

# The Albanian form of State, from national independence to the 1925 Constitution

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**Abstract:** *La struttura dello Stato albanese, dall'indipendenza nazionale alla Costituzione del 1925* – Albania, which had been part of the European territories of the Ottoman Empire since the 15th century, gained independence on November 28, 1912, when prominent nationalist activists, led by Ismail Qemali, severed ties with the empire. In February 1914, the European powers established the Principality of Albania under the rule of the German-born Prince Wilhelm von Wied. Prince Wied's reign began during a period of instability. Due to persistent political factionalism and the challenges posed by World War I, Prince Wied resigned after six months, leading to the principality's collapse. The period between Albania's declaration of independence and the start of World War II was considered to be characterized by a rapid succession of historical and legal changes. This tumultuous context helps explain why the nation's founders appear to have struggled to establish a stable governmental structure. As a result, the initial institutions often failed to live up to the constitutional ideals they were intended to embody. As we commemorate the centenary of the first Albanian national constitution of 1925, keeping in mind the conditions, circumstances, and prevailing ideologies that shaped this important legal and political milestone in Albanian history, it is important to emphasize that it represents a crucial legal development with a significant impact on the country's legal history.

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## 1. Introduction

Following the recognition of Albania's independence by the major European powers, a consensus emerged in favor of a monarchy. The 1914 Statute, a sort of constitution sanctioned by the International Control Commission in Albania, established the newly formed Albanian State as a constitutional kingdom under King Wilhelm von Wied.<sup>1</sup> He was appointed by the London Conference, with the participation of Great Britain, France, Russia, Germany, Austria-Hungary, as well as Italy. While this statute may be characterized as constitutional as well as liberal, it was regarded as not democratic and with no formal democratic legitimacy, considering that it was imposed by foreign States, not approved by the national parliament. Notably, although Albania had encountered this foundational legal document, the necessary legal framework for its implementation was

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<sup>1</sup> T. Zavalani, *History of Albania*, London 1950, 189-194.

lacking. As a result, the Vlora Government chose to reinstate the Ottoman Empire's legal system until the Albanian State assembly might approve new laws<sup>2</sup>. The statute granted the King extensive authority as well as control over the Legislative Assembly, thereby limiting the principle of the separation of powers. However, this constitutional arrangement proved short-lived due to internal unrest as well as the outbreak of World War I, which forced King Wied to leave the country.

In 1920, the Statute of Lushnja was adopted, a constitutional act that affirmed the fundamental principles for the functioning of the Albanian State. This statute was amended shortly after, known as an Extended Statute of the Albanian State (1922), which maintained the monarchical form of government as well as explicitly established the separation of the executive, legislative, as well as judicial branches. Both of these statutes established a parliamentary system with a regency council as the head of State as well as government<sup>3</sup>.

The year 1925 marked the proclamation of the Fundamental Statute of the Albanian Republic, the first formal national constitution, entirely drafted by Albanians, although with several western European elements. Modelled after the French Third Republic (1870-1940), the first Albanian republic, despite being declared parliamentary, vested significant power in the President, who served as both, head of State and head of the executive branch (government). In practice, it functioned more as a quasi-presidential republic. Legislative power was assigned to a bicameral parliament, consisting of the Chamber of Deputies and the Senate. This law upheld the separation of powers as well as territorial sovereignty. This Constitution differed from the earlier statutes of Vlora as well as of Lushnja by omitting provisions focused on securing independence as well as territorial defence. Instead, it established a more adaptable as well as predictable distribution of State power among government bodies, aligning only formally with the characteristics of parliamentary systems<sup>4</sup>.

While the system outlined in the statute appeared acceptable in theory, the practical management of power among State organs posed many challenges. As the esteemed Albanian constitutional lawyer at that time astutely observed, "in a country where every person and State institution has demonstrated a tendency to exaggerate in their duties and rights, the power should be distributed among several authorities in order to balance the power...it would likely be dangerous for one to determine the regime forever; ours is a new State, as such it is inevitable to test several State forms... therefore, the regime that shall be determined must be definitive for a certain period of time; if possible, it may be changed by legal means, therefore that uprisings represent not necessary"<sup>5</sup>. This observation proved accurate.

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<sup>2</sup> Quoted in letter no. 142, dated 30.03.1920, from the Minister of Justice to the Prime Minister regarding the necessary legal framework to be adopted, sourced from the Central State Archive.

<sup>3</sup> A. Anastasi, *Institucionet politike dhe e drejta kushtetuese ne Shqiperi (1912-1939)*, Tirana, 1998, 47.

<sup>4</sup> A. Anastasi, *ibid.*

<sup>5</sup> S. Vinjau, *E drejta konstitucionale*, Tirana, 1923, 102.

Three years later, in 1928, the Constituent Assembly declared Albania a democratic constitutional monarchy, simultaneously approving the Fundamental Statute of the Albanian Kingdom. This marked a transition from a republic back to a monarchy, with the same individual assuming the role of king instead of president. This statute formally established the judiciary as an independent branch of government. The legislative body became unicameral<sup>6</sup>, while executive power was regarded as vested in the head of State, the King, as well as the cabinet, led by the prime minister as well as ministers<sup>7</sup>. The fascist invasion of 1939 as well as King Zog's subsequent departure from Albania effectively terminated this constitution. Nevertheless, it survived for 11 years which surpassed all the previous basic laws until the post-war constitution.

Consequently, one could say that during the period between 1913-1939, the newly internationally recognized Albanian State experimented with various forms of government. This experimentation may be attributed to the inherent uncertainty in choosing a model that would likely ensure the State's democratic functioning, considered essential for asserting its independence as well as viability both domestically as well as internationally.

Keeping in mind this intensive time period of several fundamental or basic laws - none of them was longstanding - the 1925 Albanian Constitution warrants significant attention precisely because of these earlier attempts. It represents the first fully democratic constitution, formally adopted by the National Assembly, on January 21, 1925, which abrogated the Monarchy as well as proclaimed Albania *a Republic*. Subsequently, on January 31st, Ahmet Zogu was elected President of the Republic, on March 2nd, the Basic Statute of the Republic of Albania was approved. This constitution was drafted based on contemporary European constitutions of that time, such as French, Italian and Austrian ones. Similar as in the Organic Statute of 1914 as well as in the Statute of Lushnja of 1922, the 1925 constitution included in its preamble the Statement: «The Albanian Nation, free as well as independent, proud for the past as well as with full confidence for the future, in a constitutional assembly, decides this Statute».

The Constitution was divided into four chapters: the *first chapter* comprised 4 Parts (*State organization*, Art. 1-107), the *second chapter* contained regulations *on the State army as well as other matters* (Art. 108-123), the *third chapter* focused *on the human rights of citizens* (Art. 124-139), and the *fourth chapter* consisted of *final and transitory provisions* (Art. 140-142)<sup>8</sup>.

As for Article 1 of the 1925 Constitution, Albania was established as a parliamentary republic, officially named the *Albanian Republic (Republika Shqiptare)*. This solution was not an easy one. There were debates about the form of State, where two major groups defended each its own idea: the Republican Party supported the idea of a republic. The reason was the fact that Albania has had no monarch of its own and no tradition of this kind of government. According to the Republican Party, choosing a monarch would

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<sup>6</sup> Art. 15 ss.

<sup>7</sup> Art. 50 ss.

<sup>8</sup> Constituent Assembly, 1925, *Fundamental Statute of the Albanian Republic*, Tirana, 1925, published in: *Publications of the Council of State*, Vol. 2, Collection of Laws, Tirana, 1938.

have raised questions at least on religion affinity of the monarch (historically there have been always 3 major religion communities in Albania: Muslim, Catholic and Cristian orthodox)<sup>9</sup>. Against these Statements was the parliamentary group of monarchists which supported the idea of a constitutional monarchy as the most well-known form of State in the whole world. Just because a new form of State is there and is being seen as a modern one, it does not mean that it is the best or most democratic, Stated the chairman of the monarchists group<sup>10</sup>. At that time the Albanian State was very young and still not stable because of the unrests related to territorial claims from the neighbour countries and also internal political clashes (right after the failure of the so-called June revolution in 1924, organized by Fan Noli). Although at the end the parliamentary republicanism succeeded to be the form of State, in reality it exhibited characteristics of a presidential republic with strong authoritarian tendencies, as explained below.

## 2. Some Features of Republicanism in the 1925 Constitution

Article 1 of the 1925 Constitution declares the form of State as a Parliamentary Republic with a monocratic Head of State. Sovereignty resided in the people, as well as Article 2 stipulates that the Albanian republic constitutes independent, indivisible, its territory is inviolable. Another significant feature constitutes the absence of an official religion (Article 5/1), which deserves attention given that remnants of Sharia law persisted in the country for some years after independence. However, the Constitution guaranteed freedom of religion for all, provided it is not used for political purposes (Article 5/4).

The legislative branch of the State now comprised two chambers instead of one (Article 7). The Chamber of Deputies represented the population (Article 10), while a smaller Senate (18 members) consisted of one-third appointed by the President of the Republic as well as two-thirds elected by the people (Article 49). The President of the Republic appointed the Senate's chair, a practice inconsistent with the principle of separation of powers in a parliamentary republic, particularly regarding the legislature's internal organization (Article 49/2). The Head of State's significant influence in the legislature constitutes further demonstrated by the provision that, in the event of disagreement between the Chamber of Deputies as well as the Senate, if the Chamber of Deputies maintained its position, the President of the Republic, with the Senate's approval, might dissolve the Chamber of Deputies and call for new elections (Article 56). It would be fair to say that the central characteristic of the new constitution, as well as its most significant departure from its predecessor, was regarded as the enhanced position of the head of State.<sup>11</sup>

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<sup>9</sup> Parliamentary debates on 1926 Constitution, dated 3 April 1924. Declaration of Mr. Poga, Chairman of Republican Party represented in the Assembly.

<sup>10</sup> Declaration of M. Tutulani, Chairman of Monarchists Parliamentary Group, during the parliamentary debates for the adoption of 1925 Constitution.

<sup>11</sup> A. Vorpsi, *Përsiatjet e Këshillit të Shtetit për elaborimin e të drejtave themelore*, in *Këshilli i Shtetit për zhvillimin e së drejtës në Shqipëri*, Tirana Law Faculty, Conference proceedings book, 2022, 136.

The two chambers exercised supreme power jointly when convened as a National Assembly to elect the President of the Republic (Article 69). Thereafter, during the President's seven-year term, the constitution granted the President the role of not merely a ceremonial head of State or representative of national continuity, however also the primary executive authority. The President was regarded as endowed with a degree of independence that centralized power as well as responsibility.<sup>12</sup> While Article 44 States that "*the Chamber of Deputies controls the government*", Article 83 provides that the cabinet, appointed as well as presided over by the President, must appear before the Chamber of Deputies to present its program and request a vote of confidence no later than five days from the date of appointment. Further, if it fails to do so, it shall be considered as not having received a vote of confidence. All these provisions were substantially qualified by Article 77 which stipulated: "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". Consequently, the Chamber's ability to express its confidence in the cabinet appointed by the President was regarded as constrained by the risk of its own dissolution. It raises the question of how such an undemocratic solution might have parallels in contemporary constitutional amendments, alluding to so-called "*overnight constitutional amendments of 2008*" approved by parliamentary majority in order to prohibit any form of control over it, even by its own members!<sup>13</sup>

Furthermore, the Chamber might not be certain that its acquiescence would likely achieve the desired outcome. The constitution remains silent on the procedure to be followed if the Chamber disapproves of individual cabinet members however not the cabinet as a whole. While the constitution creates obstacles for the legislature to intervene in the President's actions, it imposes no such impediments on the President's intervention in the legislature. Article 76 States: "The president of the republic orders the promulgation as well as execution of bills passed by the two chambers. He enjoys the right of veto". The constitution provides no mechanism to override the President's veto. Moreover, except for the conditional right to nominate the governments' members, the constitution does not provide for legislative oversight of the President's appointments in the army, the judiciary, or the administration.

Finally, regarding the legislature's ability to amend the constitution, it provided that on the proposal of the President of the Republic or of the ministers, the two legislative chambers, at separate sittings, could amend the constitution by a majority of two-thirds of each chamber (Article 141). The same is provided for amending the organic laws.

It is obvious that the constitution leans more on the presidential regime, given the power handed to the President of the Republic. So, Article 8 States that executive power is vested exclusively in the president of the republic, who

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<sup>12</sup> A. Vorpsi, *Kreu i shtetit në kërkim të identitetit kushtetues prej një shekulli*, in *100 Anniversary of the Independence of Republic of Albania*, Luarasi Law Faculty, Conference Proceedings book, 2012, 4.

<sup>13</sup> Law no. 9904, dated 21.04.2008 amending Article 104 of the Constitution, as result if a vote of confidence shall succeed, it does not open the road to a possible new prime minister by the same majority, but it leads automatically in the dissolution of the parliament, with the request of the prime minister.

exercises it through ministers. Further, Article 75 foresees that he (the president) directs the State policy, but has no power to declare war or conclude peace without the consent of the Senate and the Chamber of Deputies, except in case of a war of defense! However, the ambiguity of the word "defense" grants the President considerable discretion even in matters of war and peace.

Although nominally a republic, the constitution concentrated significant power in the hands of the President, who wielded authority over the government, the military, as well as, to some extent, the judiciary. This strong centralization paved the way for Zogu's transition from President to King just a few years later, in 1928, when he proclaimed himself King Zog I and Albania suddenly became a constitutional monarchy.<sup>14</sup> Even the explicit constitutional provision prohibiting changes to the republican form of State (Article 141/5) might not prevent the transformation of the formal republic into a monarchy, which is understandable given its practical leanings toward an authoritarian presidential regime.<sup>15</sup>

### 3. Reasons Behind the Short Life of Republicanism

From the Congress of Lushnja in 1920 until Ahmet Zogu's return to power on December 1924, Albania experienced frequent parliamentary as well as governmental crises. These crises stemmed primarily from a political mentality that was regarded as a continuation of Ottoman political thinking, coupled with a lack of experience as well as familiarity with European-style parliamentary culture. Following the failed revolutionary actions led by Fan S. Noli to seize power from Ahmet Zogu, the latter, having secured victory, embarked on Albania's next political experiment: the foundation of a republic.<sup>16</sup> Zogu moved swiftly to eliminate his opponents who had not fled as well as to co-opt those who had remained neutral. The temporary absence of opposition allowed him to form a government more aligned with his political preferences as well as the realities of Albanian political life. By this point, Zogu had encountered substantial evidence suggesting that the democratic parliamentary principality established by the Great Powers in 1912 was regarded as ill-suited to local conditions. This political system failed to lay the foundation for stable internal development, however it also introduced a modified form of party politics to the already concerning levels of domestic violence. With many of his adversaries dead or in exile, Zogu had encountered a unique opportunity to establish an autocratic regime. While he had often declared his intention to do therefore if given the chance, he ultimately exercised qualified authority for several reasons. His limited education led him to believe that Europe would likely react negatively to any form of government that did not appear outwardly representative. He also assumed that attracting bureaucrats who had served the previous regime required demonstrating a degree of restraint in his pursuit of absolute power. Nevertheless, despite these concerns, he recognized that significant changes

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<sup>14</sup> A. Anastasi, *Institucionet politike dhe e drejta kushtetuese në Shqipëri (1912-1939) – Political institutions and constitutional law in Albania 1912-1939*, Tirana, 1998, 49.

<sup>15</sup> M. Vickers, *The Albanians. A Modern History*, London, 1995, 83.

<sup>16</sup> B.J. Fischer, *Fan Noli and the Albanian Revolutions of 1924*, in *22 East Eur. Quarterly* 12 (1988).

to Albania's political structure were necessary for the country to survive and progress<sup>17</sup>.

Zogu proceeded with his characteristic vigour. Aware of the need to legitimize his position after the June revolution led by Noli, he promptly convened a constituent assembly, excluding any significant opposition. This assembly by end of January 1925 had replaced most of the Statutes of Lushnja provisions with a republican constitution that, superficially, resembled the American model. Zogu was elected president for a seven-year term and he should preside over a bicameral legislature. Unlike the American version, the Albanian one concentrated almost all power in the hands of the president. He exercised complete control over the cabinet as well as the senate, which he appointed and dismissed as he saw fit. He commanded the armed forces, controlled the administration, as well as held the sole right to initiate constitutional amendments. He also wielded considerable control over the assembly, possessing an unrestricted veto as well as the right to dissolve the assembly and call for new elections, which he might likely influence as needed. Only the courts enjoyed some degree of independence, although Zogu controlled judicial appointments.<sup>18</sup>

The Basic Statute of 1925 abolished the monarchy, establishing a republic with a president who held significant political, executive, and representative power. The transition from a Parliamentary Republic to a Parliamentary Kingdom was regarded as driven by personal ambition of Ahmet Zogu. However, this transition was regarded as not straightforward, carefully prepared according to the legal and political spheres, primarily because Ahmet Zogu was not the heir to any royal throne. As President of the Republic, Zogu focused on improving Albania's internal affairs. He initiated a series of reforms aimed at enhancing economic conditions, developing infrastructure, as well as improving relations with neighbouring Balkan States. Additionally, Zogu oversaw the creation of the Albanian National Bank with great help of Italian investors who control 51% of the bank's capital<sup>19</sup>.

During Zogu's first two years as president, discontent with his rule continued to grow among a substantial portion of the Albanian population, though it rarely manifested as an opposition. Historians who have studied the first Albanian Republic characterize Zogu's presidency as a police State that employed oppression, violence, as well as censorship to consolidate his power as well as maintain the illusion of stability<sup>20</sup>.

Although overt political activity was regarded as largely suppressed, occasional serious revolts, often fuelled by agitation from Zogu's exiled enemies (supported by foreign powers) as well as the resistance of northern factions to central authority, continued to pose significant challenges to Zogu. These revolts further convinced him that the republic, despite its authoritarian nature, required modification. He believed that greater stability might only be achieved through a monarchy with himself as king, a form of government that had encountered intrigued him since childhood. In an

<sup>17</sup> B.J. Fischer, *King Zog and the Struggle for Stability in Albania*, London, 2005, 47.

<sup>18</sup> R. Busch-Zantner, *Albanien. Neues Land im Imperium*, Leipzig, 1939, 151.

<sup>19</sup> Source: Bank of Albania, *A Brief History of Central Banking in Albania* [www.bankofalbania.org/About\\_the\\_Bank/Brief\\_history\\_of\\_Bank\\_of\\_Albania/](http://www.bankofalbania.org/About_the_Bank/Brief_history_of_Bank_of_Albania/)

<sup>20</sup> B.J. Fischer, *King Zog and the Struggle for Stability in Albania*, *op. cit.*, 47.

interview with a German newspaper, he revealed that as a young man, he developed a particular interest in the careers of Julius Caesar as well as Napoleon, whom he admired in part for their role in bringing about political change<sup>21</sup>. To justify the change to foreign powers, something he was less concerned towards Albanian public opinion, Zogu argued that Albania needed a stable government that would likely encourage the people to work towards building a State on a solid foundation. He contended that only a crown, representing a permanent authority and transcending the conflicts of personal interests as well as political groups, might provide the necessary continuity and stability.

Zogu's primary concern was securing Italian support for the transition, as Italian funds were supporting his opponents. Zogu agreed to a series of military, political, as well as economic pacts that required him to cede much of Albania's economic and some of its political independence<sup>22</sup>. However, Zogu assumed that he might later outmanoeuvre the Italians. In exchange, the Italians pledged to support the establishment of a monarchy, provide further loans to Zogu, withdraw support from his enemies, as well as guarantee the political status quo in Albania<sup>23</sup>. Zogu also sought support from other interested States, still believing that the international community was regarded as deeply interested in Albania's internal affairs. The change was faced with limited enthusiasm or even general indifference in Europe. Only Mustafa Kemal of Turkey reportedly objected, asking, "What's going on in Albania? Are they performing an operetta?"<sup>24</sup>

On August 25, 1928, the Constitutional Assembly convened to revise the Basic Statute of 1925 and proclaim a Parliamentary Monarchy instead of the Republican system of government. The main legal obstacle was the provision in the Basic Statute of the Republic (1925) stating that the republican form of the State cannot be changed in any way. To amend this article, the Head of the Republic (Ahmet Zogu) requested a meeting of both chambers of parliament (Senate as well as Chamber of Deputies) on June 1, 1928, citing the need to address shortcomings in the Basic Statute.

Finally, just six days after the opening of the Constitutional Assembly, on September 1, 1928, the Assembly approved Article 1 of the new Statute of the Albanian State, declaring Albania a "democratic parliamentary as well as hereditary Kingdom with Ahmet Zogu as King of Albanians". Thus, the ruling party, through the Constitutional Assembly achieved its objective: the abolition of the republican system of government, the approval of the Basic Statute of the Albanian Kingdom, and the establishment of the Parliamentary Monarchy. Following the amendment of the Statute, it entered into force as the fundamental Statute of the Albanian Kingdom until the occupation of Albania by Italy on April 7, 1939, when the First Albanian Monarchy was regarded as ultimately dissolved.

Once again, Zogu's personal ambitions appear to have aligned with the country's best interests. In becoming king, Zogu demonstrated the strength to implement a significant change despite public apathy as well as the wisdom

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<sup>21</sup> *Ibidem*, 89.

<sup>22</sup> M. Vickers, *The Albanians: A Modern History*, London, 1999, 107–109.

<sup>23</sup> L. Ahmetaj, *Italy's Financial Expansion in Albania: National Bank of Albania and SVEA (1925–1939)*, in *13th International Conference of ASECU Proceedings*, 2016, 74.

<sup>24</sup> R. Elsie, *Historical Dictionary of Albania*, Lanham, 2010, 481.

to choose a moment when the internal situation as favourable and external complications were unlikely. He deserves credit for the change itself, as it was arguably a prudent move.<sup>25</sup> An Albanian republic was regarded as somewhat anomalous, whereas a monarchy, with its associated pomp and ceremony, might be more readily understood by a population accustomed to allegiance to chieftains or pashas. The argument that a throne conveys permanence and continuity, qualities particularly desirable for a country like Albania, which had been plagued by internal strife and external rivalries, cannot be dismissed. While it is true that tribal allegiance to Zogu was regarded as highly personal, the establishment of the monarchy afforded the king time to either reform the attitudes of the chieftains or diminish their influence. Nevertheless, the creation of the monarchy, according to its supporters, represented a step towards greater stability allegedly<sup>26</sup>.

#### 4. Conclusions

As demonstrated, the 1925 Albanian Constitution represents one of the many experiments that characterized the post-independence period of the new State leading up to World War II. The frequent changes in the form of State, often driven by the leadership's desire to prolong power as well as tenure, partially explain the persistent instability in governance as well as the delayed establishment of robust institutions until after World War II. The rapid transitions within a few years from a Principality to a Parliamentary Republic, then to a Presidential Republic, and finally to a Monarchy, clearly illustrate the indecision of the leadership in selecting a modern yet appropriate State form for the Albanian people. This constitutes further evidenced by the adoption of State-building elements from other European countries (France, Italy, Austria), which, despite their origins, inevitably acquired characteristics specific to Albania. Ultimately, a contemporary constitutional text alone is not considered sufficient to guarantee the separation of powers as well as the rule of law, regardless of a country's chosen form of State or governance<sup>27</sup>.

The Constitution of 1925 is noteworthy for two principal reasons. *First*, it mirrored a broader constitutional tendency observed in various European countries during that period, namely, the formal amplification of legislative powers, even when such powers were limited in practice. *Second*, it illustrates a deeper constitutional dilemma: autocratic governance can emerge not only through openly undemocratic structures, such as a hereditary monarchy (a model unfamiliar to Albanian political tradition), but also under the appearance of democratic legality<sup>28</sup>. A constitution, no matter how democratic

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<sup>25</sup> S. Skendi, *The Political Evolution of Albania 1912-1944*, in Mid-European Studies Center of the National Committee for a Free Europe, Mimeographed Series, 1954, 3, as cited in: B.J. Fischer, *King Zog and the Struggle for Stability in Albania*, New York, 1984, 27.

<sup>26</sup> Declaration of M. Tutulani, Chairman of Monarchists Parliamentary Group, during the parliamentary debates for the adoption of 1925 Constitution.

<sup>27</sup> A. Vorpsi, *Përsiatjet e Këshillit të Shtetit për elaborimin e të drejtave themelore - Reflections of the Council of State on the Elaboration of Fundamental Rights*, in *Këshilli i Shtetit për zhvillimin e së drejtës në Shqipëri - The Council of State and the Development of Law in Albania*. Tirana Law Faculty. Conference proceedings book 2022, 136.

<sup>28</sup> E.B. Christie, *The New Albanian Constitution*, in 20(1) *Am. Pol. Sc. Rev.* 120-123 (1926).

in form, offers no guarantee against authoritarian outcomes, if it lacks effective institutional constraints. In this context, a dominant presidency, when left unchecked by parliamentary or judicial mechanisms, becomes inherently problematic. History provides evidence that the abandonment of checks and balances in favour of executive centralization leads to the erosion of democratic order and often to enduring institutional instability<sup>29</sup>.

Beyond its immediate political context, the 1925 Constitution constitutes a testament to the Albanian people's struggle for self-determination, as well as their efforts to forge a modern national identity by building their own democratic State, by its own people. It marked a departure from foreign-imposed legal frameworks towards attempts to define the new Albanian State on its own terms, reflecting the aspirations and challenges of a new-born State.

Finally, it is crucial to recognize that the 1925 Constitution, despite its short lifespan as well as practical limitations, left a lasting legacy on Albanian constitutional development. It introduced key concepts that would likely continue to shape future debates about governance, rights, as well as the relationship between the State and its citizens. Its importance lies not only in what it achieved, but also in what it aspired to achieve, serving as a point of reference in Albania's ongoing journey towards a stable democratic constitutional order<sup>30</sup>.

In essence, the 1925 Constitution embodies the complex interplay of progress and regression in Albania's early State-building. It represents a step forward in asserting Albanian State in defining its own legal framework, moving beyond externally imposed structures. It also introduced key modern constitutional concepts, such as the separation of powers as well as the articulation of citizens' rights, which laid the groundwork for future legal developments. However, it simultaneously reveals the fragility of these ideals in the face of political ambition and the challenges of establishing robust democratic norms in a society with limited experience in self-governance. The 1925 Constitution serves as a valuable case study in the broader challenges of post-independence State formation, highlighting the crucial importance of not only constitutional design, but also the development of a strong political culture that upholds democratic principles as well as institutions.

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<sup>29</sup> A. Vorpsi, *The Margin of Appreciation of the Albanian Constitutional Court on the Constitutionality of Emergency Decrees of Executive Power*, in R. Arnold, J.I. Martinez-Estay (Eds.), *Rule of Law, Human Rights and Judicial Control of Power. Some Reflections from National and International Law*, Cham, 2017, 266.

<sup>30</sup> A. Vorpsi, *Jurisprudenca kushtetuese dhe kultura kushtetuese - Ndikimi i ndërsjellë në demokracitë liberale* (Constitutional jurisprudence and constitutional culture – Mutual impact in liberal democracies) in Conference Proceedings Book: *Roli i Gjykatave Kushtetuese në zhvillimin e së drejtës* (Role of the Constitutional Courts in legal developments), Tirana Law Faculty, 2022, 92.