

The form of government in the Republic of Albania (1925–1928)

di Aurela Anastasi

Abstract: *La forma di governo nella Repubblica d'Albania (1925-1928)* – The brief existence of the Albanian Republic (1925–1928) was marked by distinctive features in its form of governance. Although it marked a transitional phase toward the establishment of the monarchy, the study of its form of governance remains valuable in the context of Albanian history and comparative constitutional law. This paper examines the distribution of powers among various institutions and their interrelations, within both a historical and constitutional context. The analysis of the form of governance serves the purpose of this study by shedding light on how this parliamentary republic functioned—where the Head of State also served as Head of Government and was vested with extensive powers.

Keywords: Albanian Republic (1925-1928); Form of government; Separation of powers; Electoral law; Albanian parliament

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1. Introduction: Proclamation of the Republic

The Albanian Republic, proclaimed on January 21, 1925, by the Constituent Assembly, was founded based on the Fundamental Statute of the Albanian Republic, adopted on March 2 of the same year. The Constituent Assembly was convened in December 1924, with the mandate of determining both the form of the state and the system of governance. However, its proceedings were interrupted on June 2, 1924, due to the events of the “June Revolution,” which involved members of the opposition. On January 21, 1925, the Constituent Assembly, reconvened without the opposition, proclaimed the Albanian Republic. The structure of the Republic would be determined in the subsequent sessions of the Assembly, through the adoption of the Statute.¹

Ten days later, the Assembly approved the first six articles of the Fundamental Statute of the Albanian Republic, as presented by the Commission tasked with drafting the Statute.² The Statute established that

¹ The proposing members made a distinction between the form of the State and the system of governance. Deputy Kaso emphasized: “...*In my view, it should be clarified as follows: the form of the Albanian state is definitively declared a ‘Republic,’ but the manner in which it will function shall be determined by this Assembly or referred to the Parliament that will be formed after its dissolution*”, *Bisedimet e Kuvendit Kushtetues*, Tirana (1924–1925), Session 66, available in: [Parliamentary Debates](#).

² *Ibid.*, Session 68.

“Albania is a Parliamentary Republic headed by a President” (Article 1). It affirmed the principle of popular sovereignty (Article 1) and the separation of powers (Article 2). Subsequently, the Assembly prioritized the adoption of Article 69 of the Statute, which stated: “The President of the Republic shall be elected by the legislative authority for a term of seven years, by an absolute majority of votes. In this instance, the election shall be carried out by the Constituent Assembly.” Based on this provision, the Assembly immediately proceeded to elect Ahmet Zogu as President of the Republic. Unanimously elected, Ahmet Zogu, in his inaugural speech, emphasized the importance of strengthening the state and establishing a country where laws would be respected by all: “...On this occasion, and with the first words I address to you as your leader, I once again urge you to reflect on the fact that, for the strengthening of the state, the stabilization of the administration, and the development and progress of our nation, peace and hard work are essential. Without them, we will never earn the trust and support we rightfully seek from other nations.”

Thus, for the first time in Albania, a Republic was established, though, unfortunately, it served merely as a short transitional stage toward the monarchy. The Assembly continued its proceedings until March 3, 1925. The most significant decisions, namely the proclamation of the Albanian Republic, the adoption of the Republic’s Statute, and the electoral law for the Chamber of Deputies, were made without the presence of opposition deputies³.

After completing its assigned duties, the Assembly debated whether it should dissolve or continue exercising legislative powers as a regular parliament. There was considerable debate on this issue. Some of the deputies believed that there was no fundamental difference between the Constitutional Assembly and the Parliament as a legislative body; therefore, the Assembly could continue to perform the duties of the latter. Moreover, according to them, the election of a new parliament would create unnecessary confusion. However, the majority of deputies insisted that the time had come for the Assembly to be dissolved, as this would be the lawful course of action⁴. At the conclusion of its deliberations, the Constitutional Assembly formally concluded its work on March 3, 1925, declaring itself *ipso jure* dissolved. The President of the Albanian Republic, pursuant to the Statute, the Law “On the Election of Members of the Chamber of Deputies,” and Council of Ministers Decision No. 131, dated 14 March 1925, which entered into force on the same day, issued a decree calling for new parliamentary elections⁵.

2. Parliamentary or Presidential Republic?

The Statute proclaimed Albania a *Parliamentary Republic headed by a President* (Article 1). This formulation has been paraphrased in Albanian legal historiography as a “presidential parliamentary republic.”⁶ This

³See: F. Gjilani, *Shteti dhe e drejta gjatë regjimit të A. Zogut*, in *Historia e shtetit dhe e së drejtës në Shqipëri*, Part II, Tirana, 1994, 112–113.

⁴*Bisedimet e Kuvendit Kushtetues*, op. cit. Session 88.

⁵ Official Gazette, No. 11, dated 17 March 1925

⁶F. Gjilani, *Shteti dhe e drejta gjatë regjimit të A. Zogut*, op. cit., 114.

interpretation is also supported by the concentration of powers in the hands of the President of the Republic, Ahmet Zogu. The author Feti Gjilani has emphasized that: “...the experience of Albania during the years 1925–1928 proved that this political-institutional graft was a legal fiction, as the ‘parliamentary’ component remained merely a rhetorical figure.”⁷ From this perspective, it is also worth recalling the viewpoint of historiography during the one-party regime, which regarded the parliamentary system as a democratic one. The primacy of popular sovereignty over other principles led to these conclusions. Nevertheless, even after the 1990s, legal scholars have confirmed that, *de facto*, the republic functioned entirely as a presidential republic. The scholar Luan Omari has emphasized that, “The Fundamental Statute defined Albania as a Parliamentary Republic, but in reality, the extensive powers granted to the President of the Republic effectively transformed it into a presidential republic.”⁸ In fact, even within the proceedings of the Constitutional Assembly, the view was expressed that the Albanian Republic of 1925 was a presidential republic modelled on the system of governance of the United States.⁹ This was asserted on the grounds that the Head of State also served simultaneously as the Head of Government. The literature has also noted a similarity with Estonia, as during this period the President of the Republic in Estonia likewise served concurrently as the Head of Government.¹⁰ Nevertheless, when viewed in comparison with contemporary constitutions, the Albanian Statute appears more European in character and establishes a form of governance similar to that of France under the constitutional laws of the French Third Republic.¹¹

The Fundamental Statute of the Albanian Republic reaffirmed the core democratic principles established in the 1922 Statute of the Albanian State, including popular sovereignty, the separation of powers, and the principle of parliamentarism. However, this Statute marked a significant departure from the previous one. These changes were also noted in the proceedings of the Constitutional Assembly by the rapporteur of the Statute Drafting Commission, Mr. Milto Tutulani. He emphasized that the Commission had adopted as its guiding principle the notion that “...sovereignty, derived from the people, must be exercised for their well-being.” To this end, the Commission endeavoured to delineate the powers of the three branches - the legislative, executive, and judicial - in a way that would establish a balance of power.¹² According to him, one of the major shortcomings of the Lushnja provisional regime was the omnipotence of the parliament. The Head of State, whose functions were exercised by the High Council of the Regency, had no veto power over laws and no authority to dissolve the Chamber of Deputies. Under the provisions of the Republic’s Statute, these powers were

⁷ *Ibid.*

⁸ L. Omari, *Sistemi Parlamentar*, Tirana, 2000, 179.

⁹ *Bisedimet e Kuvendit Kushtetues, op. cit.*, Session 69.

¹⁰ See: [Constitution of the Estonian Republic \(1920\) – Wikisource, the free online library](#), Part V, Paragraph 58: The Government consists of the State Head (Riigiwanem) and Ministers. The number of the latter, their office, and detailed order of business are to be established by special law.

¹¹ See: A. Anastasi, *Historia e të drejtës kushtetuese në Shqipëri (1925–1939)*, Tirana, 2018, 65–68.

¹² See in more detail: *Bisedimet e Kuvendit Kushtetues, op. cit.*, Session 68.

granted to the President of the Republic in order to balance executive authority with legislative power.¹³

The *de facto* establishment of a form of governance with presidential tendencies, which granted the president broad powers, served the authorities more effectively in consolidating the personal power of the President of the Republic. Ahmet Zogu began exercising authoritarian power as early as this period. The republican institutions enshrined in the Statute remained formal and powerless, as they were manipulated by the will of the president¹⁴. In some instances, there was a minimal recognition of rights and freedoms; however, even a limited activity of political parties was never legitimized.

3. The form of Government

The form of government during the republic was organized based on the Fundamental Statute, which enshrined the principle of the separation of powers and that of the sovereignty of the people. Legislative power was exercised by a bicameral Parliament, composed of the Chamber of Deputies—elected through indirect popular vote—and the Senate, two-thirds of which were elected by indirect popular vote, while one-third were appointed by the Head of State. The Statute provided for two legislative chambers that elected the President of the Republic (Article 84) and carried out amendments to the Statute (Article 88).

Executive power was exercised by the Presidency of the Republic, which consisted of a single Head of State. Although officially titled the “Presidency of the Republic,” the head of state was in fact a single individual, the President. Alongside the President, the holders of executive power also included the ministers and the Financial Supervisory Council. These latter institutions cannot be considered part of the Presidency of the Republic, but rather as organs of executive power. One may raise the question: Why was the title “Presidency of the Republic” chosen instead of “President of the Republic,” as was in fact sanctioned? No explanation for this can be found in the proceedings of the Constitutional Assembly. However, one might speculate that this could be explained either as a continuation of the influence exerted by the regency under the kingless monarchy sanctioned in the 1922 Statute of the Albanian State, or as an attempt to make the Statute appear more democratic. We hypothesize the latter, given that some authors believe the republican form of the state itself was chosen for that very reason. “After the failure of the revolutionary movement from the left, he did not want to give the impression that his efforts were overly conservative..., therefore he confined himself to a transitional period so as not to be opposed by his adversaries.”¹⁵

Judicial Power was exercised by the courts, which the Statute declared to be independent: “The courts are independent.” In delivering their judgments, they do not depend on any other authority except that of the law.

¹³ *Ibid.*

¹⁴ See: V. Koka, *Recension: Michael Schmidt-Neke, Lindja dhe Zhvillimi i Diktaturës Monarkike në Shqipëri në vitet 1912–1939, Studime Historike*, no.3, 1988.

¹⁵ E. Vlora, *Kujtime*, Vol. II, Tirana, 2001.

No branch of the state power, neither legislative nor executive, may interfere in judicial matters.” (Part D, Article 58).

The Statute included notable provisions aimed at safeguarding the status of judges and affirming the principle of their irremovability from office; however, these guarantees were not effectively enforced. “A judge may not, under any circumstance, be removed from office against his will, except by a judgment issued by a competent court or by the Court of Dictation in cases of disciplinary offenses.” (Article 103) The Statute regulated neither the courts nor a judicial system. It addressed only the establishment of the High Court, as the body responsible for adjudicating cases of high treason, while the Court of Dictation was indirectly identified as the highest court in the country. “...it was indirectly mentioned by certain provisions of the Fundamental Statute of the Albanian Republic (1925–1928); however, no direct regulation was drafted.... Only a few provisions refer indirectly to the Court of Dictation, mentioning the chairs of branches, the Chief Prosecutor at the Dictation Court, and the legal assistants (Fundamental Statute of the Republic of Albania, 1925, Articles 57, 97, 102).”¹⁶ During the republican period, the judicial system was organized under the Law “On the Organization of the Courts of Justice”, approved on 2 May 1925 and published in the Official Gazette on 11 May 1925.¹⁷ However, this law was never fully implemented, resulting in a judicial organization that remained entangled between the 1923 law and that of 1925.

The Statute prohibited the establishment of extraordinary courts: “Under no circumstances may extraordinary courts be established to adjudicate specific cases.” However, a few months after it entered into force, in December of that same year, amendments were made to the Statute, paving the way for the law titled “Punitive Law for Political Offenses.”

4. Relations between the legislative and executive powers

With regard to the relationship between the branches of power, the Statute of the Republic marked a departure from the experience of the regime established by the Congress of Lushnja. It granted considerable powers to the Head of State in relation to the Chamber of Deputies. The President of the Republic exercised control over the Chamber of Deputies through both an absolute and suspensive *veto* on laws approved by both chambers, as well as through the power to dissolve it in cases specified by the Statute (Article 77). The only form of oversight that Parliament exercised over the President of the Republic was his election by Parliament, which had no authority to revoke his mandate. Nevertheless, it appears that the drafters of the Statute intended to create the impression of a dualist system, with two centres of authority. Thus, while the Chamber of Deputies exercised oversight over the executive and held the government accountable, the President of the

¹⁶ A. Anastasi, *The Court of Dictation and Its Attempts on Constitutional Review*, *Euro-Balkan L. & Econ. Rev.*, No. 2, 2024. Available at: [The Court of Dictation and Its Attempts on Constitutional Review | Anastasi | Euro-Balkan Law and Economics Review](#)

¹⁷ Official Gazette, No. 19, dated 11.5.1925

Republic, through his power of dissolution, in turn kept the Chamber in check¹⁸. It also had no authority to bring charges against the Head of the Republic. Furthermore, the President of the Republic exercised control over Parliament through the upper chamber, the Senate. He appointed one-third of the members of the Senate. In this regard, scholar Luan Omari writes: “It appears that the creation of the Senate, which was not justified under the conditions of a small country like Albania, aimed to establish a check on the Chamber of Deputies. This intention is also evident in the Fundamental Statute, which provided that, in the event of disagreement between the two chambers regarding the adoption of a law, the President of the Republic had the right to dissolve the Chamber of Deputies with the consent of the Senate.”¹⁹ Nevertheless, an examination of institutional practice leads to the conclusion that Ahmet Zogu dominated the Chamber of Deputies even without the support of the Senate. This became particularly evident during the transition from republic to monarchy, in which Ahmet Zogu faced resistance from the Senate, while receiving active support from the Chamber of Deputies.²⁰

The Chamber of Deputies had the right to oversee the government by granting a vote of confidence to the Council of Ministers, not to the President. “The Council of Ministers and the individual ministers receive the vote of confidence only from the Chamber of Deputies” (Article 48). The Chamber of Deputies exercised legislative initiative, a power that was also held by the Senate and the President of the Republic. However, the proposal of laws in the field of finance belonged exclusively to the executive branch (Article 80). In practice, legislative initiative was exercised by the government.

The Republican period coincided with the beginning of a comprehensive legal reform aimed at replacing the old laws inherited from the Ottoman Empire. The draft codes were prepared by a special commission established by law. The Law “On the Establishment of a Law-Drafting Commission” was approved on 30 November 1926. The Chamber initially reviewed all draft laws and draft codes submitted by the government.

The President of the Republic, who simultaneously served as Head of Government, was elected by the joint session of the Senate and the Chamber of Deputies for a term of seven years. The Statute did not specify whether re-election was permitted. This omission did not prevent his re-election without limitation. He enjoyed all the formal rights enshrined in the Statute in his capacity as Head of the Executive. He was the Commander of the Armed Forces and declared a state of emergency. He exercised the right of pardon, as well as the exclusive right to propose amnesty.

The Head of the Republic also held the right of *veto* (Article 76) over laws approved by Parliament. In its Article 76, the Statute did not clearly specify whether the President had the right to exercise only a suspensive *veto* or also an absolute *veto*. During the Constitutional Assembly's deliberations on the adoption of the Statute, this issue was widely debated: whether the *veto* would be absolute or suspensive, and what time limits

¹⁸ *Bisedimet e Kuvendit Kushtetues, op. cit.*, Session 68.

¹⁹ L. Omari, *Lessons from the Past Should Serve the Future*, Tirana, 2017, 603.

²⁰ A. Anastasi, *Historia e të drejtës kushtetuese në Shqipëri, op. cit.*, 68–76.

should apply to its exercise. The issue was put to a vote, and the first round resulted in a tie, which led to a nominal (roll-call) vote. In conclusion, it was unanimously agreed to retain the proposed wording in the Statute, while noting in the official record that this formulation implied the President's right to exercise both forms of veto suspensive and absolute. It was also emphasized in the Assembly that, in the practice of various states, laws left in limbo - neither approved nor rejected by the Head of State - create legal obstacles. The proposal of Deputy Vrioni was accepted and recorded in the official minutes, stating that if the President of the Republic does not exercise a veto within two months, the law shall be considered automatically rejected by him²¹. As can be seen, special advantages were granted to the president regarding the procedure for exercising the veto over laws approved by Parliament. Usually, in the practice of other countries, a deadline was set within which the Head of State was required to return the act to Parliament for reconsideration, along with the reasons for which its review had been requested. In the case of the Albanian president, he could exercise a suspensive veto by returning the law to Parliament for reconsideration within two months, or he could remain silent, in which case he would be deemed to have exercised an absolute veto. In his governing practice, Ahmet Zogu did not use the veto against acts of Parliament, as he did not feel the need for it.

The government was composed of two bodies: the Head (a role assigned exclusively to the Head of State) and the ministers. The ministers formed a Council of Ministers as a collegial government, which did not resemble the Cabinet of the U.S. President. The Council of Ministers was chaired by the President of the Republic; the ministers acted as a collegial body and bore joint responsibility for the general policy before the Chamber of Deputies. At the same time, individual responsibility of the ministers "for their own actions" was also foreseen, a formulation that somewhat recalled the Weimar Constitution (Article 89). Within the collegial body of the Council of Ministers, and in the absence of a prime minister as a separate office, the Minister of Justice held the leading position.

The entire republican period was marked by frequent ministerial crises, and no government succeeded in establishing a stable identity. Within the collegial body of the Council of Ministers, and in the absence of a prime minister as a separate office, the Minister of Justice held the principal position. When the President of the Republic was dissatisfied with the ministers, he had appointed himself, what were known as "anti-ministerial campaigns" would begin, which, after a short duration, typically ended with the fall of the government. The frequent changes of government kept the country's political life in a constant state of tension. The only republican government that achieved a certain degree of stability was the one formed on 28 September 1925. The 28 September Cabinet, during its 17 months in office, achieved a record duration among republican governments.

5. The Judiciary and Its Relationship with the Legislative and Executive Powers

²¹ *Bisedimet e Kurvendit Kushtetues, op. cit.*, Session 75.

The fundamental principles of judicial organization in Albania were enshrined in the 1922 Statute of the Albanian State, which established the separation of powers. The Statute of the Republic (1925) reaffirmed this principle: “Judicial power is exercised by the courts, and their decisions are rendered in the name of the Albanian Republic” (Article 9). Thus, the formal proclamation of democratic principles was ensured, among them the principle of irremovability (tenure) of judges (Article 103). The Statute of the Republic specified that a judge could not be dismissed against his will, except in cases where he voluntarily resigned. He was appointed to office by the President of the Republic upon the proposal of the Ministry of Justice and could be removed only for disciplinary offenses committed in the course of his duties, pursuant to a decision issued by a competent court or by the Court of Dictation, whose procedures were to be regulated by a special law.

The authors have pointed out that in Albania, these democratic principles retained “a purely declarative character, as there were no guarantees for their implementation.”²² In the liberal trilogy of powers (legislative, executive, judiciary), the third power remained the weakest for a long time. At least in European democracies, this imbalance stemmed from a certain predominance of the democratic principle of sovereignty and popular representation (the supremacy of Parliament) over the limitation and separation of powers. However, in the unconsolidated Albania of those years, in a state for which democracy still seemed out of reach, we cannot say that the problems stemmed from the aforementioned cause. Here, it was difficult to ensure the implementation of constitutional principles. As emphasized in press sources as well, the state of the Albanian justice system remained chaotic²³. The mentality of the ruling class could not allow for the achievement of judicial independence. The young judges, who had returned from their studies at law faculties in Western countries (Austria, Greece, Italy, etc.), educated through Western methods, were eager to implement the principle of judicial independence and the separation of powers in general. However, in their homeland, they were faced with annoying and, moreover, unwelcome interventions from the political power²⁴. But not only that.

From the documents of the time that we have at our disposal, we observe the dissolution of the Court of Dictation by dismissing all of its judges. The first case occurred in 1925 and was justified by reasons of the Court’s reorganization. The Court of Dictation was dissolved by the executive through a decree issued by the Minister of Justice at the time, Petro Poga, dated September 14, 1925. The Minister of Justice ordered the dismissal of all members of the sole chamber of the Court of Dictation, with the “... annulment of the Court of Dictation and its reorganization into (civil and criminal) branches, Mr. Juej, you are dismissed from your position for administrative reasons.”²⁵ The reorganization of the Court of Cassation was, in fact, not a reason for the dismissal of all judges. The existence of the Extraordinary Court (the special political court) seriously compromised Ahmet Zogu's regime. Let us also recall the royal decrees issued by him in

²²See: K. Nova, *Zhvillimi i organizimit gjyqësor në Shqipëri*, Tirana, 1982, 77.

²³“Shqipëria në vitin 1937”, Tiranë, 1937, 77.

²⁴R.M. Della Rocca, *Nazione e religione in Albania (1920-1944)*, Bologna, 1990, 113.

²⁵A. Anastasi, *The Court of Dictation and Its Attempts on Constitutional Review*, op. cit.

March 1932, through which he dismissed the 12 judges of the Court of Cassation.²⁶

During this period, efforts were made to establish a new judicial organization by formally imitating Western models. However, the reforms were slow and often remained unimplemented. Up until this time, the courts operated based on the law approved back in 1923, which was considered a law with many shortcomings.

The High Court (Gjyqi i Naltë) was established based on the Statute of the Republic and functioned solely as a special court that reviewed cases of high treason, attacks against state security, as well as cases involving the indictment of ministers by the Chamber of Deputies. The Military Court of Shkodra was perhaps the first new court established immediately after Ahmet Zogu came to power. It began operating on the basis of the decree-law for the establishment of a military court in Shkodra, dated 1.2.1925²⁷. It appears that its establishment had as its main purpose the prosecution of all the June rebels, and especially the military personnel who had collaborated and participated in it. According to the law, it investigated and adjudicated crimes against public order, officers who had fought against the government during the June Revolution, as well as those who attempted assassinations against government officials (Article 3).

After the proclamation of the Republic, the law dated May 2, 1925, titled “On the Organization of the Courts of Justice,” was drafted²⁸. In the preliminary report outlining its necessity and importance, it was emphasized that the new law would complement and assist in the modernization and strengthening of the judicial power. During the process of discussing and approving the law “On the Organization of the Courts of Justice,” concerns were raised that there were insufficient resources to form the court personnel in the manner envisioned by the law. At that time, there were only about 40 judges with a degree serving in the courts. For this reason, it was decided that this law would not enter into force temporarily, even though it was published in the Official Gazette. Indeed, for this reason, just a little later, on June 21, 1925, another law was hastily approved, which stated: “Until the decree-law on the organization of the courts of justice, dated May 2, 1925, is approved, the previous organization shall remain in force.²⁹” Thus, for a limited period, the new organization was not implemented, while the judicial structure established by the law of January 28, 1923, continued to remain in effect. However, some changes were made to it regarding the organization of the courts. Thus, legal amendments were approved for the establishment of additional courts near prefectures and sub-prefectures, concerning the personnel and functioning of the Court of Cassation, among other matters.

The new law provided for three categories of courts: Courts of First Instance, which would be established in every prefecture and sub-prefecture and would have initial jurisdiction over all cases—civil and commercial matters, misdemeanours, and offenses (Articles 2–10). Courts of Appeal, which would be established in the prefecture centres, would adjudicate

²⁶ *Ibid.*

²⁷ Official Gazette, No. 5, dated 16.02.1925.

²⁸ Official Gazette, No. 19, dated 11.5.1925.

²⁹ Official Gazette, No. 32, dated 30.06.1925.

appeals against the decisions of the Courts of Peace (Articles 4–6). They would also function as courts of first instance in specific cases defined by law. The law provided for a Court of Dictation as a high-level court, based in Tirana. It would adjudicate cases divided into two branches: the civil and the criminal branch (Articles 6–9). The Chief Prosecutor and his assistant were attached to it. The Court of Dictation would review all decisions issued by the Courts of First Instance, as well as all decisions issued by the Courts of Appeal. The law also established religious courts for each religious community. They would review a limited number of cases, such as: a) marriage (the solemnization of marriages); b) divorce (dissolution of marriages); c) alimony obligations arising from marriage. For the review of criminal cases, the law reinstated the Jury, drawing on the experience of the 1913 Jury Code, thus making an attempt to give a democratic appearance to the judicial power. However, the provisions concerning it were not precise, and it remained a weak and short-lived experience.

The Special Political Court (Extraordinary Court). The Fundamental Statute of the Albanian Republic, in its Article 99, stipulated: “Under no circumstances may extraordinary courts be established to adjudicate specific cases.” However, in December 1925, just one year after it came into force, Ahmet Zogu prepared the draft law titled “Punitive Law for Political Offenses,” which sanctioned the creation of a special political court. This marked a continuation and intensification of Ahmet Zogu’s authoritarian policy, as well as a strong response to the former participants of the June Movement, who had not yet ceased their activities against him. The Legislative Assembly (the joint session of both chambers) convened hastily in December 1925 and, by virtue of its prerogative to amend the Constitution, after much debate, decided to add a supplement to Article 99 of the Statute of the Republic, as follows: “However, only for political offenses, when deemed necessary, a special court may be established by a specific law and for a limited period of time.”³⁰ Thus, the constitutional basis was established for the approval of the punitive law for political offenses. The law was urgently approved by the Chamber of Deputies and subsequently by the Senate. There was considerable debate over the creation of this Extraordinary Court. Moreover, Deputy Eshref Frashëri requested that his objection be officially recorded in the minutes. The law limited its own applicability to a fixed period of five years. However, in reality, the Extraordinary Court continued its activity throughout the entire period of the Republic (1925–1928) and the Monarchy (1928–1939), undergoing several amendments and additions through special supplementary laws. This court was described as a special body of the Ministry of Internal Affairs and as a symbol of Zog's authoritarian rule³¹.

6. The right to vote

The Fundamental Statute of the Albanian Republic (1925), it contained only a few provisions regarding the age and qualifications of deputies, as well as the representation ratio in relation to the population. This Statute did not

³⁰Official Gazette, No. 5, dated 29.12.1925.

³¹F. Gjilani, *op.cit.*, 132.

provide for electoral principles. This marked a departure from the trend of constitutions of the time, as well as from the Fundamental Statute of the Albanian Kingdom, which came into force three years later, both of which enshrined the main principles of the electoral system. During the Republican period (1925–1928), the main source of electoral law became the law "On the Election of the Chamber of Deputies", approved by the Constituent Assembly on February 23, 1925.³² This law remained in force throughout the entire period of the republic and the monarchy until 1939, supplemented and amended by several other legal acts.

The law "On the Election of the Chamber of Deputies" (1925) was fully based on the previous law "On the Election of the Members of the Constituent Assembly" of 1923, enshrining the same electoral principles and procedures. In fact, during its approval in the Constituent Assembly, the 1923 law served as a draft for the new law and was submitted to the Constituent Assembly for review. After a discussion on whether the previous law should be reviewed article by article or only the articles that the Commission had decided to amend³³ should be examined, the second option was accepted by majority vote. Thus, the Assembly reviewed only the amendments to the articles of the previous law that had been proposed by the Commission. The influence of the more conservative faction in the Assembly led to the repeal of several articles from the previous law and the minimum age for elected representatives was once again raised from 21 to 30 years. Additionally, changes were made to the representation norm, setting the ratio at 1 deputy for every 15,000 inhabitants and, for any remaining fraction, 1 deputy for every 5,000 inhabitants³⁴. It upheld the principles of general and indirect voting and reaffirmed the principle of universal male suffrage. The indirect voting established by the law was two-tiered. Under this system, the first-level voters elected the second-level voters, who in turn elected the representatives. In the years 1920–1924, there were also voices in Albania advocating for women's right to vote. Stavro Vinjau, viewed women's suffrage as a trend within the broader framework of "*the equalization of women with men.*" "*A small step was attempted this year by the committee drafting the law on voting in the assembly, by granting the right to vote to women who could write, but this was not accepted in parliament.*"³⁵ Thus, these voices remained without significant support. Albanian women voted for the first time after the Second World War.

The Law on the Election of the Chamber of Deputies represents an attempt to embrace and adopt Western electoral legislation, but with significant shortcomings. The use of French terminology alongside Albanian words in legal language could not in any way correct the many ambiguities, which often led to its distortion during practical implementation. The democratic principle of the secrecy of voting was established by law for both the first and the second round of elections. However, the law did not provide any guarantees for its actual implementation in practice, turning it into a merely formal principle. Thus,

³² Official Gazette, March 14, 1925.

³³ *Bisedimet e Kuvendit Kushtetues*, cit., Sessions 86–87.

³⁴ *Ibid.*, Session 34.

³⁵ S. Vinjau, *E drejta Konstitucionale*, Nikaj, Tirana, 1923, 33.

no suitable place was provided where the ballot could be filled out in secrecy; it was merely stated that the ballot could be completed either inside or outside the polling station. Under the country's conditions at the time, voting by ballot lost its secret character. "*One can imagine the accuracy that the application of this method could provide in a country with 90% illiteracy,*" wrote Albert Mousset in 1930.³⁶ This issue had been raised as a debate, which can be considered the most significant debate of the era of pluralist parliamentary life during the years 1920–1924. Voting with written ballots or with pellets? It became a battleground for the opposition in the 1923 parliament, when that year's electoral law was also drafted. This issue continued to be debated in the Constituent Assembly, during the discussions on the amendments for the adoption of the new 1925 law. The deputies raised concerns about the practical implementation of the 1923 electoral law. "*I have examples, gentlemen, where the ballots of 50 voters were filled out by one person, because they themselves were illiterate, and this can lead to abuses,*" said Deputy Lezo during the discussions in the Assembly on the electoral law³⁷.

This issue had also been raised as a problem by the legal literature of the time, despite its limited development. However, the Constituent Assembly quickly passed the few amendments made to the previous 1923 law and did not attempt to introduce any improvements. Thus, it became possible for one of the most important and democratic principles of electoral law to be rendered meaningless in the practice of parliamentary elections in Albania at that time. The law on the election of the Chamber of Deputies remained in force throughout the republic and the monarchy (1925–1939), undergoing only minor changes.

The indirect voting for the election of the First Parliament of the First Republic was held in April–May of that year. The first-level voters began voting on April 17, while the second-level voters cast their votes a month later, on May 17. Compared to the elections previously held, a striking calm was observed throughout the country, and the candidates proposed by the government won without any difficulty. "... In the absence of the main opposition leaders who were in exile, it was not to be expected that some nobody would dare to challenge the seats held by the government's supporters³⁸.

7. Conclusion

The Albanian Republic (1925–28) was a transitional and short-lived period that introduced certain specific characteristics in the organization and division of powers. It was proclaimed as a parliamentary republic headed by a president, who also served simultaneously as the head of the ministerial body. For the first and only time, it established a bicameral Parliament elected through an indirect voting system with significant restrictions. Although it enshrined the independence of the judiciary, it failed to complete the organization of independent courts. In historical literature, it has been characterized as a parliamentary-presidential republic that ultimately served

³⁶ A. Mousset, *L'Albanie devant l'Europe (1912–1929)*, Paris, 1930.

³⁷ *Bisedimet e Kuvendit Kushtetues, op. cit.*, Session 86.

³⁸ J. Swire, *Albania. The rise of a Kingdom* London, 1929, 8/1.

to strengthen the power of the President, who, just three and a half years later, was proclaimed king.

Aurela Anastasi
Faculty of Law
University of Tirana
Academy of Sciences of the Republic of Albania
aurela.anastasi@fdut.edu.al

