

BASIC CANTONAL IMPEACHMENT PHASES IN SWITZERLAND

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Abstract

Switzerland relies on a federal constitution (the Constitution of the state) and is then a legal state. Switzerland is a direct democracy because citizens can coexist strongly in public affairs. Switzerland's direct democracy is an example to the world. It is also federal because it consists with cantons, which have a wide range of independence. Today Switzerland has 26 cantons, six of which are semi-cantons. They come in a variety of sizes and do not create a single linguistic or religious unit: Zürich, Bern, Lucerna, Uri, Schwyz, Obwalden and Nidwalden (Halbkantone), Glarus, Zug, Freiburg, Solothurn, Basel-Stadt and Basel-Landschaft. (semiconductor), Schaffhausen, Appenzell Ausserrhoden and Appenzell Innerrhoden (semiconductor), St. Gallen, Graubünden, Aargau, Thurgau, Tessin, Waadt, Wallis, Neuenburg, Genf and Jura. Democracy in Switzerland relies on the Swiss Federal Constitution and recognizes the separation of powers. By this is, it means that state power is distributed over different state bodies. At the national level this seems to be as follows: Legislative, Cantonal Representation, Executive. Knowing that cantons play an important role in shaping the legal system in Switzerland, in this paper we will analyze the basic cantonal impeachment phases.

Keywords: Federal constitution, direct democracy, shaping the legal system of Switzerland, legal independence of the cantons, basic cantonal impeachment phases

Processes to be completed before initiating the procedure

In some cases, the plaintiff, before initiating civil proceeding conducted by a single judge (Friedensrichter), must request the relevant court to summon the procedural parties to a conciliation hearing (Sühnverhandlung Article § 93-101 3X)². In the most important disputes, where the procedural parties often meet before the commencement of the proceedings, no success has been seen in the reconciliation of the parties and it all consisted of only one formality. The single judge is authorized to handle disputes worth less than 500 Swiss francs.

If before this judge, the parties do not agree, a document is issued (given) to the plaintiff (Weiseung). The plaintiff with this document, within 3 months, is obliged to appear before the relevant court. If the plaintiff fails to appear before the relevant court, then the plaintiff must re-initiate civil proceedings. In some cases, it is not necessary to hold a hearing and a court-civil procedure for the conciliation of the procedural parties (Based on §104 of 3X Zivilprozessordnung)³. However, the plaintiff, in the proceedings before the single judge (Friedensrichter)⁴, is not obliged to convene (initiate) a conciliation hearing nor to notify the

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² Neni 93- 101, Kodi Zviceran i Procedurës Civile (Kodi i Procedurës Civile, ZPO) e 19 dhjetorit 2008 (që nga 1 janari 2020); Schweizerische Zivilprozessordnung (Zivilprozessordnung, ZPO) vom 19. Dezember 2008 (Stand am 1. Januar 2020) .

³ Neni 104 - Kapitulli 2: Shpërndarja dhe likuidimi i kostove të procesit, , Kodi Zviceran i Procedurës Civile (Kodi i Procedurës Civile, ZPO) e 19 dhjetorit 2008 (që nga 1 janari 2020); Schweizerische Zivilprozessordnung (Zivilprozessordnung, ZPO) vom 19. Dezember 2008 (Stand am 1. Januar 2020)

⁴ Udhëzues për gjyqtarët e vetëm, maj 1999, faqe 9. Leitfaden für Friedensrichter zum Gesetz über die Schiedsstellen in den Gemeinden des Freistaates Sachsen (Sächsisches Schiedsstellengesetz – SächsSchiedsStG) vom 27. Mai 1999

respondent party before initiating the proceedings.

The respondent is informed by the court about the initiation of the procedure. Notices are made through a court summons (Gerichtsurkunde)⁵ with a letter of recommendation for a response. The defendant may be notified of the summons by the bailiff, by a competent official at the place of residence or by a police officer. In order for the notice to be valid, the defendant personally or someone authorized by him must receive the notice.

If informing the procedural party is intentionally prevented, then special rules apply in this situation. Natural persons and legal persons, despite certain preconditions, have the right to initiate a civil court procedure. The only condition is to be an adult. Persons under the age of 18, persons with adult disabilities, and in commercial cases; natural persons and firms (legal entities) in bankruptcy - all these categories must be initially authorized by their parents, legal representatives or guardians. In Switzerland, there is no obligation to engage a proxy representative (lawyer)⁶ to carry out legal work.

Procedural parties may be present at the hearing in person. As a rule, the parties can be represented by lawyers registered in the Bar Association.⁷

Attorneys registered with the Bar Association are authorized representatives in the cantonal courts and the Federal Court. However, due to differences in cantonal rules from canton to canton, lawyers prefer to carry out their legal activities in their own cantons or in the nearest cantons.⁸

Initiation of the procedure

The civil-court procedure is initiated with the submission of the request (lawsuit) for initiating the procedure. In the request for initiating a procedure, there are the names of the procedural parties, and if any; the name of the representative by proxy and the purpose of filing a lawsuit (Rechtsbegehren)⁹.

The reasons for initiating the procedure, events, claims, evidence, object of the dispute and the value of the dispute must be absolutely cited in the request (based on article § 106 i ZH Zivilprozessordnung)¹⁰.

- c) Bezeichnung: „Friedensrichter“ – Verzioni online: https://www.bds-zwickau.de/fileadmin/Redakteure_BDS/Sachsen/Landesvereinigung/Files/Friedensrichter2005_03.pdf

⁵ Udhëzimi i Ndihmës Juridike Ndërkombëtare në çështjet Civile, 2003, E miratuar nga: Zyra Federale e Drejtësisë BJ 1.2. Regjistrimi dhe gjuhët , faqe 19 - Die internationale Rechtshilfe in Zivilsachen Wegleitung, 2003. Eidgenössisches Justiz- und Polizeidepartement EJPD Bundesamt für Justiz BJ. 1.2 . Erledigung und Sprachen, seite 19. Versione online: <https://www.rhf.admin.ch/dam/data/rhf/zivilrecht/wegleitungen/wegleitung-zivilsachen-d.pdf>

⁶ Bernd Ehle & Dorothea Seckler - Die Freizügigkeit europäischer Anwälte in der Schweiz - BGFA – AKTUELL/LLCA – ACTUALITÉS, 6-7/2005, seite, 1-5.

⁷ Benno Heussen - Die Anwaltsdichte in der Schweiz, Österreich und Deutschland im Verhältnis zu anderen Staaten – Ein internationaler Vergleich - ANWALTSPRAXIS/PRATIQUE DU BARREAU, 10/2006, seite 1-5.

⁸ Bundesgesetz über die Freizügigkeit der Anwältinnen und Anwälte (Anwaltsgesetz, BGFA) vom 23. Juni 2000 (Stand am 1. Januar 2017) - Ligji Federal për Lëvizjen e Lirë të Avokatëve (Akti i Avokatëve, BGFA) i 23 qershorit 2000 (nga 1 janari amand. 2017).

⁹ Dr. Markus Wirth, LL.M - Rechtsbegehren in internationale schiedsverfahren - wie bestimmt müssen sie zein, 2004, seite, 1-16.

¹⁰ Neni 106, Kodi Zviceran i Procedurës Civile (Kodi i Procedurës Civile, ZPO) e 19 dhjetorit 2008 (që nga 1 janari 2020); Schweizerische Zivilprozessordnung (Zivilprozessordnung, ZPO) vom 19. Dezember 2008 (Stand am 1. Januar 2020). - Art. 106 -Verteilungsgrundsätze (Neni 106 - Parimet e shpërndarjes) - Die Prozesskosten werden der unterliegenden Partei auferlegt. Bei Nichteintreten und bei Klagerückzug gilt die klagende Partei, bei Anerkennung

After initiating the procedure, the court itself examines the judicial competence, the properties of the procedural parties, the authorization of the representatives by proxy, the legal benefit for the plaintiff and whether the procedure was initiated respecting the required legal conditions. Depending on the topic of the dispute and the case, the trial may be written or oral. In courts with a single judge, such as commercial and labor courts, the trial is conducted orally (based on the article § 119 të ZH Zivilprozessordnung)¹¹.

When it comes to the cases not listed in this article, the trial shall be conducted in writing. In addition, if a simple and genuine procedure (einfaches und rasches Verfahren) is applied in the Peace Court, the trial is conducted orally. The court according to the case of the procedure, if it finds that it is not possible to conduct the oral procedure, can decide that the procedure is implemented in written form.

Persons far from the place where the procedures take place may request that the procedure be performed in writing (based on article § 124 të ZH Zivilprozessordnung)¹².

Lawsuit response and judicial protection

The respondent party submits a response against the lawsuit with which the plaintiff-civil procedure was initiated by the plaintiff. In some cantons it is possible for the respondent party to submit a short answer, limiting such an answer only in opposition to the lawsuit and to a certain volume, while giving the appropriate answer at a later date. For example, in the Law on Civil Procedure in the canton of Zurich this is not allowed.

However, in order to facilitate (simplify) the case, the court procedure and the response to the lawsuit is limited to certain questions and answers (based on article § 116 ZH Zivilprozessordnung)¹³. If the defendant has filed a counterclaim, the counterclaim is filed in response to the lawsuit (article § 117 i ZH Zivilprozessordnung)¹⁴. Then, based on certain conditions and if the defendant agrees, the defendant can open the procedure against (article § 115 e ZH Zivilprozessordnung)¹⁵.

Interference means the participation of a third party in the proceedings in order to assist one of

der Klage die beklagte Partei als unterliegend. (Kostot gjyqësore vendosen ndaj palës humbëse. Në rast të mos-ndodhjes dhe tërheqjes së veprimit, paditësi konsiderohet si i pasuksesshëm; nëse veprimi pranohet, i pandehuri konsiderohet i pasuksesshëm.)

¹¹ Neni 119, i Procedurës Civile (Kodi i Procedurës Civile, ZPO) e 19 dhjetorit 2008 (që nga 1 janari 2020); Schweizerische Zivilprozessordnung (Zivilprozessordnung, ZPO) vom 19. Dezember 2008 (Stand am 1. Januar 2020). – Art.119 - Art. 119 -Gesuch und Verfahren (Aplikimi dhe procedura), Absätze 1-6 (paragrafët 1-6).

¹² Neni 124, i Procedurës Civile (Kodi i Procedurës Civile, ZPO) e 19 dhjetorit 2008 (që nga 1 janari 2020); Schweizerische Zivilprozessordnung (Zivilprozessordnung, ZPO) vom 19. Dezember 2008 (Stand am 1. Januar 2020). – Art. 124 – Grundsätze .

¹³ Neni 116, i Procedurës Civile (Kodi i Procedurës Civile, ZPO) e 19 dhjetorit 2008 (që nga 1 janari 2020); Schweizerische Zivilprozessordnung (Zivilprozessordnung, ZPO) vom 19. Dezember 2008 (Stand am 1. Januar 2020).- Art.116 .

¹⁴ Neni 117, i Procedurës Civile (Kodi i Procedurës Civile, ZPO) e 19 dhjetorit 2008 (që nga 1 janari 2020); Schweizerische Zivilprozessordnung (Zivilprozessordnung, ZPO) vom 19. Dezember 2008 (Stand am 1. Januar 2020).- Art.117.

¹⁵ Neni 115, i Procedurës Civile (Kodi i Procedurës Civile, ZPO) e 19 dhjetorit 2008 (që nga 1 janari 2020); Schweizerische Zivilprozessordnung (Zivilprozessordnung, ZPO) vom 19. Dezember 2008 (Stand am 1. Januar 2020).- Art.115.

the parties (Nebenintervention)¹⁶. Whoever intervenes to assist one of the procedural parties in order for the intervening party to win the dispute and if the third party has a legal interest to do so, this is possible and permissible (based on § 44 të ZH Zivilprozessordnung)¹⁷. Intervention is possible at any stage of the civil court proceedings. The person interfering, can claim, can file claims and make other statements in favor of the party to whom he intervenes. The actions taken by the person intervening, unless otherwise stated or if they do not conflict with the actions of the assisting party, are considered to have been taken by the procedural party. (based on § 45 të ZH Zivilprozessordnung)¹⁸.

Preparation session

Ordinary courts do not hold a preliminary hearing before the hearing of the parties (the main hearing). If the court proceedings will be conducted in writing, as soon as the proceedings begin, the court cites a finding (ruling) by which it decides to send an invitation to the respondent to the lawsuit with which the proceedings were initiated, specifying also the deadline for responding to the lawsuit. If the court proceedings are to be held orally, the court summons invites the procedural parties to a preliminary hearing in order to state their claims and defenses.

In Switzerland before the main hearing, the process of detecting and gathering evidence - which is typical of the Anglo-American system (Common Law)¹⁹ after the start of proceedings, as a measure of protection against the risk of inability to gather evidence - exists in the institute of securing evidence. At the place where the evidence was found or at the place where the court administering the court proceedings is located, it is possible for the party to address the court with a single judge in order to determine the provision of evidence.²⁰.

Especially in commercial cases, if one of the parties thinks that the other party will take temporary protective measures before the proceedings begin, he may request that the court hear him and obtain a statement from the same procedural party. With such a move without having to hold a hearing, in connection with fraudulent or inaccurate information provided by the other procedural party, the court may be prevented from bringing in a temporary injunction. The court in deciding on these statements is free and there are no standard provisions.

¹⁶ Ndërhyrje anësore- Albert Zogaj, Zenel Leku, Valon Totaj, Bardhyl Hasanpapaj, Michael A.Cunniff.- Manual për zbatim të procedurës kontestimore; Kush mund të jetë palë në procedurë, faqe 77, 2019

¹⁷ Neni 44, i Procedurës Civile (Kodi i Procedurës Civile, ZPO) e 19 dhjetorit 2008 (që nga 1 janari 2020); Schweizerische Zivilprozessordnung (Zivilprozessordnung, ZPO) vom 19. Dezember 2008 (Stand am 1. Januar 2020).- Art.44.

¹⁸ Neni 45, i Procedurës Civile (Kodi i Procedurës Civile, ZPO) e 19 dhjetorit 2008 (që nga 1 janari 2020); Schweizerische Zivilprozessordnung (Zivilprozessordnung, ZPO) vom 19. Dezember 2008 (Stand am 1. Januar 2020).- Art.45

¹⁹ Joseph Dainow - The Civil Law and the Common Law: Some Points of Comparison - Source: The American Journal of Comparative Law, Vol. 15, No. 3 (1966 - 1967), pp. 419-435 , Published by: American Society of Comparative Law.

²⁰ Daniela Fröhlich- Inaugural-Dissertation ; - Die Beweisvereitelung im Zivilprozess,2008 – 2.444.ZPO - In dieser Norm kommt der jeder Beweisaufnahme zugrunde liegende beherrschende Grundsatz zum Ausdruck, dass auch das prozessuale Verhalten einer Partei Gegenstand der Beweiswürdigung sein kann. (përth: Daniela Fröhlich disertacion inaugural doktrature - Parandalimi i provave në procedurat civile, 2008 - 2.444.ZPO - Ky standard shpreh parimin mbizotërues mbi të cilin bazohet çdo marrje e provave, se sjellja procedurale e një pale mund të jetë gjithashtu subjekt i vlerësimit të provave.

While, in the peace courts in Zurich, these statements are not accepted, while in the commercial courts of the canton of Zurich, if the opposite party is clearly stated, this statement is recognized and kept as such for 6 months in a row. And, the opposing party on this issue is informed by the court. The request for preventive protection as this institute may be called in Swiss law is used to reflect the right to be heard by the procedural parties.²¹

Reconciliation session

In the conciliation hearing held before the single judge, if the parties do not agree, a document is issued with which the plaintiff can initiate court proceedings within 3 months (article § 101 të ZH Zivilprozessordnung)²². Depending on the type and value of the dispute, the trial is conducted in a simple or written procedure.

1. Written procedure

In cases when the court procedure is conducted in writing, the court informs the defendant through a court summons and this is accompanied by the request for initiating the procedure, ie the lawsuit. (Klageschrift).²³ In this notice, the court must also indicate the date on which the respondent party must respond. The response to the lawsuit must contain the points presented in the lawsuit (based on § 127 paragr.1 Zivilprozessordnung ZH. 2.2)²⁴. After the exchange of documents in the court proceedings before the courts of the canton of Zurich, the procedural parties must be summoned to the preliminary hearing. In this session, the procedural parties must be present in person. The role of the judge during the trial in Swiss law shows differences from canton to canton. As a rule, the judge is obliged to clear the case; however, this obligation is limited if the events and evidence presented by the parties are unclear.

The judge, as a representative of the court in order to clarify the concrete case; - asks certain questions, prepares his / her assumption and encourages the parties to resolve the issue. For the peaceful settlement of the issue, preliminary hearings are very appropriate. If in these preliminary hearings, the procedural parties fail to find agreement in terms of the dispute, or if the events have not been sufficiently clarified, the court may decide to proceed with the parties' requests for a reply and duplicate by the procedural parties. According to the court's conviction, triple and quadriplegic claims can also be filed. In most cantonal judgments, matters are settled in such a way that statements and objections are presented during requests for reply and duplication (based on § 114 të ZH Zivilprozessordnung²⁵).

²¹Dr. Nikolaus Stackmann - Die Rolle der Partei im Anwaltsprozess; - JuS 2008 - seite, 1-5.

²² Neni 101, i Procedurës Civile (Kodi i Procedurës Civile, ZPO) e 19 dhjetorit 2008 (që nga 1 janari 2020); Schweizerische Zivilprozessordnung (Zivilprozessordnung, ZPO) vom 19. Dezember 2008 (Stand am 1. Januar 2020).- Art 101.

²³ Till Eigenheer, Florian Kambor, Andrea Schaeppi, Georgia Stofer - KLAGEANTWORT, seite 18; - Zürich, 24. März 2017.

²⁴ Neni 127; , i Procedurës Civile (Kodi i Procedurës Civile, ZPO) e 19 dhjetorit 2008 (që nga 1 janari 2020); Schweizerische Zivilprozessordnung (Zivilprozessordnung, ZPO) vom 19. Dezember 2008 (Stand am 1. Januar 2020).- Art, 127.

²⁵ Neni 114, i Procedurës Civile (Kodi i Procedurës Civile, ZPO) e 19 dhjetorit 2008 (që nga 1 janari 2020); Schweizerische Zivilprozessordnung (Zivilprozessordnung, ZPO) vom 19. Dezember 2008 (Stand am 1. Januar

2. Short procedure (summarisches Verfahren)

This procedure has a very important place in the Swiss Civil Judiciary. Therefore, even the New Law on Federal Courts ²⁶ has left an important place for this procedure and also its scope has been expanded. In the substantive law in Switzerland, the number of legal rules is gradually increasing, which require that certain concrete cases be performed as simply as possible and in a short procedure.

The summary procedure is a procedure which enables some court cases to be resolved as soon as possible. According to Article 204 of the Law on Civil Procedure of Zurich ²⁷, the case is regulated in such a way that in peace courts where a judge is engaged, some cases can be resolved in a simple way and with a standard procedure.

As a rule, this procedure is performed orally (based on § 119 të ZH Zivilprozessordnung)²⁸. The court, in order for the procedural parties to present their evidence and defenses, invites them to appear at the court hearing. Submissions and other requests are submitted in writing and at regular intervals. In order to ensure the speed of the court proceedings, the rules are stricter and also the presentation of evidence of a certain type is not allowed. As a result of the rapid conduct of the court proceedings, if the judge is of the opinion that the material events have not been sufficiently clarified due to the limitation of the evidence, the case (concrete case) is referred to the regular courts (based § 221 të ZH Zivilprozessordnung).²⁹

Temporary legal protection and special provisions

Temporary protection measures, they are court decisions which provide legal protection before and during the trial (based on § 110 and 222 of ZH Zivilprozessordnung)³⁰. The decision on the protection measure is made for the purposes of regulation and execution.

Then, to ensure that persons in need receive monetary amounts, it is prescribed by law to make a decision on safeguards (in accordance with section 271 of the Federal Bankruptcy Enforcement Act)³¹ and in this case it is the waiver of this protection measure prohibited and the pledge is also

2020).- Art 114.

²⁶ Ligji i ri për gjykatat federale në Zvicër , (Akti i Gjykatës Supreme, BGG) e 17 qershor 2005 (amand.nga 1 janari 2019), Bundesgesetz über das Bundesgericht (Bundesgerichtsgesetz, BGG) vom 17. Juni 2005 (Stand am 1. Januar 2019); Online-Version : <https://www.admin.ch/opc/de/classified-compilation/20010204/index.html>

²⁷ Neni 204, i Procedurës Civile (Kodi i Procedurës Civile, ZPO) e 19 dhjetorit 2008 (që nga 1 janari 2020); Schweizerische Zivilprozessordnung (Zivilprozessordnung, ZPO) vom 19. Dezember 2008 (Stand am 1. Januar 2020).- Art.204.

²⁸ Neni 119, i Procedurës Civile (Kodi i Procedurës Civile, ZPO) e 19 dhjetorit 2008 (që nga 1 janari 2020); Schweizerische Zivilprozessordnung (Zivilprozessordnung, ZPO) vom 19. Dezember 2008 (Stand am 1. Januar 2020).- Art.119.

²⁹ Neni 221, i Procedurës Civile (Kodi i Procedurës Civile, ZPO) e 19 dhjetorit 2008 (që nga 1 janari 2020); Schweizerische Zivilprozessordnung (Zivilprozessordnung, ZPO) vom 19. Dezember 2008 (Stand am 1. Januar 2020).- Art.221.

³⁰ Neni 110 dhe neni 222, i Procedurës Civile (Kodi i Procedurës Civile, ZPO) e 19 dhjetorit 2008 (që nga 1 janari 2020); Schweizerische Zivilprozessordnung (Zivilprozessordnung, ZPO) vom 19. Dezember 2008 (Stand am 1. Januar 2020).- Art. 110 und art.222.

³¹ Neni 271 i ligjit Federal i Zvicrës për Ekzekutim gjatë Felimentimit ku thuhet: Kreditori mundet, për një kërkesë

prohibited.

However, in a single-judge court in the canton of Zurich, by applying a simple and serial procedure, temporary protective measure- pledge may be imposed.³².

Procedures, actions and legal remedies

Against court rulings in the canton of Zurich there are extraordinary legal remedies for appeal such as appeals, a specific remedy in Swiss law due to the invalidity of the proceedings and a review as an extraordinary remedy presented against final judgments rendered in the second instance (Revision)³³.

In the canton of Zurich, on the appellate scale even though it is a limited issue, there is a way to present new events and evidence.³⁴ As a general rule, we are presented with the fact that, if one wants to appeal to the Federal Court, he must have exhausted all possibilities of appeal to the cantonal courts and fulfilled all the other necessary conditions.³⁵.

Procedure costs

The costs of proceedings before the cantonal courts are governed by cantonal law. The costs of federal proceedings, however, are regulated by Art. 153 of the FEG and with a special fee (Tarif für die Gerichtsgebühren im Verfahren vor dem Bundesgericht).³⁶ The costs of the proceedings, in proportion to the subject matter of the dispute and the value of the dispute, are generally moderate. For simple and serial matters, different fees apply for the costs of the procedure. For a variety of reasons, courts may increase or decrease the costs of the proceedings; such as due to complications of the procedure, due to the difficult procedure or which requires a lot of time to be resolved or due to the cancellation of the procedure in the early stages.

As a general rule, the costs of the proceedings are attributed to the party who loses the proceedings.

të duhur, përderisa kjo nuk mbulohet nga pengu, të ketë pasuritë e debitorit të vendosur në Zvicër me arrest: - Bundesgesetz über Schuldbetreibung und Konkurs (SchKG)1 vom 11. April 1889 (Stand am 1. Januar 2020), Art.271: Achter Titel: Arrest: 1. Der Gläubiger kann für eine fällige Forderung, soweit diese nicht durch ein Pfand gedeckt ist, Vermögensstücke des Schuldners, die sich in der Schweiz befinden, mit Arrest belegen lassen.

³² European Network of advisory teams; - Strategien für prävention und bewältigung - Entführung oder Geiselnahme; seite 25-34,2012; European Network of advisory teams- Strategjitë e parandalimit dhe përballimit; pengmarrja; faqe 25-34, 2012.

³³ Kapitulli III, Revisioni, neni 328 : Një palë mund të kërkojë që gjykata që ka vendosur si shkallë e fundit në çështje të caktuara juridike të kërkojë që vendimi të rishikohet për të marrë vendimin përfundimtar- i Procedurës Civile (Kodi i Procedurës Civile, ZPO) e 19 dhjetorit 2008 (që nga 1 janari 2020); Schweizerische Zivilprozessordnung (Zivilprozessordnung, ZPO) vom 19. Dezember 2008 (Stand am 1. Januar 2020).- 3. Kapitel: Revision Art. 328 Revisionsgründe,- : Eine Partei kann beim Gericht, welches als letzte Instanz in der Sache entschieden hat, die Revision des rechtskräftigen Entscheids verlangen.

³⁴ Der Kassationsrichter Moritz Kuhn, Präsident, die Kassationsrichterin Sylvia Frei- Kassationsgericht des Kantons Zürich (gjykatat e Kasacionit në Zurich), Zirkulationsbeschluss vom 15. November 2007, seite 1-16

³⁵ Swiss Federal Court Act (Bundesgerichtsgesetz, BGG) 2005 [eif 2007]

³⁶ Ulrich Meyer & Martha Niquille - Das Schweizerische Bundesgericht - Die dritte Gewalt des Bundesstaates (Gjykata Supreme Federale Zvicerane Fuqia e tretë e shtetit), seite 2-19, 2019.

The party who will lose the procedure also pays the amount for the engagement of the other party's lawyer. In each canton there are different rates for the costs of the procedure. The fee regulates the amounts to be paid to the opposing party's lawyer, in other words the amounts to be paid to their lawyers are not regulated. In Switzerland, it is not possible to make an agreement between the lawyer and the party, if the dispute is won, the lawyer can not get a certain percentage from it.³⁷

Conclusion

In the canton of Zurich, the peace judge fulfills the tasks of the arbitration board as prescribed by the ZPO. In principle, there is a peace judge in every community. The magistrate is elected by the community's voters. He often has no solid legal education (except in cities). Also, in canton of Zurich, there are District courts. The district court in the canton of Zurich is a collegial court and decides in three groups on matters that are not assigned to any other court. Individual members of the district court act as a single court (single judge). The members of the district court (district judge) are elected by the people. And when it comes to the civil process, there are several process maxims in civil litigation.

The disposition principle is typical of the ordinary procedure and means that the parties decide on the subject of the dispute. The official principle is the opposite, whereby the court can deviate from the requests of the parties. The maxims of negotiation and the principle of investigation deal with the issues of the burden of assertion, substantiation and disputes as well as the burden of proof.

In the canton of Zurich also, in some cases, the plaintiff, before initiating civil proceedings led by a single judge (Friedensrichter), must ask the relevant court to summon the litigants to a hearing (Sühnverhandlung). In the most important disputes, where procedural parties often meet before the procedure begins, no success has been seen in reconciling the parties, and all of it consisted of only one formality.

In terms of procedural costs, each canton has different rates for procedural costs. Tariffs regulate the amounts to be paid to the opposing party's lawyer, in other words the amounts to be paid to their lawyers are not regulated. In Switzerland, it is not possible to make an agreement between the lawyer and the party, if the dispute is won, the lawyer cannot get a certain percentage of it.

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Bundesgesetz über die Freizügigkeit der Anwältinnen und Anwälte (Anwaltsgesetz, BGFA) vom 23. Juni 2000 (Stand am 1. Januar 2017) - Ligji Federal për Lëvizjen e Lirë të Avokatëve (Akti i Avokatëve, BGFA) i 23 qershorit 2000 (nga 1 janari amand. 2017).

Dainow Joseph (1967). The Civil Law and the Common Law: Some Points of Comparison - Source: The American Journal of Comparative Law, Vol. 15, No. 3 (1966 - 1967), pp. 419-435 , Published by: American Society of Comparative Law.

Der Kassationsrichter Moritz Kuhn, Präsident, die Kassationsrichterin Sylvia Frei-

³⁷ Frey, Michael – doct.disertacion: Grundsätze der Streitwertbestimmung (Parimet e përcaktimit të shumës në kontest); seite 66 - Bemessungskriterien der Prozesskosten (Kriteret e vlerësimit të kostove të procesit), 2017.

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