

The Creation and the Function of Popular Assembly in Constitution of 1950

Irvin Faniko

PhD, Scientific Research Center, Academy of Police

Abstract

Because of the emigration phenomenon, from the '90s of the last century, the small country of Balkans, Albania, is under scrutiny of public opinion. Students of University in the early '90s start the protest which in a few months brought down the Communist regime of Ramiz Alia. To understand better and fully the institutional system of Albania, it is necessary to analyze the legal way of historical evolution, especially in light of the importance of juridical institutions which covers the actual structure of the Constitution. Specially we need to have in mind the evolution of the historical constitutional of this country, to understand the new democratic challenges of the actual political life.

Keywords: assambly, parliament, evolution, structure

1. Introduction

Historic Moments of the Socialist Constitution Birth in 1950

With this paper, we will analyze the Constitution of the Popular Republic of 1950 in Albania, and especially the birth of juridical history.

This Constitution of 1950, started the socialist era in Albania, and for this socialist historical moment the next one was in 1976, when the Republic changed the nomination in Socialist Popular Republic. The similarity of them is the state sovereignty, which derives from the Popular Assembly. In that time it was the supreme institution of the state. But there are some changes and they are connected with the integration of the communist ideology which started the elimination of human rights and in the other side there was the consolidation of the Popular assembly and also the head of the communist party.

In the first constitution, it was only determined the government form, which was temporary with the aim of liberating the state from any foreign invasion.

In 8 November 1941, was created the communist party of Albania and Hoxha was elected the one of the seven members of the Temporary Central Committee.

Albanian's people, supported by the invasion of Italians to Greece and later from invasion of Germany to Brss¹ and from the fact that the fascist did not change the economic situation in that period decided to not capitulate without a war.

With the coming of the fascism, the poverty was increased despite the reduction in unemployment and because the fascist government favored the feudal class in the country. In 16 September 1942 was the Peza Conference, in continuous victories against fascism army. In this conference participate all the political branches of the country like the Communist Party, and Balli Kombetar etc. In this Conference they decided that the people's organization was nominated The Antifascist National Liberation Council, composed by a popular army and where later also participated in Italian soldiers.

The National Union Council was the supreme institution of the movement. The first official act was the liberation of the city of Skrapar.

¹ Soviet Union

In the first national conference, which was held in March 1943, Hoxha was officially elected General Secretary of the Communist Party¹.

To direct Albania on the road to the Socialist Hoxha, thanks to the National Liberation Army, started a new face of battles.

2. The Creation of the People's Republic of 1946

Albania was declared People's Republic in March 1946 by the Constitutional Assembly, which also named Hoxha Prime Minister.

Happened in this historical period the declaration of the People's Republic of Albania², the confiscation of the invasions and the country's collaborators properties. The second empire of the Constitution declared Albania as the People's Republic: "*The State of Labor and the Farmers*".

The Constitution of the People's Republic was formulated in 1946 and was approved after four years in 4 July 1950 in Tirana.

The communist ideology begins to show in the first amendment especially in the third³ and fourth⁴ amendment, which declares against the fascist and the give the sovereignty to the labors.

In the third amendment that determines the rules of the People's Council, we can clearly see that the role of the dictatorship of the proletariat⁵, formed from '*city labors and the farmers*'. The People's Council is the structure of the proletarian state.

In fact, the People's Council was born before the people's organizations of the war against fascism⁶, and were transformed as organizational group into proletarian sovereignty, and later with the end of the war and the revolution were changed into state organizations.

3. The Rule of the Popular Assembly in 1950 Constitution

Taking example from the structure of the political institutional chinese state, more from the soviet federation, the institution of the assembly, is chosen from the Albanian Democratic Front lists. This was only the organization of the Labor Party of Albania as a *super partes* institution and stands at the top of the state structure of the pyramid and decides for every problem in the political life of the country as the highest organs of the state which represent the popular sovereignty, as was determined in article 41 of the Constitution. The Article 44 decides that: "*The Popular Assembly is chosen from all peoples in the electoral zones in proportion to one member of the parliament to ten thousand people*". For most of all in the first people's assembly from 121 members of the parliament, three of the members were women's.

The equal between men's and women's was shown in the article 17 first chapter of the Constitution, where is said: '*the women are equal to the man in any aspect of private, political and social life*'.

The members of the Assembly had the parliament immunity and their mandate was for four years. The assembly was gathered in to two full sections in a year.

At the head of the popular assembly was the Presidium which had the duty of coordinating the people's assembly and the function of the Constitutional Court, and this last one was not determined by the Constitution. The institution of the Presidium was formed by the President, three vice presidents, one secretary and ten members (Article 57).

¹ In may 1944 the antifascist congress of Përmet has nominated Hoxha the President of Antifascist National Liberation Committee.

² Look at the characteristics of the totalitar state at Pasquino G., *Corso di scienza politica, Il Mulino, Bologna 1997, pp 220-228.*

³ Article 3 of the Constitution: "*The political base of the Peoples republic of Albania are the peoples council created in the natinal liberatin war against the fascism with reaction and determination for the historic victory of this war and along the born the socialst classes*".

⁴ Article 4 of the Constitution: "*The sovrantiy in People republic of Albania is given to all the labours of the city and the country, rapresentet by the people's councils*".

⁵ See Marx K. e Engels F., *Manifesto del partito comunista, pp 39-55.*

⁶ See Biagini A., *op. cit., p. 139.*

These duties were not fixed, but renewed in any of the People's Assemblies (Article 59) but their decision over the legitimacy of the constitutional law, as for Article 58 of the Constitution, had to be approved by People assembly which had approved the law by themselves.

4. Conclusions

Albania had a troubled history and it has moved from the status of the Ottoman Empire, which has ended in 1912, until the total isolation of Hoxha communist regime. This isolated character along with the ignorant highlands typology of the country along with the early character of the autochthon population, has made Albania as one continues isolated country. One country between the borders that has created lots of curiosity in the scientific community, so also different types of anthropology's studies.

Has been missing in particular organic studies on the constitutional right, and because lately has been proves against it.

References

- [1] Abdiu, F, *Për Kushtetutën, ligjin dhe drejtësinë* (Publishing House Arbri, Tirana 2002)
- [2] Astrit, A, *Në ditët e Shtetit pa pushtet* (Publishing House Dardania, Tirana 1998)
- [3] Folco Biagini, A, *Storia dell'Albania contemporanea* (Publishing House Tascadili Bompiani, Milan 2005) 4th edition
- [4] Gambino, L, *Brani di classici del pensiero politico* (Publishing Giappichelli, Torino 2007) 2nd edition
- [5] Marx, K and Engels, F, *Manifesto del partito comunista* (London 1848)
- [6] Motta, G, *I turchi, il Mediterraneo e l'Europa* (Milano 1998)
- [7] Omari, L and Luarasi, A, *Historia e shtetit dhe e së drejtës në Shqipëri* (Publishing House Luarasi, Tirana 2001)
- [8] Onida, V, *La Costituzione* (Publishing House Il Mulino, Bologna 2007)
- [9] Tesauro, G, *Diritto comunitario* (Publishing CEDAM, Padua 2005) 4th edition