi, Luftërat dhe Fuqitë e Mëdha*. Tirana 2007, 27.

¹⁵ Zamir Tafilica, Ermal Hysen Baze, Ols Lafa, in book: *Archaeological Investigations in a Northern Albanian Province*: Chapter 4. Results of the Projekti Arkeologjik i Shkodres (PASH),

It is essential to recall that the Ottoman Empire was one of the most significant political powers in Southeastern Europe for an extended period. From the XIV to the beginning of the XX century, it was the largest and most influential political entity in the region.

Eyalet of Shkodra

From the middle of the XVIII century, in the village of Bushat near Shkodra, lived an influential Albanian nobleman named Mehmed. Through his growing power and abilities, he succeeded in obtaining the title of Pasha and became the heir to the Eyalet of Shkodra.

The Eyalet of Scutari, Iskodra, or Shkodra (1757–1831), was an autonomous and de facto independent Eyalet established by the Albanian Bushati family out of the former Sanjak of Scutari. It was centered around the city of Shkodër in present-day Albania and included much of what is now Montenegro. At its height, under the rule of Kara Mahmud Bushati, the Eyalet encompassed large parts of Albania, most of Kosovo, western Macedonia, southeastern Serbia, and a significant portion of Montenegro. Until 1830, the Eyalet of Shkodra maintained control over much of these territories, including Southern Montenegro.¹⁶

Until 1830, the Eyalet of Shkodra controlled most of these territories, including southern Montenegro.¹⁷ However, the Eyalet of Shkodra was officially dissolved at the end of 1829.¹⁸

According to contemporary foreign evidence, Kara Mahmud „kept the country independent up to a level that it appeared he aimed to become an absolute ruler”, or that „his talent, his bravery, his wealth and the loyalty of the people he governed consistently demonstrated his real independence”. These accounts highlight the respect and significance attributed to the Albanian vizier, mainly due to his political actions, particularly his pursuit of independent governance in the Eyalet of Shkodra.¹⁹

The political activities of Kara Mahmud reflected the basic aspirations of the Albanian population to live independently from the rule of Istanbul. The resistance of the inhabitants of the Eyalet of Shkodra under Kara Mahmud's

Chapter 4, Historical background. In: *Volume One: Survey and Excavation Results*. Ann Arbor, Michigan 2023.

¹⁶ Kosta Çekrezi, *Shqipëria e shkuara dhe e tashmja*, Tirana 2012, 68. See also: Pashalik of Scutari, DBEDIA.

¹⁷ Hilmi Ismaili, Fatmir Sejdiu, *Historia e Shtetit dhe e së drejtës I, Pjesa e përgjithshme*. 2002; Skënder Anamali, Kasem Biçoku, Ferit Duka, Selim Islami, Muzafer Korkuti, Stavri Naçi, Frano Prendi, Selami Pulaha, Pëllumb Xhufi, *Historia e Popullit Shqiptar I*, Tirana, 2002. See also: Pashalik of Scutari DBEDIA.

¹⁸ Kosta Çekrezi, *Shqipëria e shkuara dhe e tashmja*, Tirana 2023, 68-70.

¹⁹ S. Anamali, K. Biçoku, F. Duka, S. Islami, M. Korkuti, S. Naçi, F. Prendi, S. Pulaha, P. Xhufi, *Historia e Popullit Shqiptar I*, 630.

leadership continued the efforts of the Albanian population against foreign (Ottoman) domination. In other words, the ultimate goal was the creation of an independent Albanian feudal state, possibly even as a vassal to one of the European Great Powers, as evident from the project agreements with Russian and Austrian representatives. However, the Sublime Porte was entirely unwilling to recognize or support such a possibility. In response, the Ottoman central authority intensified its efforts to suppress Kara Mahmud and the Eyalet of Shkodra. As a result, the Sublime Porte then condemned Kara Mahmud to death and, in 1793, launched an expedition against him. Once again, Kara Mahmud defeated the Ottomans, after which he added the provinces of Prizren and Dibra to his Eyalet. In 1796, however, the rebel pasha was killed during a campaign in Montenegro. He had ruled for 21 years and is remembered as the most prominent, energetic, and determined Albanian leader in the period preceding the national independence movement.²⁰

Eyalet of Janina (*Ioannina*)

The name of the Pacha is Ali, and he is regarded as a man of exceptional ability. He governed all of Albania (the ancient Illyricum), Epirus, and part of Macedonia.²¹ In theory, Albania was ruled by the Sultan; in practice, much of it was controlled by a fierce and capable brigand leader who would later be remembered in history as Ali Pasha (1740-1822). The Sultan was compelled to acknowledge Ali's diplomatic and administrative skills, as well as his military prowess. He persuaded Ali to abandon his life as a brigand and instead serve the Ottoman Empire. Ali did so to significant effect and was rewarded in 1787 by the title of Pasha. In theory, he was under the Sultan. Still, in practice, he expanded his Albanian territory considerably to include much of northern Greece and ruled it, more or less, as an independent territory.²²

Under Ali Pasha's rule, the Eyalet of Janina was furnished with administrative, judicial, and military institutions modeled after the Ottoman system. However, it differed in one key respect: each *myteselim* (provincial official) was assisted by a local council. These councils included representatives

²⁰ Zamir Tafilica, Ermal Hysen Baze, Ols Lafe, In book: *Archaeological Investigations in a Northern Albanian Province*: Chapter 4, Results of the Projekti Arkeologjik i Shkodres (PASH), Chapter 4, Historical background. In: *Volume One: Survey and Excavation Results*. Ann Arbor, Michigan 2023.

²¹ Robert Elsie, Bayron letter to his mother. 1809-1810. In: *Texts and Documents of Albanian History, Lord Byron: Letters on Albania*. From: Lord Byron, *Selected letters and journals in one volume*, from the unexpurgated twelve volume edition. Edited by Leslie A. Marchand, London, John Murray 1982, 29-34, 41-42.

²² Elizabeth Bailey, Lyne Connolly, Nicola Cornick, Amanda Grange, Baron in Albania, In: *Historical and Regency Romance, UK*, 2015.

of the Muslim elite, prayers in Muslim-majority provinces, and kocabasha, who represented the Catholic-majority areas, representing the Catholic population.²³

In the Janina Eyalet, the divan, or High Council, acted as a collegial body with advisory functions. The divan was composed of some of the most educated individuals in the Eyalet who held 'ministerial' positions or secretarial positions for various administrative affairs. It also included Ali Pasha's most trusted people.²⁴ Ali Pasha of Ioannina demonstrated a notable ability to unite people of different religious backgrounds. He permitted the free operation of religious institutions of various faiths, and he encouraged both religious and secular education. As a new ruler, Ali Pasha successfully united the clergy, particularly the Orthodox. On the other hand, Ali Pasha was distinguished by his hypocrisy, lack of scruples, cruelty, and unprincipled and unlimited ambitions.²⁵ On the other hand, with his politics (Mahmud Pasha Bushati) and his justice courts, he gained the support not only from the people of his provinces but also from neighboring provinces. Many people have asked him to send his officers so they can defend them from unjust courts, from robberies made by qadis, and from those who collect taxes. On numerous occasions, Mahmud Pasha expelled qadis and tax officials (who collected taxes) who abused their positions.²⁶

Since the military was the central pillar of his rule, Ali Pasha devoted particular attention to it. The core of his army consisted of salaried soldiers, primarily recruited from the impoverished highlands of southern Albania. Through the income they received, these poor soldiers were able to provide for their families, which in turn created strong personal loyalty to the pasha they served.²⁷

Over ten years in power, Ali Pasha effectively made himself de facto independent from the Sublime Porte. Despite ongoing threats from Istanbul, he sent his representatives to the European powers with messages and specific instructions. He proposed projects, negotiated, and maintained regular correspondence with European monarchs, including Napoleon Bonaparte, the King of England, the Emperor of Austria-Hungary, and the Tsar of Russia. In doing so, he presented himself as a fully independent political actor on the international stage.²⁸ Under Ali Pasha's rule, Janina became one of the largest centers in the Balkans. The Eyalet was home to approximately 1.500.000 inhabitants. At the same time, Janina flourished with businesses that had around

²³ S. Anamali, K. Biçoku, F. Duka, S. Islami, M. Korkuti, S. Naçi, F. Prendi, S. Pulaha, P. Xhufi, *Historia e Popullit Shqiptar I*, 630.

²⁴ Ilirjana Nano, *Sistemi i drejtësisë në Pashallëkun e Janinës, Disertacion*, Universiteti i Tiranës. Tirana 2017, 27.

²⁵ Kosta Çekrezi, *Shqipëria e shkuara dhe e tashmja*. Tirana 2023, 71.

²⁶ Ferdhon Meksi, Bushatlinjtë e Shkodrës. *Kreu i dytë. Mahmud Pashë Bushati (1749-1796)*. In: *Alb Spirit*, 2020.

²⁷ S. Anamali, K. Biçoku, F. Duka, S. Islami, M. Korkuti, S. Naçi, F. Prendi, S. Pulaha, P. Xhufi, *Historia e Popullit Shqiptar I*, 639.

²⁸ Kosta Çekrezi, *Shqipëria e shkuara dhe e tashmja*. Tirana 2023, 72-73; Iliriana Nano, *Sistemi i drejtësisë në Pashallëkun e Janinës, Disertacion*, Universiteti i Tiranës. Tirana 2027.

2,000 economic units, which had trade connections with many European capitals. Ali Pasha built roads and other public works, including bridges, dams, water supply systems, castles, and inns for travelers and merchants. He built and restored forty churches and monasteries for Christians, without mentioning mosques and Bektashi tombs.²⁹ Ali Pasha welcomed and highly valued foreigners who came to work and live in the Eyalet. Doctors, military officers, carpenters, and other skilled professionals were well received. He often encouraged them to remain by arranging marriages and granting them citizenship rights. However, once they were settled in the Eyalet, they couldn't leave the Eyalet. E. Jacques provides numerous examples of the fate of these foreigners.³⁰

A well-known researcher, Georges Castellan, when discussing the Balkan Eyalets, „whose fame went beyond the borders of the Empire” (referring primarily to the Albanian Eyalets of Shkodra and Janina, as well as those of Pasvan Oglu and Vidin), asserts that ”these large Eyalets emerged in Balkan regions where the authority of the Sultan was only theoretical.”³¹

Institutions and Administrative Division

The Ottoman Empire was an absolute monarchy for most of its history. In terms of governance, it functioned as a theocratic, absolutist, and hereditary monarchy, with the sultan as its head. The Sultan was formally regarded as the chief enforcer and defender of God's justice on earth.³² The monarch of the Ottoman Empire held the title of sultan and also bore the title of caliph, signifying his role as Padishah, or the successor of the Prophet. In the personality of the Padishah, both secular and religious authority were united.³³

The Sultan was the supreme authority in the state and was regarded not only as the highest organ of power but also the oldest institution of governance. This absolutist power was secured mainly through the army, which was used for invasions and also as a means of governance.³⁴ The Sultan was expected to uphold the sacred laws of Islam, whose primary source was the Qur'an. These laws also drew on the sayings and decisions of the Prophet Muhammad, known as sunnahs, as well as the interpretations and rulings of the first caliphs. Over time, sultans also issued their laws, known as kanun. Notably, sultans such as

²⁹ Aleks Luarasi, *Historia e shtetit dhe e së drejtës në Shqipëri*. Tirana 2018, 245.

³⁰ Edwin Jacques, *Shqiptarët, Historia e popullit shqiptar nga lashtësia deri në ditët e sotme*. Kartë e Pendë, Fondacioni Abraham Linkoln, 281.

³¹ Georges Castellan, *Histori e Ballkanit*. Tirana 1996, 225.

³² Miodrag Simović, Milena Simović, Marina Simović, Pravo i pravosuđe u Osmanskom Carstvu sa posebnim osvrtom na Bosnu i Hercegovinu, *Arhiv za pravne i društvene nauke*, Vol. 2, No. 1. (2020), 38-53.

³³ Hilmi Ismaili, Fatmir Sejdiu, *Historia e shtetit dhe e së drejtës I*, Universiteti i Prishtinës, Prishtina 2002, 205.

³⁴ Ferdinand Schevill, *Ballkani historia dhe qytetërimi, (History of Balkan Peninsula)*, Tirana 2002, 188.

Mehmed II and Suleiman were highly active in this regard, promulgating a series of kanunes that clarified legal ambiguities for judges (qadis) and administrators. Although *kanuns* were considered secondary to Sharia (Islamic law), they played an essential supplementary role in the Ottoman legal system.³⁵

In his inner circle, the Sultan was always surrounded by advisers and high-ranking state officials who formed the Sultan's *divan* (council). According to *the Kannunname of El-Fatih (Mehmed II)*, the highest state officials were grouped into four offices: viziers, *kadiaskers* (chief military judges), *defterdars*, and *nishandjis*. The term *kanun* can also be understood in a broader, more traditional sense: it was used to address legal areas not covered by *shari'a*, such as criminal law and land law.³⁶

Initially, there was only one vizier; however, under the *kannune* of El-Fatih, the number was fixed at seven. Among them, one held the position of Grand Vizier (Sadr-I Azam), the highest-ranking official after the Sultan. All viziers formed the Divan of Grans Vizier, which later came to be known as the Sublime Porte. Holders of high religious offices - such as the *Seyhulislam*, the *kadiaskers* (chief judges) of Rumelia and Anatolia, and the chief provincial qadis - were, in theory, equal in rank to the corresponding members of sultanic bureaucracy, including the Grand Vizier and provincial governors. These religious leaders exercised significant autonomy within the Ottoman system.³⁷

The Ottoman State was divided into three central geographical regions: Anatolia, Rumelia, and Arabia. The primary administrative unit in these zones was the province, known as an *elayet*. These were further subdivided into *sanjaks* (districts or sub-provinces), each governed by a *sanjak-bey*. The sanjak where the Beylerbey (provincial governor) resided was known as the Pasha sanjak (Pashasanjak).³⁸

One *elayet* typically comprised around eight *sanjaks*. The *Sanjak-bey*, as the military authority for the province, was also responsible for overseeing economic activities and administering urban cities. He served as the military commander of the *timar* and *zeamet* cavalry units within the *sanjak*, while also acting as the head of civil administration. The *sanjak* was further subdivided into *kaza* (districts), *nahiye* (sub-districts), and villages.

As Hatice Oruc notes, the primary duties of the *sanjak* were to maintain public order in the region and to ensure a lawful relationship between the *sipahis* and the *reaya*. In addition, *sandjak* beys participated in military campaigns

³⁵ *Ibidem*.

³⁶ Dorothy Greene, Shari'a and Kanun: A Study of the Ottoman Empire's Legal System, In: *Kleio Historical Journal*. 2023. See also: Hilmi Ismaili, Fatmir Sejdiu, *Historia e shtetit dhe e së drejtës I, Pjesa e përgjithshme*, Universiteti i Prishtinës, Prishtina 2002, 206-207.

³⁷ Yavuz M. Hakan, Turkey: Islam without Shari'a. In *Shari'a Politics: Islamic Law and Society in the Modern World*. edited by Robert W. Hefner, 146-178. Bloomington, In: Indiana University Press, 2011. See also: Ismaili Himi, Fatmir Sejdiu, *Historia e institucioneve shtetërore dhe juridike*. Prishtina 2017, 209.

³⁸ *Historia e shtetit, shoqërisë dhe qytetërimit Osman*, Research Centre for Islamic History, Art and Culture, Vol. 1, Tirana 2009, 231.

alongside the *timâriots* of their *sanjak*, under the command of the *beglerbegi* to whom they were subordinate.³⁹

According to Dr Ishani Choudhury, „the largest entity was the province-*vilayet* or *beylerbeylik* - which was divided into sub-provinces or districts called *sanjaks*. *Sanjaks* were composed of even smaller units called *nahiyes*. Ottoman district governors were called *sancakbeyi*. The first *sancakbeyi* was perhaps appointed during the reign of Orhan or Murad I. The post of *Beylerbeyi* was created to supervise the duties of *Sancakbeyi*. The *Beylerbeyi* ruled over the large province of *Vilayet*. In the 1520s, there were 6-8 *vilayets* and approximately 90 *sanjaks*. By around 1570, the number increased to 24 *vilayets* and more than 250 *sanjaks*. The provincial ruling class in the Ottoman Empire was identified as *Umra* and included both *beylerbeyis* and *sanjakkbeyis*. In addition to these provincial posts, another critical figure in Ottoman provincial administration was the *Qadi* (or *kadi*), who was typically educated in a religious school and served at different levels depending on their income.⁴⁰

The Eyalet of Shkodra, throughout all phases of its existence, enjoyed a high degree of autonomy in its relations with the Sublime Porte, but it never achieved complete separation. The power exercised by Mehmed Pasha Bushatli was not entirely sovereign. He did not succeed in establishing a fully structured system of central and regional administrative organs, nor in creating a new legal order.⁴¹ In the Eyalet of Shkodra, legal norms similar to those of the broader Ottoman Empire were applied. However, the authority exercised by the pasha included several functions typically associated with statehood, such as tax and customs collection, organization and command of military forces, and management of foreign relations. Nonetheless, these powers were indicative of a process of state formation rather than a fully functional and independent state.⁴²

Legally, the power of Ali Pasha was - and remained - a delegated authority granted by the Sublime Porte. The Imperial decree of 1788, which recognized his rule over Janina, and the subsequent decree of 1820, which declared him „*fermanli*”, contain the temporal borders, both of which defined the temporal limits within which he exercised the authority granted and recognized by the Sublime Porte.⁴³

³⁹ Hatice Oruç, *Administrative Division of the Bosnian Sandjak in the 16th Century*, 2009.

⁴⁰ Hilmi Ismaili, Fatmir Sejdiu, *Historia e institucioneve shtetërore dhe juridike*. Prishtina 2017, 207-209. See also: Ishani Chodhuri, *Administration of the Ottoman Empire*. In: Bethune College.

⁴¹ Aleks Luarai, *Historia e shtetit dhe e së drejtës në Shqipëri*, Tirana 2018, 243.

⁴² *Ibidem*, 243.

⁴³ Ilirjana Nano, *Sistemi i drejtësisë në Pashallëkun e Janinës, Disertacion, Universiteti i Tiranës*, Tirana 2017, 34.

Other State Organs

The General Assembly is an organ that could be considered virtually non-existent, as there is insufficient evidence regarding its convening. The researcher Ilo Mitkë Qafëzezi, in his work „Historia e Ali Pashës,” mentions an Assembly meeting held in May 1820.⁴⁴ The reasons for considering the Assembly a non-functional or marginal organ may lie in the existence of another institution, modeled after the Ottoman system, which held significant authority just below that of the pasha. This alternative organ appears to have overshadowed the Assembly's power.

The Divan was an auxiliary organ of Ali Pasha, to which he had delegated executive functions. Members of the divan were called secretaries (*γραμματικος*). Precise information about the number of secretaries in Ali Pasha's Divan does not exist, and available accounts are often contradictory. Nevertheless, some individuals are mentioned in contemporary sources. For instance, the chairman of the divan, who assumed leadership in Ali Pasha's absence, was Mehmet Efendi. He is considered one of the most important figures of the Eyalet, tasked with leading negotiations with Russian military officials from the early days of Ali Pasha's rule. Later, he also undertook diplomatic missions to Bonaparte as Ali Pasha's representative. Other secretaries mentioned in the literature include Mantho Ikonomi (Secretary of Justice), Spiros Kolovos, and Aleks Nuço, among others. According to *Historia e Popullit Shqiptar*, the Eyalet was equipped with an administrative and judicial apparatus based on the Ottoman model, with a significant modification: each *myteselim*, or provincial official, was accompanied by a council composed of members of the Muslim and Catholic elites, or *kocobashas*, who represented Catholic provinces. Furthermore, judicial decisions were appealed in Janina rather than Istanbul. In forming this apparatus, Ali Pasha appointed not only experienced Muslims but also several Catholic advisers and secretaries. At the head of the Eyalet stood Ali Pasha himself as the absolute ruler. He was supported by a high council or divan composed of his sons and his most trusted associates, such as Thanasi Vaja, Jusuf Arapi, Tahir Abazi, Meço Bono, Veli Gega, Hysen Poda, Dalip Përmeti, Dervish Hasani, Ago Vasjari, and Mehmed Myhyrdari, among others. In addition to holding executive power, Ali Pasha treated the treasury as his personal property, maintaining strict oversight and ensuring it consistently covered all necessary expenses.⁴⁵

In the Shkodra Eyalet, Mahmud Pasha appointed and dismissed various clerks and *bylykbashas* without permission of the Sublime Porte. He collected

⁴⁴ Ilo Mitkë Qafëzezi, In: Ilirjana Nao, *Sistemi i Drejtësisë në Pashallëkun e Janinës, Disertacion*. Tirana 2017.

⁴⁵ S. Anamali, K. Biçoku, F. Duka, S. Islami, M. Korkuti, S. Naçi, F. Prendi, S. Pulaha, P. Xhufi, *Historia e Popullit Shqiptar I*, 639.

taxes that were used to maintain the state apparatus of the Eyalet without any accountability to Istanbul.⁴⁶

Organization of military forces

The core of their strategic and military concept was the creation of a well-prepared and sizable army. The Eyalet armies consisted of land and naval forces. In both Eyalets, the land forces – comprising infantry, cavalry, and artillery – played the primary role, while the maritime component was more developed in the Janina Eyalet. In peacetime, the number of troops in each Eyalet did not exceed 20.000. However, during wartime mobilization, this number increased significantly, reaching up to 40.000 soldiers in Janina Eyalet and up to 60.000 soldiers in the Shkodra Eyalet. Both Ali Pashë Tepelena (Janina) and Kara Mahmud Pashë Bushati (Shkodra) made considerable efforts to supply their armies with weapons, equipment, and other technical resources.

Large quantities of rifles, revolvers, cannons, and ample ammunition were purchased from Europe. Both Eyalets developed local industries, including the production of gunpowder and firearms.

The efforts of the Eyalet leaders to secede from the Ottoman Empire failed because, although the main element was Albanian, they never considered creating an independent Albania. The concept of the nation-state did not yet exist; Albanian political thought was in its formative stages; and the army was based on the principles of mercenary service rather than on national sentiment or pride.⁴⁷

Police and Espionage Organs

After establishing the Ministry of Interior, Ali Pasha appointed a former gangster named Thanas Vaja as its head, tasking him with organizing the internal police structures. Among their responsibilities was the gathering of information from individuals entering or leaving the Eyalet. Historical sources frequently note Ali Pasha's remarkable ability to acquire intelligence about decisions made in Istanbul. Ali Pasha established a strong network of informants, recruiting among them a significant number of women and prostitutes who were assigned specific missions. This efficiency is illustrated by the observation of an English military officer, who said: „I am convinced, and this is confirmed as an uncontested truth, that no important event-even if it occurred in the innermost

⁴⁶ Ferdhon Meksi, *Bushatlinjtë e Shkodrës. Kreu i dytë*. Mahmud Pashë Bushati (1749-1796), In: *Alb-spirit*. 2020.

⁴⁷ Muzeu i Forcave të Armatosura, In: *Koleksione Historike*. ND.

chambers of the Divan in Istanbul—remained unknown in the mansions of Janina for more than eight days”.⁴⁸

Organs for diplomacy

The Organs of diplomacy and foreign affairs were organized by those nominated and appointed by the pasha. These were trusted figures - high-ranking officials of the administration, advisors, and other reliable individuals. During Ali Pasha's rule, the Sublime Porte did not yet have a formal Ministry of Foreign Affairs. However, Janina hosted several foreign consuls, and activities related to international cooperation intensified significantly. As a result, Ali Pasha appointed trustworthy and professional individuals to handle international affairs. These individuals served either as senior members of the administration.⁴⁹ Holders of high religious offices, such as the Seyhulislam, the Qadiaskars of Rumelia and Anatolia, and the chief provincial qadis, were, in theory, equal in rank to their counterparts in the sultan's bureaucracy, including the Grand Vizier and provincial governors, and were able to exercise considerable autonomy.⁵⁰ To cover the expenses for administration, military forces, construction, and maintenance of palaces and villas, as well as to ensure reserves of treasury for difficult times, Ali Pasha and his sons relied primarily on two resources: revenue from private properties and income from state-sanctioned monopolies.⁵¹

The law and resources of law

According to sources, two parallel legal systems coexisted in the Ottoman Empire: Sharia law (theocratic law) and secular (laic) law. Together, these systems formed a unified legal framework commonly referred to as Ottoman law. Sharia law is known in Arabic as *fiqh*. The term sharia derives from an Arabic word meaning „the right path”, „right direction,” or path to salvation.” Under *Sharia*, every Muslim was obliged to obey God, the Prophet, and lawful authority, and to be prepared to defend the faith, even with their life and property. The legal system aimed to keep order, prevent discord among Muslims, and ensure that justice, humanity, and mutual respect formed the foundation of social life. Killing another Muslim was strictly forbidden, as were all forms of harm,

⁴⁸ Shpendi Topollaj, *Rreth librit, "Policia sekrete e Ali Pashës"* të autorit Irakli Koçollari. In: Fjala. 2023.

⁴⁹ A. Luarasi, *Historia e shtetit dhe e së drejtës*, 249. See also: Iliriana Nano, *Sistemi i drejtësisë në Pashallëkun e Janinës. Universiteti i Tiranës*. Tirana 2017, 25.

⁵⁰ Yavuz M. Hakan "Turkey: Islam without Shari'a." In: *Shari'a Politics: Islamic Law and Society in the Modern World*, edited by Robert W. Hefner, 146 178, Bloomington, IN: Indiana University Press, 2011.

⁵¹ Pashallëqet e Mëdha Shqiptare (1771-1831), Kreu IV, In: *Zagracani worldpress*. ND.

theft, and violations of property. Alcoholism, gambling, and adultery were also banned. Believers were expected to fulfill their contractual obligations conscientiously.⁵²

Thus, the discipline concerned with Sharia is called *fiqh*; more precisely, Islamic jurists who interpret Sharia are known as *mujtahids*. The primary sources of Sharia law are the Qur'an, Hadith (*sunnah*), *ijma* (consensus), and *qiyas* (analogy). The Qur'an is the holy book of Islam and serves as the primary source of Sharia law, functioning in many ways like a constitution. The hadith or *sunnah* refers to the collected sayings, actions, and tacit approvals of Prophet Muhammad. These are categorized based on their authenticity into *two classifications: sahil (completely reliable) and less reliable. Kiyas of analogy is the fourth resource of law, which Islamic lawyers use when dealing with issues not regulated by the Qur'an*. In addition to the basic resources, there are additional legal resources: *Er-rei* and *urf-adet*. *Er-rei* is used in a specific case that could not be solved based on basic resources, and in this case, the solution is based on a ratio according to justice or the judge's conscience. *Urf-adet* or *el-urf* is the customary law of any social community.

In addition to the theocratic law, secular state law also existed in the Ottoman Empire. This law primarily consisted of the Sultan's legal acts and *Urf-adet* (customary law). It is essential to note that in Albanian-populated territories, customary law was of significant importance and widely practiced. As Syrja Pupovci pointed out in the introduction to the 1972 reprint of the Kanun, „The preservation of customary law was one of the most important elements in helping the Albanian people to maintain their individuality under Ottoman domination”.⁵³

It is known that the Sultan was the sole legislator; however, he was still limited by Sharia law and the *fetva* of the *Sheikh-ul-islam*. As Caliph and head of a theocratic state, the Sultan could not promulgate laws that were against the principles of Islam. The Ottoman Sultan and his bureaucracy, serving as the central executive, regularly issued a series of statutory laws known as *kanun*, *'urfi*, or sultanic laws.⁵⁴ These kanuns were issued to regulate specific fields, while a *kanunname* (a collection of statutes) covered broader areas. Until the 19th century, the Sultan issued kanuns as *fermans*; thereafter, they were issued as *hatt-i sherifs*.⁵⁵

⁵² Небојша С. Шулетић, *Сремски санџак у XVI веку, докторска дисертација*, Универзитет у Београду Филозофски факултет, Београд 2013.

⁵³ Arben Cara, Mimoza Margjeka, Kanun of Leke Dukagjini, Customary Law of Northern Albania, In: *European Scientific Journal*. 2015, edition vol. 11, No. 28 ISSN: 1857 – 7881 (Print) e - ISSN 1857-7431.

⁵⁴ John Bugnacki, The Garden of Forking Paths: Islamic Legal Transformations in the Ottoman Empire During the Nineteenth Century, In: *History & Classics Undergraduate Theses*, 2014, 18.

⁵⁵ Hilmi Ismaili, Fatmir Sejdiu, *Historia e shtetit dhe e së drejtës I, Pjesa e përgjithshme*, Prishtina 2002, 212-217.

The legal system of Janina Eyalet remained a part of and a reflection of the Ottoman system of justice. In the field of law, Ali Pasha neither overthrew nor abolished the legal regime in force, which had been implemented for the majority of the Muslim population. Nor did he violate the legal privileges of Catholics who were a considerable portion of the Eyalet. On the contrary, as his actions demonstrate, Ali Pasha showed an extraordinary interest in combating and limiting corruption among Ottoman judges.⁵⁶ In Shkodra Eyalet, three systems of legal norms were applied: Ottoman law (Sharia), Church law (for Catholics), and Albanian customary law.⁵⁷

In the fields of administrative and financial law, the fiscal system, taxation, customs, and related areas, legal norms that have been largely uniform (with minor variations) throughout the Ottoman Empire were applied. In the Janina Eyalet, all matters related to immovable properties – such as property transactions, rental agreements, and ownership were governed by legal formulations of Ottoman law.⁵⁸ Major disputes involving significant or financial interests were adjudicated by judges, whose decisions were then verified (ratified) by domestic institutions of authority. These decisions were based on the written legal formulations of trade law and customary practices, similar to those in other parts of the Empire, before the codification of a unified Ottoman commercial law.⁵⁹ In addition to Ottoman law, other legal systems were also in effect within the Eyalet, including elements inherited from Byzantine law, which had remained influential in the Balkans for centuries.

Christian Law or Church Law

This system of norms, institutions, and procedures extended its authority over the Christian population within Ali Pasha's state, functioning in much the same way as it did in bishoprics and archbishoprics beyond his domain. This legal system was applied through its ecclesiastical courts. It can be viewed as both a spiritual and legal continuation of Byzantine tradition. In Albania, during the Ottoman conquest, the canonical principles of Heksabiblos, as applied by Harmenopulos, were followed by the Orthodox.⁶⁰ In this context, it is worth

⁵⁶ Ilirjana Nano, *Sistemi i Drejtësisë në Pashallëkun e Janinës*. Fakulteti i Drejtësië, Universiteti i Tiranës, Tirana 2017, 43.

⁵⁷ Aleks Luarasi, *Historia e shteti dhe e së drejtës në Shqipëri*. Tirana 2018, 243.

⁵⁸ Ilirjana Nano, *Sistemi i Drejtësisë në Pashallëkun e Janinës*, Universiteti i Tiranës, Fakulteti i Drejtësisë. Tirana 2017, 43.

⁵⁹ *Ibidem*.

⁶⁰ According to Ilirjana Nano, Konstantin Harmenopoulos (or Armenopoulos) is a Greek lawyer during the late Byzantine period of time. During 1344-1345 he wrote "Procheiros Nomos" or as it is known Hexabiblos. In fact, his work is not clearly a creative work. But anyway, he has summarized and systemized in a thematic way legal corpus found by him, in order to serve judges. His admirable work served populations of Byzantine Empire even after it failed as a result of Ottoman conquer, and it even served until Greek Civil Code was adopted by modern Greek state,

noting the role of Ecclesiastical law. As in earlier historical periods, both the Catholic and Orthodox Churches exercised judicial authority in addition to their religious functions. In the field of criminal law, the Church was responsible for judging clergy for crimes they committed, as well as the laity for offenses related to sacred rites, such as blasphemy, heresy, or violations of marriage and family laws. Canon (or Roman) law recognized certain offenses against the authority of the papacy. Those subject to this crime were members of the Catholic rite who committed acts against the Christian faith.⁶¹

Customary law was widely implemented. In the Eyalet of Shkodra, to gain the trust of the Catholic population, Mahmud Pasha presented himself as respectful toward Christians. As a result, the Kanun of Lekë Dukagjini was elevated to the status of law for all. Observing this development, Austrian Emperor Josef II foresaw the possibility of Mahmud's conversion to Catholicism and the subsequent expansion of Austrian influence in the region. On this basis, he proposed to Mahmud that, should he accept Catholicism, Austria would recognize him as the sole sovereign of all Albania.⁶²

System of legal norms created by Pasha – positive law

Within the borders of major Albanian Eyalets, this law was represented by *bujurdies*, which were expressions of the pasha's authority in promulgating normative acts. *Bujurdies* were the primary means by which the legislative function of the Eyalet was exercised. They took the form of decisions or orders issued by the pasha. In addition to *bujurdies*, agreements were a distinctive feature of the Eyalet of Janina and are considered one of the primary sources of written law.⁶³ Research in the archives reveals a large number of such agreements, shedding light on various aspects of social life and illustrating how legal relations between parties were regulated.

Another system of law, Latin (Roman) law, derived from city statutes and reflected the Roman legal heritage. This system extended its jurisdiction only to those parts of the Eyalet that had formerly been under Venetian control. These included certain coastal cities and provincial territories along the Ionian and

in 1946. Hexabiblos is a summary of legal norms which regulated life of Christian Orthodox, in similar was as it is done by Sharia for Muslim population and the canonic law for catholic population. In: Ilirjana Nano: Sistemi i Drejtësisë në Pashallëkun e Janinës, *Universiteti i Tiranës, Fakulteti i Drejtësisë*. Tirana 2017.

⁶¹ Bashkim Rrahmani, Majlinda Belegu, *The State of Scanderbeg. Institutions and the Applied Law*. In: Adjuris Academic Publisher, ISBN 978-606-94978-4-5 (E-Book), Bucharest 2020.

⁶² Edwin Jacques, Historia e popullit shqiptar nga lashtësia deri në ditët e sotme. In: *Kartë e Pendë*. Fondacioni Abraham Linkoln, Grafischena, Fasano, ND, 282.

⁶³ Aleks Luarasi, *Historia e shtetit dhe e së drejtës në Shqipëri*. Tirana 2018, 250. See also: Iliriana Nano, *Sistemi i Drejtësisë në Pashallëkun e Janinës*, Universiteti i Tiranës, Fakulteti i Drejtësisë, Tirana 2017, 188.

Aegean Seas. In administering and regulating political, economic, and legal affairs in these possessions, the norms of Venetian Statutes were applied.

Bujurdies - Documents taken from the secretary of Vizier Ali Pasha (a few examples)

These documents are part of the collection of documents of the State Central Archive, within the fund titled „Janina Eyalet” (no. 4), under the name „Ali Pashë Tepelena”, dossier 7, pages 8, 9. The documents themselves do not contain any information about their history in the sense of who possessed them previously (apart from the persons mentioned in the papers) and how they came to be in the Central Archives. Text is written in a letter with black color. The written language is Greek, but it imitates the formulation of Ottoman documents. The vocabulary and syntax do not conform to the rules of written Greek of the time, a feature common to the documents of the period. The writing materials (paper and color) and the method of creating documents indicate that we are dealing with authentic documents of the time, issued by Ali Pasha. I, Ali Pasha, give these items to Bujurdie Miksi Aleksiu, my servant, and I have appointed him as a fiancé to the daughter of Duka Nika from Karjan. And I give from the çiftlik a house that I have built together with a garden behind and in front of the house, and he and his sons, after my death, will not be bothered by my sons or my grandchildren, because I have given this myself as mylk and as the property until the end of this world. I made this decision based on my desire, and at the same time, I ensured it was tax-free, including the curve and the guest house. If bothered by my sons or my grandchildren after my death, may he be damned by the Prophet and by me. Therefore, I gave this bujurdi to Miksi as attestation. Decided [signature] May 17, 1818. Janina. Fund: Pashallëku i Janinës (Ali Pashë Tepelena, 4), dossier 7, Pg. 8. The vizier Ali Pasha gave bujurdi Hajdhos, the daughter of Duka Nika from Karjani, since she served in my harem, whom I now took out [from harem] and put into marriage. Here I am giving half of the field of Nisi Papa Kosta from Karjani, half of which is sixteen hectares, and a vineyard of her father, Duke, which is located at the end of the village, consisting of a hectare and a half, altogether 17,5 hectares, which I gave as mylk to her sons even after my death. None of my sons or grandchildren will ask for any rights to these 17.5 hectares, but [hadho] she will have this milk as her property until the end of time, since I gave it according to my will. Any of my sons or grandchildren who bother them about this after my death may be damned by the Prophet and by me. Therefore, I submitted the aforementioned document as a bujurdi for attestation and decided [signature], July 02. 1818. Janina. Fond: Pashalliku i Janinës (Ali Pashë Tepelena, 4), dossier 7, Pg. 9r.⁶⁴

⁶⁴ Ani Jaupaj, Si i mbyti Ali Pasha 17 vajza për faj të prostitutes Frozinë. Transliterated from Greek and translated by Sokol Çunga. In: *Gazeta Panorama*. 2016.

Basic sources of the positive law

Bujurides as the resource of law – despite certain limitations in the field of legislation, the Albanian pashas of these two major Eyalets - Bushatli in Shkodra and Ali Pasha in Ioannina - exercised their right to issue legislative acts through so-called *bujurdies*. A *bujurdi* can be considered a normative act in the form of an order or decision, which, depending on the addressee, could have a general character when directed to the entire population of the Eyalet, or an individual character when addressed to a specific person or a small group.⁶⁵ These acts established legal norms applicable to the general population or issued binding instructions to administrative organs, which were obligated to act on them. *Bujurides* could also contain specific orders directed to a community or to key persons, requiring them either to perform or refrain from a particular duty, such as enforcing compulsory sales, delivering property, returning property to a *vakuf*, confirming an engagement, or appointing a person to a specific post. Ali Pasha's decisions and orders were typically brief, final, and unmistakably imperative. They allowed no discussion or appeal. As a rule, they included stern warnings of serious consequences for those who failed to comply.⁶⁶

Agreements were also a source of law in the Eyalets. These agreements can be categorized as follows: agreements between the Eyalet and other Eyalets, agreements between the pasha and various provinces within the Eyalet, agreements among the villages or provinces within the Eyalet, and international agreements. Among these, international agreements were particularly significant in both Eyalets. Both Eyalets established diplomatic relations with major powers to get support. They maintained and developed international relations with Russia, Austria, France, and others. In this context, one notable example of international diplomacy from the Shkodra Eyalet was its relationship with Russia, which was then at war with the Ottoman Empire. Negotiations were conducted at Rozafa Castle, culminating in an agreement that was to be approved by Katarina II of Russia.⁶⁷

Criminal Law and Criminal Procedure

Ali Pasha embraced and effectively implemented the Islamic legal system (Sharia) and enforced the severe sanctions prescribed by it. By analyzing the Islamic (sharia) law as applied in the Ottoman Empire, it becomes clear which acts were considered criminal offenses. Among these, the following offences were present and prosecuted within the Eyalets:

⁶⁵ Aleks Luarasi, *Historia e shteti dhe e së drejtës në Shqipëri*. Tirana 2018, 250. See also: Mandro, B, A, In: Ilirjana Nano, *Sistemi i Drejtësisë në Pashallëkun e Janinës, Universiteti i Tiranës, Fakulteti i Drejtësisë*. Tirana 2017, 188.

⁶⁶ *Ibidem*.

⁶⁷ Aleks Luarasi, *Historia e shtetit dhe e së drejtës në Shqipëri*, Tirana 2018, 242.

Criminal Offenses against family and morality. This category includes offenses such as a wife's infidelity, extramarital sexual relations, extramarital pregnancy, relations between a Muslim woman and a Catholic man, and prostitution. These were considered serious crimes under Sharia law, as well as under customary law and church law, since all three systems of law sought to protect personal and family honor.⁶⁸ The case of Frosina⁶⁹ serves as a clear example, highlighting the problematic position of women, who were often viewed more as instruments for labor and childbirth, as well as objects to satisfy male desire.

In cases of rebellion by population from various provinces against the Sublime Porte or the authority of Ali Pasha, it was not uncommon for harsh sanctions to be imposed after the uprising was suppressed. These included the destruction of their residences. This tradition and practice, dating back to the Roman Empire, was later adopted by the Byzantines, and ultimately by the Ottoman Empire. A clear example is the Rebellion of Kardhiq, where, following its suppression, a large number of houses and properties were destroyed.

Acts of espionage and conspiracy with foreigners

Espionage was punishable by death. In other words, the death penalty was imposed for politically motivated acts such as „cooperating in a conspiracy with foreign powers to overthrow the Pasha” – as seen in the case of the Kardhiq conflict. The Kardhiq case⁷⁰ is described in various ways in the literature. Severe

⁶⁸ Ilirjana Nano, *Sistemi i Drejtësisë në Pashallëkun e Janinës*, Universiteti i Tiranës. Fakulteti i Drejtësisë, Tirana 2017, 66.

⁶⁹ Mukhtar, Ali Pasha's son, was a big, voluptuous. One of his paramours was a beautiful woman, the wife of a Greek merchant. Since he loved her so much, she knew she could gain everything from him. Blinded by passions, he didn't refuse to give her a valuable ring, which she did not take as a symbol of love but as a means to be sold. The ring was sold, whereas Mykhtar's wife, from the jeweler to whom the ring was sold, found out who sold it. Ali Pasha was informed about this and undertook some investigation, finding all women his son was flirting. Thus 17 girls and women. These women and girls were executed being handcuffed and thrown in the Janina lake, because of the prostitution they were exercising. Prostitution according to Ali Pasha and according to positive laws of that time was a big crime. For this case, there is a lot written and most of writings neglect that these women were doing prostitution. These beautiful girls and women were forced to obey sexual hunger of Mykhtar (and his father indeed). However, they were executed whereas sayings say that their roar of their scream was heard during the very long time by the ears of island.

⁷⁰ Kardhiq is a place where Ali Pasha's mother was raped and attacks against Kardhiq may be considered as the acts of revenge of Pasha." Hanko, this provocative woman, autarkic and insatiable, set up heavy taxes. Apart of this, assisted by her brave men, abducted a village which did not belong to her. But this was not forgiven by them. They one night entered into Karjan, robbed Hanko, Shanishaha and little boy Ali and send them to Kardhiq. And there, before the eyes of future tyrant, as a revenge they broke out into a collective orgy in the bodies of her mother and her sister. In his primitive, wild and proud soul, he seeded hate against people in one side and, he became thirsty of being powerful in order to punish and to rinse this insult." This description made by Spiro Mela offers to the readers ate the introduction of the book "The Lion of Epirus – Ali Pasha and

punishments were applied explicitly to crimes of espionage and double-dealing. Spies from the enemy side were punished with mutilation (such as the cutting of hands) or execution.⁷¹ The crime of betrayal, as a criminal act that directly harmed the interests of the liberation war, was punished with either the death penalty or life imprisonment.⁷²

Criminal offenses against life and health

In this category, murder was the primary criminal offense. During this period, it is evident that the number of murders was high, and the motives behind them varied, ranging from revenge to robbery, both of which were especially frequent in the Albanian and Greek provinces. To deter such crimes, in an era when human life was often valued at no more than two pennies and criminals showed little regard for law or morality, Ali Pasha ordered shocking and barbaric executions. These executions served as a powerful deterrent, instilling fear in many potential offenders. According to historical literature and based on court rulings that imposed the death penalty, Professor Nano summarized the following: the Beys of Kardhiq, such as Dosti and Koka, were executed for conspiring with France against the interests of the state. Methods of execution included breaking limbs, exposing the condemned in front of lions, hanging, and drowning in deep waters. Across nearly all regions of the Ottoman Empire, murder was punishable by death. Executions were required to be carried out in the presence of high-ranking authorities and one of the victim's heirs. Any execution carried out without the presence of these individuals was subject to disciplinary action.⁷³

Suli", published by Toena in 2013. This history is one of the most painful events of Ali Pasha family, since his mother and his sister were ill-treated and raped by Kardhiq people. Situation became much complicated when in a barbarous way and under a lustful brutality, two women were turned into subjects of massive sexual exploitation. Hanko and Shanica were exposed unlimitedly to a nightmare made by men of that place. Mother and sister of Ali were kept as hostage over 40 days, being transferred from a hand to the other in order to fill up everyone's pleasures. Dorian Koçi, *Pse e rrënoi Ali Pashë Tepelena, Hormovën?* In: *Gazeta Tema*. 2018.

⁷¹ According to M. Barletit, Skenderbeu says in a speech: *but if this should be called more than a crime rather than a necessary protection ... your yourselves judge, etc. It should be believed that this speech is a creation of the author, but however it shows that in Albania of XV, the notion of crime and the necessary were known*, cited by Luarasi, A, *op. cit.*, 1977, 214.

⁷² Bashkim Rrahmani, Majlinda Belegu, Majlinda, *The State of Scanderbeg. Institutions and the Applied Law*. In: *Adjuris*. ISBN 978-606-94978-4-5 (E-Book), Bucharest 2020.

⁷³ Hilmi Isajli, Fatmir Sejdiu, *Historia e institucioneve shtetërore dhe juridike. Universiteti i Prishtinës*. Prishtina 2018. See also: Ilirjana Nano, *Sistemi i Drejtësisë në Pashallëkun e Janinës*, Universiteti i Tiranës, Fakulteti i Drejtësisë. Tirana 2017.

Family Law

Engagement was arranged between the bride and bridegroom, always through the mediation of a matchmaker (*shkuesi-shkues*). Marriage followed only after the engagement was concluded. According to Sharia law, the institution of marriage varied depending on the Islamic schools of thought. In the context of the Islamic traditions followed in the Western Balkans, marriage could be classified into three types: regular marriage, marriage with an enslaved person, and a third form known as temporary marriage. Polygamy was permitted under Sharia law, but only for men. A Muslim man had the right to marry up to four women, a practice allowed among the Muslim population and also acknowledged in the Kanun of Skanderbeg. However, the Kanun of Lekë Dukagjini did not allow polygamy, as the Catholic Church influenced it. According to Islamic principles, a husband was obliged to provide materially for all his wives, not just one. If he was unable to have a free wife, he could instead marry an enslaved person, which was recognized as a form of marriage with an enslaved person.⁷⁴

Marriage was regarded as a mutual support system between husband and wife, as well as a framework for raising children. To legally conclude a marriage, a minimum age was required, though this age differed between boys and girls. A boy had to be at least 16 years old, while a girl could marry at 14 or 15. Within families, there was often a traditional order of precedence for marriage, determining who should marry first. According to Catholic canon law, marriage was strictly monogamous. In contrast, Muslim men were to marry more than one woman; a Muslim man could enter into a new marriage even while still married to another wife.⁷⁵ It is also important to note that the Pasha could order engagements through an official decree (*bujurdi*).

Summary

The formation of these two Eyalets marked the beginning of the process toward the creation of the Albanian state. Although the Eyalets of Shkodra and Janina were eventually dismantled by force by the Sublime Porte, the idea and the goal were extinguished. These Eyalets were established and organized within territories conquered by the Ottoman Empire, and, for the most part, their administration and legal systems functioned according to Ottoman rules and instructions. Even the pashas themselves were appointed and officially recognized by the Sultan. However, both the Pasha of Shkodra and the Pasha of Janina were aware of the Ottoman Empire's eventual decline, and they actively

⁷⁴ Belegu Majlinda, Bashkim Rrahmani, Marital and Inheritance Law from the Middle Ages to the Positive Law. From Scanderbeg Canon to Positive Law. In: *Journal on European History of Law*. Vol. 14, No. 1, 2023, 197.

⁷⁵ Bashkim Rrahmani, Majlinda Belegu, The State of Scanderbeg. Institutions and the Applied Law. In: *Adjuris*. ISBN 978-606-94978-4-5 (E-Book), Bucharest 2020.

participated in its fragmentation. In doing so, they sought alliances with major European powers, including the United Kingdom, France, and Russia. Despite these efforts, such cooperation did not result in concrete support for the creation of an Albanian state. There was hope that the dissolution of the Ottoman Empire would provide an opportunity for statehood, which is why these relationships with the Great Powers were maintained. However, the Congress of Vienna in 1815 decided to preserve the Ottoman Empire. As a result, the Eyalet of Janina found itself without international backing—a critical development that enabled the Sublime Porte to move decisively against Ali Pasha.

The reasons for the Eyalets' failure were both external and internal. Externally, as previously mentioned, the foreign powers changed their positions and withdrew support. Internally, the broader population was not strongly inspired by the idea of a promised constitutional state, so the pasha's power and support against Istanbul were limited. Many of the pasha's collaborators, including members of his own family, abandoned him. The local feudal class was not fully committed to the long-term goals of national development; instead, they focused on short-term, personal interests. This proved to be a significant mistake, which became evident immediately after the pasha's death.

It is clear that in both Eyalets, the Sublime Porte delegated power. As such, authority remained within a form of autonomous governance, which ultimately failed to transform into an independent state. Nevertheless, although these Eyalets did not succeed in establishing an independent Albanian state, the ideas of Albanian statehood persisted and continued to evolve in the subsequent phases of regional development.

Zaključak

Formiranje ova dva ejaleta označilo je početak procesa stvaranja albanske države. Iako je Visoka porta na kraju silom ukinula Skadarski i Janjinski ejalet, ideja i cilj nisu ugašeni. Ovi ejaleti su uspostavljeni i organizovani unutar teritorija koje je osvojilo Osmansko Carstvo, i većim dijelom su njihova administracija i pravni sistemi funkcionisali prema osmanskim pravilima i uputstvima. Čak su i sami paše bili imenovani i zvanično priznati od strane sultana. Međutim, i skadarski i janjinski paša bili su svjesni neminovnog propadanja Osmanskog Carstva i aktivno su učestvovali u njegovoj fragmentaciji. Čineći to, tražili su saveze sa velikim evropskim silama, uključujući Ujedinjeno Kraljevstvo, Francusku i Rusiju. Uprkos ovim naporima, takva saradnja nije rezultirala konkretnom podrškom stvaranju albanske države. Postojala je nada da će raspad Osmanskog Carstva pružiti priliku za državnost, zbog čega su se ovi odnosi sa velikim silama i održavali. Međutim, Bečki kongres 1815. godine odlučio je da očuva Osmansko Carstvo. Kao rezultat toga, Janjinski ejalet se našao bez međunarodne podrške – što je bio ključni razvoj događaja koji je omogućio Visokoj porti da odlučno krene protiv Ali-paše.

Razlozi za neuspjeh ejaleta bili su i vanjski i unutrašnji. Vanjski faktor je, kao što je već spomenuto, bio taj što su strane sile promijenile svoje stavove i povukle podršku. Iznutra, šire stanovništvo nije bilo snažno nadahnuto idejom o obećanoj ustavnoj državi, pa su pašina moć i podrška protiv Istanbula bili ograničeni. Mnogi pašini saradnici, uključujući i članove njegove porodice, su ga napustili. Lokalna feudalna klasa nije bila u potpunosti posvećena dugoročnim ciljevima nacionalnog razvoja; umjesto toga, fokusirali su se na kratkoročne, lične interese. To se pokazalo kao značajna greška, koja je postala očigledna odmah nakon pašine smrti.

Jasno je da je u oba ejaleta Visoka porta delegirala vlast. Kao takva, vlast je ostala unutar oblika autonomne uprave, koja se na kraju nije uspjela transformisati u nezavisnu državu. Ipak, iako ovi ejaleti nisu uspjeli uspostaviti nezavisnu albansku državu, ideje o albanskoj državnosti su opstale i nastavile se razvijati u narednim fazama regionalnog razvoja.

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