

The role of the Parliament in the Albanian Constitution of 1925

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Abstract: *The role of the Parliament in the Albanian Constitution of 1925* - The history of parliamentarism in Albania is undoubtedly linked to its constitutional background and that of the models originating from other States, especially those within Europe and the United States. This essay will examine the primary role and functions of Parliament as a constitutional body in the State-building process. Then we will discuss the role of Parliament in the constitution of the First Republic of 1925, a constitution that, for the first and last time, provided for a bicameral parliament. This study will be based on a comparison with parliaments of the time, as well as on the impact it has had on future parliaments of the Albanian State to the present day.

Keywords: Albanian Constitutions; Constitution of 1925; Parliament; Public law; Comparative law

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1. Introduction

Parliament is the main State institution of a functional democracy. Coming from the French term "parler," we understand that we must deal with a State institution where the debate should take place. A debate on the most important issues for the country.

At the center of this paper is the Albanian parliament, its work spanning over 100 years, and the evolution of its role and functions.

Before discussing the history of parliamentarism in Albania, it is necessary to examine the meaning and functions of Parliament as a core institution of a State. When discussing the functions, we must bear in mind that the functions of Parliament are inextricably linked to the evolution of the State and society as a whole. Representation, lawmaking, and the oversight of the government and independent institutions are the three main functions of parliament.

The parliament, its role, and the functions of the First Republic, as outlined in the 1925 constitution, are the central focus of this work. The Basic Statute of the Albanian State of 1925 declared Albania a Republic, where the National Assembly was an important constitutional institution of the State¹. For the first and last time, the Albanian State explored the idea of a bicameral Parliament based on the work of the Chamber of Deputies and

¹ Article 1 of the BS of Albania declared Albania a Parliamentary Republic.

the Senate. The work, the functions, and the relations of these institutions with the other constitutional institutions will be the main topic of this essay.

Last but not least we will discuss the Parliament as a constitutional institution in all other constitutions of Albanian, both before and after the Basic Statute of 1925.

This paper highlights the extraordinary role that the Parliament plays not only in the formation of a State but also in representation and the law-making process. Based on multi-party representation, political debate assumes extraordinary importance for the functioning of parliament. Therefore, the representation of many political parties in a genuine manner remains a crucial element for enhancing the role of Parliament in a developing democracy like Albania's.

2. The meaning and the functions of the Parliament

Modern democracy functions on the principle of separation of powers where legislative, executive, and judicial powers play crucial role in building a functional democracy. Although the principle has evolved or been refined since the time of John Locke and Montesquieu, it remains essentially the same, in the sense that without a true separation of powers, there can be no freedom and independence. This separation of powers is necessary not only to prevent one body/institution from becoming all-powerful and destroying freedom but it is equally necessary for a better organization of tasks, to ensure a fruitful division of labor between the different bodies/ institutions.²

The legislature is defined as a predominantly elected body of people that acts collegially and that has at least the formal but not necessarily the exclusive power to enact laws binding on all members of a specific geopolitical entity³. This makes the Parliament a flexible institution that applies different functions within a political system. Indeed, examining the web pages of various assemblies reveals significant differences in the types of activities the different parliaments put at the core of their work⁴. In history, the word Parliament was used in the 11th century when people were using discussions between more than one person⁵.

The history of parliamentarism and the Parliament in itself is the result of the long and arduous road toward the consolidation of the principle of sovereignty and representative institutions.

The Parliament is the main institution of a functional democracy. His main characteristic is that he is the bearer of the highest power in the State, in the political and legal order.

The primary functions of the Parliament undoubtedly involve representation and the law-making process. Beyond these two core functions, the Parliament has developed other competencies over the decades, including the scrutiny of the government. Hazell mentioned seven

² L. Omari, *Shteti i së Drejtës*, II Ed., Tiranë, 2003, 64.

³ M.L. Mezey, *Comparative Legislatures*, Durham (NC), 1979, 6.

⁴ K. Coghill, P. Holland, A. Kinyondo, C. Lewis, K. Steinack, *The Functions of Parliament: Reality Challenges Tradition*, in 27(2) *Australian Parl. Rev.* 56 (2012).

⁵ N. Özbek & M.A. Adan, *The Role of the Parliamentary System on Political Stability*, in 5(1) *E-Journal L.* 24 (2019).

main functions of the Parliament but indeed, they are based on three basic functions representation, legislation, and oversight with four functions such as deliberation, budget setting, making and breaking the government, and redress of grievances⁶.

Certainly, all these functions and competencies are linked with the form of government of a State, which means that they differ between a parliamentary republic and a presidential republic. The parliamentary system is the most widespread, especially in European countries, where at the core of this system is the control of the government by the parliament. Parliament and the government work together to address their challenges for the benefit of their citizens, but it is Parliament that has the right to oversee and control the government's work. However, what is important is that the representation of the law-making process and the oversight of the government are primarily prerogatives of a modern parliament, independent of the form of the government in a State.

3. History of the Albanian parliamentarism (1912 – 1925)

The development of constitutionalism in Albania from the Declaration of Independence on 28 November 1912 till 1925 was characterized by the approval of the Organic Statute of 1914, the Statute of Lushnja of 1920, revised in 1922, and the Basic Statute of Albania of 1925.

The constitutional system in the Republic of Albania began with the Declaration of Independence on November 29, 1912. After liberation from the Ottoman Empire, Albania began the 20th century as a new and independent State. Parliamentarism was sanctioned in all the constitutional documents of that period, which helped, at the same time, to fortify the new Albanian State.

The National Assembly⁷, often referred to as the Vlora Assembly, was elected by the Provisional Government and was envisioned as an advisory body to the government. Through the National Assembly, we see the beginnings of the first State organization of Albania. During this period, the National Assembly elected the government, and the senate, and appointed the commission that would protect the rights of the Albanian nation in the international arena. This was at a time when Albania was the scene of war between the Turkish and Balkan armies, therefore the decisions taken by the Vlora Assembly took on extraordinary constitutional importance as they ultimately freed Albania from centuries of Turkish rule and helped to create an independent and sovereign Albanian State.

However, the Vlora Government had little room for maneuver. In July 1913, the Conference of Ambassadors decided on the arrival in Albania of an International Commission, initially conceived as a control body but gradually evolved into a central body of power.

⁶ R. Hazell, *The challenges facing our Parliaments: How can we improve their performance?*, in 16(2) *Australasian Parl. Rev.* 23 (2001).

⁷ The National Assembly was made by the representatives of the people of Albania who had popularity and recognition from the people in the Albanian provinces at the time. They were not elected by the votes of the citizens.

Following the Vlorë Assembly, the Organic Statute of Albania was drafted by the International Commission of Control in 1914, which foresaw the creation of an assembly/parliament. However, the outbreak of the First World War made it impossible for the statute to function⁸. According to the Organic Statute, the National Assembly was made by the members elected by the people, members elected by the prince, and *ex officio* members, totaling 36 members⁹.

The Organic Statute, undoubtedly, reflects the constitutional developments in Europe, as well as in the Balkan countries.

The statute's norms that had to do with the National Assembly specifically sanctioned several very important principles of parliamentary republics, such as the incompatibility of membership in the Assembly with officials appointed by the prince and by the government, the verification of the mandate of the members by the Assembly itself, the necessity of a qualified majority of five for the approval of laws that changed the constitution, the approval of the Assembly's internal regulation¹⁰.

The First World War disrupted the normal functioning of the Assembly, as well as the functioning of the Albanian State as a whole, given that the territory of the Albanian State was part of the fighting by the armies of seven foreign countries. This made it impossible for the National Assembly to convene in meetings, which later resulted in a serious constitutional crisis for the Albanian State¹¹.

When the First World War ended, the Albanian elite convened a National Congress to determine the country's constitutional future. This also deals with its territorial integrity and form of government. In December 1918 it was held the Congress of Durrës. Even though many district representatives were absent, the Congress elected a provisional government. The Congress also discussed the creation of an assembly the so-called "*pleqësia*" which will gather twice a month to analyze and serve as an advisory body for the government. "*Pleqësia*" was equivalent to the senate and the senate was the second chamber of the assembly, which was not equivalent to the competencies of the senate in this case¹².

The Durrës Congress failed to resolve the problems related to Albanian Statehood, so the Albanian elite once again considered convening a new Assembly to address all the issues left pending at that time. Thus, on January 21, 1920, the Lushnjë Congress convened, which approved an embryonic constitution that essentially sanctioned a parliamentary regime¹³.

The Congress of Lushnjë approved the creation of a Senate which would consist of 37 members elected by the Congress. Unlike the Durrës Senate, the Senate was a model of a unicameral Parliament and as such was

⁸ *Historiku i shkurtër i parlamentit shqiptar*, see at: parlament.al/Kuvendi/Historiku.

⁹ The *ex officio* members were representatives of religious communities as well as the Albanian High Commissioner of the Bank of Albania. The members elected by popular vote were elected by indirect vote of three people for each region or the so called *sanxhak*.

¹⁰ L. Omari, *Sistemi parlamentar*, Tiranë 2000, 159.

¹¹ K. Dervishi, *Historia e Shtetit Shqiptar 1912–2005*, Tiranë, 2006, 84.

¹² K. Krisafi, *Institucionet Politike dhe juridike ne vitet 1918–1919*, in L. Omari, A. Luarasi (Eds.), *Historia e shtetit dhe e së drejtës në Shqipëri*, Vol. III, Tiranë, 1987, 42.

¹³ I. Kalemaj, D. Koçi, *Historiku i parlamentarizmit shqiptar 1912–1939*, Tiranë, 2023, 22.

called the "National Council". We can say that it was a genuine parliament, also in terms of its functions, starting with the approval of very important laws. For the first time in the history of Albanian parliamentarism, this Council appointed and dismissed the government and exercised parliamentary control over it.

In 1921, the National Council was dissolved to pave the way for the first-ever elections of the Albanian State. The Parliament that emerged from these elections in 1922 approved the Extended Statute of Lushnja, thus providing Albania with a genuine constitution as the fundamental and highest law of the State. It sanctioned parliamentarism as an important form of government. Here, for the first time, the existing National Council was transformed into a real Parliament also in name. The Parliament was unicameral and consisted of 78 deputies elected by the people through general elections. The sanctioning of the Parliament as the foundation of the modern Albanian State testifies to the enlightened desire of the elite of the time to build a modern and democratic State, which was a bold yet naive experiment in democracy¹⁴. During this period we also witnessed the emergence of real political parties, as well as the creation of political positions and the formation of opposition in parliament.

The Parliament of 1921 – 1924 made remarkable steps toward the modern Albanian State. With significant reforms to laws governing administration, economics, infrastructure and other areas. For the first time, we have the civil and criminal code with due respect to the models offered by the Western States.

The Parliament of 1925- 1939 stood out for its great obedience to Ahmet Zogu and the little political struggle. Its trend was conditioned by the authoritarian spirit of the regime and the absence of opposition, keeping it at odds with the norms of Western democracy¹⁵. However, despite these deficiencies, its activity was prolific and wide, adopting new laws in various sectors, including political, economic, cultural, religious, as well as a series of important economic agreements and concessions with foreign countries.

4. The Basic Statute of 1925

The Basic Statute was approved in Tirana on March the 2nd 1925.

The Basic Statute differs from both instruments approved before it since the creation of the independent Albanian State in 1912. It differs from the statute of Valona by dropping all reference to protection and by adopting a republican form of government. It differs from the provisional constitution of Lushnja in that it shifts completely the allocation of power among the organs of the State.

This constitution was drafted based on the contemporary constitutions of the time. It was conceived as a continuation of the Statute of Lushnja but with some significant modifications.

¹⁴ B. Meta, A. Mema, M. Verli, K. Bajraba, *Akte të Parlamentit Shqiptar 1920–1924*, Tiranë, 2019, 5.

¹⁵ E. Tafili, B. Boseta, *The beginnings of Parliamentarism in Albania - Enactment of the first important laws that changed Albanian society*, in 6(1) *Eur. J. Econ. L. & Soc. Sc.* 100 (2022). Access online at www.iipcccl.org.

The Constitution, also known as the Basic Statute was divided into four Kaptina/Chapters and into 142 articles¹⁶.

It is essential to emphasize from the outset that the form of government proclaimed in the BS was the creation of the Republic of Albania. For the first time in history, Albania was defined as a republic¹⁷. This followed a lengthy discussion among various political groups regarding the form of government that would take act in Albania upon the entry into force of the new constitution of 1925. There were numerous discussions surrounding this debate, but in the end, the republican group prevailed, proclaiming Albania a Republic. The arguments were linked to historical, traditional, political, and religious ideas, primarily represented by the supporters of the republic under the leadership of Ahmet Zogu¹⁸. Following the example of classical bourgeois constitutions, the Basic Statute of the Albanian Republic, in its provisions on State organization, accepted the division of power into: legislative, executive, and judicial¹⁹.

The Parliament was a bicameral one, for the first and last time in the history of the Albanian State, consisting of the Senate and the Chamber of Deputies. This form of State regulation was more akin to the American System of Government, with differences in the method of electing representatives to both houses of parliament²⁰. Primarily, the system adopted the French model of 1875, however, unlike France, the Albanian model gave rise to a sustainable parliamentary system²¹.

Another organ of the Parliament was the meeting of the two chambers in a joint session called the Legislative Assembly, which was presented in the statute as a separate body²². During the existence of the Albanian Republic, both chambers met jointly a total of six times, of which four meetings were held to make additions and changes to the Basic Statute, one to provide an official interpretation and one to elect senators²³.

A Chamber of Deputies represented the population, while a small Senate, one-third of which, including its president, were appointed by the president of the republic, represented, by the qualifications required for membership, experience, and achievement in various walks of life²⁴.

The Chamber of Deputies was composed of 57 members who were selected from the people through indirect voting for a four-year mandate²⁵

¹⁶ See: *Statuti Themeltar i Republikës së Shqipërisë*, Fletorja Zyrtare, No. 8, 7 mars 1925, Tiranë.

¹⁷ See: Art. 1 of the Basic Statute.

¹⁸ A. Anastasi, *Historia e te drejtes kushtetuese ne Shqiperi (1912–1939)*, III Ed., Tiranë, 2018, 62–65.

¹⁹ See: Art. 7 and 9 of Basic Statute.

²⁰ S. Haxhiu, A.H. Alidemaj, *The development of constitutionalism in Albania (1912–1938)*, *Hist. Const.*, 2023, 24, 597. Access online at www.historiaconstitucional.com.

²¹ J. Goxha, L. Licaj, *The development of Albanian Legislation and the codification process during Zogist period*, in 11 *Eur. Scient. J.* 191 (2015).

²² See: Art. 57 and 141 of the Basic Statute of the Republic of Albania 1925.

²³ F. Gjilani, *Shteti dhe e drejta gjatë regjimit të Ahmet Zogut*, in L. Omari, A. Luarasi (Eds.), *Historia e shtetit dhe e së drejtës në Shqipëri*, Vol. I, Tiranë, 1994, 127.

²⁴ For more information see Art. 12 of the Basic Statute for the criteria on membership of the Chamber of Deputies and the Art. 52 of the Basic Statute for the criteria for membership of the Senate.

²⁵ See: Art. 10 of the BS.

and the Senate was composed of 18 members elected for a mandate of six years as follows: 2/3 elected by people through a special law and 1/3 by the President of the Republic²⁶.

The Chamber of Deputies performed its work in sessions, spring, and autumn. It was seen as the main organ in which took place the significant role of representation of the people in the decision-making process. Even though there was indirect voting to select the members of the Chamber, it appears that the members of the Chamber were the right representatives of the Albanian people in the Assembly.

The creation of the Senate was considered an element that would help avoid or mitigate political crises. Supporters of the idea of creating the Senate considered the Senate as a necessary institution to prevent the risk that the Chamber of Deputies, dominated by a strong party, could turn into a despotic oligarchy²⁷. Thus, the Senate was considered an institution that would help establish balances, helping where necessary in resolving disputes that could arise between the legislative and executive branches. At the same time, it would also serve as a second filter in the examination of laws coming from the Chamber of Deputies, before they are passed to the President of the State for final approval²⁸.

The Senate would also serve as a Supreme Court under the authority of the President of the State, which was established by his decree, in cases of serious crimes against national security. Five of its members were senators²⁹.

The main duty of the Chamber of Deputies is the legislation or the passing of the draft laws³⁰. According to Article 80 of the BS, the Chamber of Deputies and the Senate have the right to legislative initiative. However, all the draft laws originate from the executive. All the draft laws were submitted to the government through a special committee under the lead of the Ministry of Justice. The Ministry of Justice presented to the Prime Minister the draft law for the establishment of the legislative committee which was elected in August 1926³¹. This committee did an extraordinary job in preparing new laws, especially codes based on the best European models. Thus, Italian, French, and Swiss laws served as a good basis³².

The Parliament of these years approved many reforms for the country's economic development, including institutional reform, support for local businesses and Albanian society, and the creation of fiscal incentives for importing corn and wheat for the poor population. He is credited with

²⁶ See: Art. 49 of the BS.

²⁷ F. Musaj, *Republika Shqiptare 1925–1928*, Tiranë, 2018, 73.

²⁸ *Bisedimet e Kuvendit Kushtetues*, Meeting no. 70, 4 February 1925, Tiranë, 1925, 950-953.

²⁹ See: Art. 57 of the BS.

³⁰ According to the BS, all the draft laws were done by a specific Commission under the lead of the Ministry of Justice. See: Art. 32 of the BS.

³¹ AQSH, F.155, V.1925, D. II – 219, Fl.8. A Justification Report of the Ministry of Justice on the establishment of the legislative drafting committee addressed to the Presidency of the Republic. See also there: Fl.8 Projektligj për krijimin e Këshillit ligj-përgatitës (Draftlaw on the creation of the legislative drafting Committee), Tiranë, 21 november 1925.

³² The civil code was based on the French civil code and in some in the Swiss law. The criminal code was based mostly on the Italian model.

the adoption of two modern laws: the Criminal Code and the Civil Code, which had a direct impact on the fight against backwardness and the way of life of Albanians³³.

Articles 31 and 32 define the voting process. The first time the vote is taken by an absolute majority of the deputies present in the hall. If an absolute majority is not reached, then the vote is taken by a relative majority. The vote is taken once in principle and twice, article by article, on three different days³⁴.

According to Article 53 of the BS, any draft law done by the Chamber of Deputies must be presented to the Senate for consideration and approval before it is sent for approval to the president of the republic. These provisions are immediately modified by the terms of Article 54, as follows: "Draft-laws passed by the Chamber of Deputies must be submitted to the examination of the Senate within a month if the Chambers are still in session; on the contrary case such draft-laws shall be considered approved and shall be submitted to the president of the republic. When for whatever reason a part or all of the senators do not participate in a joint session within one month from the date set therefor, the Chamber of Deputies shall meet with the senators present, or if there are no senators present, the Chamber shall meet by itself, and shall proceed with the work which called for the joint session".

It appears, therefore, that under certain circumstances the Chamber of Deputies may legislate alone³⁵. This is the case when the Chamber of Deputies may act as the only legislator and may send the draft law directly to the president of the republic for approval.

The advantage which is given to the Chamber of Deputies is, however, offset by the following provisions of Art. 56: "In case of disagreement between the Chamber of Deputies and the Senate, if the former persists in its position the president of the republic has the right, with the approval of the Senate, to dissolve the Chamber of Deputies and decree new elections. Should the new Chamber of Deputies insist on the position of the previous Chamber, the decision of the new Chamber shall be definitive?"³⁶

A further detail of the constitutional arrangements governing the legislature is the provision against absentee membership. Article 22 reads: "A deputy absent without leave from the Chamber for two consecutive months automatically ceases to be a member thereof." Article 64 contains almost identical provisions regarding senators. These two articles would appear to create a safeguard against the absence of legislators to embarrass the government, such as has sometimes taken place in other countries.

The central feature, however, of the new constitution, and the one in which it diverges most clearly from the Lushnja Statute, is the new position assigned to the head of the State. The Chamber of Deputies and the Senate administered supreme power once when they met as a National Assembly and elected the president of the republic. Thereafter, during his term of seven years, he would appear, under the terms of the constitution, to be not merely the ceremonial head of the State, nor merely the representative of the

³³ I. Kalemaj, D. Koçi, *Historiku i parlamentarizmit shqiptar 1912–1939*, Tiranë, 2023, 29.

³⁴ See: Art. 31 and 32 of the BS.

³⁵ C.B. Emerson, *The new Albanian Constitution*, in 20(1) *Am. Pol. Sc. Rev.* 121 (1926).

³⁶ See: Art. 56 of BS.

principle of national continuity, but the working executive, endowed, as far as constitutional arrangements are concerned, with a degree of independence which centralizes power and responsibility to him³⁷. Most authors have always thought that the parliamentary component of the BS remains almost formal because of its transformation into a presidential republic.

The second main duty of the Parliament is the control of the government. Article 44 indeed States that "the Chamber of Deputies controls the government"³⁸; and that Article 83 provides that the cabinet, which is appointed and presided over by the president, must "appear before the Chamber of Deputies to read its program and request a vote of confidence not later than five days from date of appointment"³⁹; and that "if it fails to do so it shall be considered as not having received a vote of confidence." But the effect of these provisions appears to be modified by the provisions of Article 77, which reads: "If, at two successive sittings, the Chamber of Deputies refuses a vote of confidence to the appointed cabinet of ministers, the president may dissolve the Chamber. If the new Chamber also refuses a vote of confidence, the cabinet shall fall. Until the settlement of the situation the cabinet that was refused a vote of confidence by the Chamber continues in power"⁴⁰.

In other words, by not granting confidence to the cabinet appointed by the president of the republic, the Chamber of Deputies also gives the order for its political "death". That's why it is not certain if the Chamber is ready to be dissolved in a self-sacrifice action. The constitution is silent as to the procedure to be followed in case the Chamber disapproves of one or more members of the cabinet without disapproving of the cabinet as a whole.

While the constitution makes it difficult for the legislature to interpose in the work of the president, no difficulty is placed in the way of his interposition in theirs. Article 76 Stated: "The president of the republic orders the promulgation and execution of draft laws passed by the two chambers. He has the right of veto"⁴¹. No way is provided in the constitution for overcoming the president's veto. Further, except for the right of approval of the cabinet, which is conditioned as noticed above, the constitution provides for no legislative control of the president's appointments, whether in the army, the judiciary, or the administration.

But can we say that there is a possibility of controlling the presidency indirectly through the review of the budget or the allocation of funds? The assembly with its two chambers found such a thing impossible. Article 39 provides that "each year the executive shall submit to the Chamber of Deputies for examination and approval of the proposed general budget of revenues and expenditures of the State, together with a Statement of the ways and means by which the expenditures are to be met"⁴², "the next article provides that "in case, for any reason, the new definitive budget has not taken legal form before the beginning of the fiscal year, the executive applies

³⁷ C.B. Emerson, *The new Albanian Constitution*, cit., 124.

³⁸ See: Art. 44 of the BS.

³⁹ See: Art. 83 of the BS.

⁴⁰ See: Art. 77 of the BS.

⁴¹ See: Art. 76 of the BS.

⁴² See: Art. 39 of the BS.

the budget of the previous year until the new budget is approved"⁴³. It is quite clear that while the House has the power to somehow override the executive if the latter wishes to make changes to the State's revenues and expenditures, it does not have the power to go further in this matter.

There is also a provision which seems to give to the national assembly the appropriate power. Article 141 States that "on the proposal of the president of the republic or the ministers, the two legislative chambers have power, at special separate sittings, to decide, by a majority of two thirds, on modification of the constitution"⁴⁴. This is the only case where the legislative can have a legislative initiative, all the other cases as we mentioned above were in the hands of the executive.

All of this is in line with the position of the constitution which confirms the provisions of Article 8, which States that: "Executive power is vested exclusively in the president of the republic, who exercises it through ministers"⁴⁵, and that of Article 75, which Stated that: "He (the president) directs the policy of the State"⁴⁶.

There are, of course, certain limits. Article 75 provides that "the president of the republic does not have power to declare war or conclude peace without the consent of the Senate and Chamber of Deputies, except in case of a war of defense." As the word "defense," however, is particularly subject to interpretation, it appears that even in the vital questions of peace and war a certain discretion is vested in the president⁴⁷.

In conclusion, we can say that although the fundamental statute reaffirmed the principle that constitutional power belonged to the people and only from its exercise could the validity of the constitution stem, we must say that under the umbrella of the expression parliamentary republic, the republic, had stronger features of a presidential republic. The BS was significant for two reasons: (1) it is in line with the reaction which has already appeared in several European countries against the tendency shown at the end of the World War to entrust almost all effective power to the legislative department of government. While, however, in certain countries, this reaction has taken extra-constitutional forms, in Albania it is incorporated in the constitution itself. (2) It illustrates how one-man rule way be restored without doing violence to the democratic principle.

The National Assembly, with its two chambers, having completed the constitutional duties of final approval of the form of government and the appointment of the head of State, was dissolved to announce new elections which were held in April and May 1925. These elections were characterized by calm throughout the country and the candidates proposed by the government won every region.

This paved the way for President Zogu to become the first King of Albania with the constitution of 1928. The new constitution was very important to be done also, because based on the BS, art. 141 was foreseen

⁴³ See: Art. 40 of the BS.

⁴⁴ See: Art. 141 of the BS.

⁴⁵ See: Art. 8 of the BS.

⁴⁶ See: Art. 75 of the BS.

⁴⁷ C.B. Emerson, *The new Albanian Constitution*, cit., 125.

that: "The republican form of State cannot be changed in any way⁴⁸". A solution was found to overcome this constitutional obstacle.

On June 1, 1928, Ahmet Zogu, as President of the Republic, addressed a message to both chambers (the Chamber of Deputies and the Senate), requesting that they meet together as a Legislative Assembly, to decide on the revision of the Fundamental Statute, which had many shortcomings, because it did not provide for several important State bodies, such as the Prime Minister, the Council of State, etc. The Legislative Assembly, which met on June 7, 1928, expressed the opinion that it was necessary to make the proposed changes to the Statute and even Stated that "due to rapid evolution", this Statute was flawed and unsuitable for today's times⁴⁹. This led to the dissolution of the two chambers and on June 16, 1928, A. Zogu signed the decree on the elections for the Constituent Assembly.

Even though hereditary monarchy, based on the basis of birth, was practically impossible at that time in Europe. Its restoration was difficult to imagine, given the extent to which the assumptions on which a monarchy was based had begun to be replaced in public opinion by those of democracy. But by the other side, a strong presidential republic was not, however, inconsistent with democracy; and through that medium, the governments of the democratized States of central Europe may in the future take on rather more of the appearance that they bore in times before the last great era of constitution-making.

5. The role of the Parliament in the following Constitutions of the Albanian State after the BS of 1925 and final conclusions

The year 1928 is the year when Ahmet Bey Zogu, the President of the Republic of Albania, transformed the Republic into a Monarchy and proclaimed himself King of the Albanians. The Treaty of Tirana with Italy guaranteed him not only immunity from any external aggression but also the maintenance of the status quo of the internal situation under his leadership. King Zogu I had to create a new, incorruptible administration and instill in his officials a sense of honesty and effectiveness, which were completely foreign to the then-generation Albanians. He also wanted to move his constitution along the lines of democracy and parliamentarian. His regime itself proclaims these two concepts as the pillars of the regime, but in reality, this regime did not yet possess democracy or parliamentarian in 1928. As for the Council of State, which replaced the Senate, it can be said that its power was quite limited. In short, the change of regime did not bring any major changes or improvements to parliamentary life. Albania under the kingdom retained many similarities to that under the republic: a poorly camouflaged autocracy trying to gain popularity. The legislative power was exercised by a unicameral parliament⁵⁰. Despite these important developments, the Parliament during the Albanian Kingdom was considered a Parliament with limited decision-making power, because the legislative process was oriented by the king and the Parliament lacked a structured

⁴⁸ See: Art. 141 of the BS.

⁴⁹ F. Zyrta, nr. 62, dt. 12.6.1928.

⁵⁰ See: Art. 8 of the BS of the Kingdom of Albania (1928).

opposition⁵¹. The lack of opposition greatly diminished the role of Parliament during this period.

The monarchy was handed over at the beginning of the Second World War. The period 1939 – 1944, the time of World War II, coincided with the occupation of Albania, initially by fascist Italy on April 7, 1939, and then by Germany on September 8, 1943. This temporarily ended the existence of the independent Albanian State⁵².

After World War II, for about half a century, one of the most totalitarian communist regimes was established in Albania. All legislation, the State system, and institutions, which were generally borrowed from those of other Eastern countries, had as their main purpose and goal the survival of the established dictatorship, the suppression of the broad masses, and the elimination, even physical, of any political opponent.

The real parliamentarian returned to Albania after the collapse of the communist dictatorship. In 1991, with the first pluralist elections, we had a Parliament that reflects pluralism. Pluralism also became a reality in Albania, but this time under more favorable conditions than those that existed when the independent State was restored after the Congress of Lushnja⁵³.

On 29 April 1991 was adopted the law on "Main Constitutional Provisions"⁵⁴, which served as the new constitution of pluralism till 1998. During this time we have a Parliament which have the right of representation, law-making and also oversight the government.

The history of the modern Albanian State is for sure the history of parliamentarians and political parties' activity. Political parties play a crucial role in the whole legislative activity, which means that Albania has to face the challenges of European integration, especially in the direction of sanctioning a legislative State power apart from the impact of political parties. Political parties play a crucial role in a functional democracy.

Albanian Parliament has its main duty of creating law. The Albanian Parliament exercises its right of legal initiative and at the same time reviews and approves, i.e. turns into laws, all draft laws that come for review by the government⁵⁵.

The new Constitution of Albania was adopted in November 1998 which established Albania is a parliamentary Republic⁵⁶. The Parliament is the main State institution where the role and its functions are outlined in the Constitution⁵⁷. Its work is based on the Constitution and on its regulation which is a qualified majority law⁵⁸. Certainly, it is a unicameral Parliament and plays a crucial role in all the political, economic, and social life of the country.

⁵¹ I. Kalemaj, D. Koçi, *Historiku i parlamentarizmit shqiptar 1912–1939*, Tiranë, 2023, 30.

⁵² L. Omari, *Sistemi parlamentar*, Tiranë, 2000, 193–195.

⁵³ Y. Bufi, *Tempulli i Demokracisë*, Tiranë, 2010, 169.

⁵⁴ This was due to the proposal of the opposition that required just some provisions, not the whole new constitution.

⁵⁵ See: Art. 81 of the Albanian Constitution (1998).

⁵⁶ See: Art 1 of the Albanian Constitution (1998).

⁵⁷ See: Art 64 – 85 of the Albanian Constitution (1998).

⁵⁸ Rregullorja e Kuvendit të Shqipërisë, Botim i Kuvendit të Shqipërisë, Tiranë. See: kuvendiwebfiles.blob.core.windows.net/webfiles/RregullorjaeKuvenditeperditesuar.pdf

Parliamentarism in itself is in continuous development, carrying within itself the principles and contemporary achievements of a democratic society. We no longer have a pure presidential or parliamentary model, but we have a continuous effort to combine these with each other in order to get the best out of them in the service of representing and protecting the best interests of citizens.

Parliaments have a vital role to play in ensuring efficient and effective government, but they often do so in a haphazard and amateur way⁵⁹, that's why these comparative studies on the work of our constitutional bodies/institutions such as the Parliament would help us to learn in a vertical and horizontal way. It means we can improve ourselves by learning from our constitutional history but at the same time, we can learn from each other's successes and failures, thereby helping to gradually raise the standard in all our parliaments.

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⁵⁹ R. Hazell, *The Challenges Facing our Parliaments*, in 16(2) *Australian Parl. Rev.* 26 (2001).

