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Citations:

Bluebook 20th ed.
English text of the original Constitution of 1946 39 (1946) Title II: Social and Economic Measures

ALWD 6th ed.

Chicago 7th ed.
, "Title II: Social and Economic Measures," Constitution of the People's Republic of Albania : 39-40

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"Title II: Social and Economic Measures." Constitution of the People's Republic of Albania, , , p. 39-40. HeinOnline.

OSCOLA 4th ed.
, 'Title II: Social and Economic Measures' 39

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CONSTITUTION

of the

PEOPLE'S REPUBLIC OF ALBANIA¹

March 15, 1946

PART ONE

FUNDAMENTAL LAWS

TITLE I

The People's Republic of Albania

Art. 1. Albania is a people's republic in which all powers are derived from and belong to the people.

Art. 2. In the People's Republic of Albania, the people rule by means of various representative organs of state, namely, the people's councils which came into existence during the struggle for national liberation against fascism and reaction and which represent the greatest victory of the large masses of the Albanian people.

These organs are freely elected by the people from the local councils to the People's Convention.

Art. 3. All the representative organs of the State are elected by the citizens by free elections, and by universal, equal, direct, and secret ballot.

In all organs of the State, the representatives of the people are responsible to their constituents.

The constituents have the right to recall their representatives at any time. The exercise of this right is to be regulated by a special law.

Art. 4. All the organs of the State exercise their functions according to this Constitution, and according to laws and regulations passed by the high organs of State.

All activities of the administrative organs of the State and courts must be based on law.

TITLE II

Social and Economic Measures

Art. 5. In the People's Republic of Albania, the means of production comprise all the wealth of the people owned by the State, the co-operative organizations of the people, and private individuals, whether real or legal entities.

The wealth of the people includes mines and all other sub-surface resources, as well as waterways, natural wealth, forests, pasture land, airways, postal service, telegraphs, telephones, radio stations, and banks.

Foreign trade is under the control of the State.

¹Promulgated by the presidium of the Constituent Assembly on March 15, 1946. This translation, published by the Committee for the Defense of Albania, was kindly provided by the Pan-Albanian Federation of America, Vatra.

Art. 6. In order to protect the vital interests of the people and to improve the standard of living and in order to exploit all the economic forces, the State undertakes to direct the economic life and development by an overall planned economy. The State, by controlling its economy and the co-operatives, exercises a general control over private economy as well.

The State, in order to carry out the general economic plan, relies on the trade unions of the working men and civil servants, the co-operatives of the peasants, and other organizations of the laboring masses.

Art. 7. The State regulates and directs by law the use of the collective wealth of the people. The collective wealth of the people is especially favored by the State.

Art. 8. The State is especially interested in the co-operative movement of the people which it favors and assists.

Art. 9. Private property and private initiative are guaranteed by the State. Private inheritance is guaranteed. Nobody may use private property to the detriment of the public.

Private property may be limited, and when the general welfare of the community calls for it, it may be expropriated by a law, which shall provide in each case what the amount of compensation shall be to the owner.

Likewise other branches of economy or enterprises may also be nationalized whenever the interest of the people demands or requires it.

Monopolies, trusts, cartels, etc., created for the purpose of imposing prices and monopolizing markets to the detriment of national economy, are prohibited.

Art. 10. The land belongs to those who till it. The conditions under which an institution or a person can own land which they do not cultivate shall be established by law.

Large estates may under no circumstances be owned by private individuals.

The maximum amount of land that may be owned individually is determined by law.

The State especially favors and protects the small and middle peasants by its economic policy, by means of credit, and by its taxation system.

Art. 11. The State, by means of economic and other measures, encourages the working classes to unite and organize themselves against economic exploitation.

The State protects the workers by guaranteeing them the right to organize, by limiting their hours of work, and by establishing minimum wages. The State supports the workers by means of social security laws and vacations with pay at the expense of the employers.

The State especially protects minors by regulating their employment.

TITLE III

Rights and Duties of Citizens

Art. 12. All citizens are equal before the law. They must obey the Constitution and all laws of the land.

No privilege because of family, position in life, wealth, or cultural level is recognized.

Art. 13. All citizens are equal regardless of nationality, race, or religion. Any act which grants privileges or takes away rights from any citizen because of nationality, race, or religion is unconstitutional and

carries with it punishments as provided by law. It is unconstitutional and punishable by law to stir up hatred and dissension among nationalities, races, or religions.

Art. 14. All citizens who have reached the age of eighteen are eligible to elect and be elected in all organs of state, regardless of sex, nationality, race, creed, cultural level, or residence.

Members of the armed forces also have these rights.

The right to vote is universal, equal, direct, and secret.

The right to vote is forfeited by those who have been disqualified by law.

Art. 15. Women are equal to men in all walks of life, private, political, or social.

Women shall receive the same pay as men for the same work. And women have similar rights with regard to social security.

The government especially protects the interests of mothers and young children, by assuring vacations with pay before and after childbirth and also by building maternity hospitals and nurseries.

Art. 16. Freedom of conscience and religion is guaranteed to all citizens.

The church is separated from the State.

Religious communities are free to exercise and practice their creeds.

It is forbidden to use the church and religion for political purposes.

Likewise, political organizations based on religion are also forbidden.

The State may assist religious communities materially.

Art. 17. Marriage and family are protected by the State. The legal conditions of marriage and family are fixed by law.

Legal marriages can be performed only by competent representatives of the government. After celebrating a civil marriage, a citizen may celebrate a religious marriage according to the rules of his creed.

The courts of the State only are competent to determine all questions concerning marriage.

Parents have the same obligations toward their illegitimate children as to those born in wedlock. Illegitimate children have the same rights as those born in wedlock.

Art. 18. Freedom of speech, freedom of press, freedom of organization, freedom of assembly and of public demonstration, are guaranteed to all citizens.

Art. 19. Personal inviolability is guaranteed to all citizens. Nobody can be arrested for more than three days without a court warrant or without the approval of the district attorney.

No person shall be punished for a crime without the decision of a competent judge in conformity with the law which defines the crime and the competence of the court.

No punishment shall be determined and inflicted except as prescribed by law.

No person shall be punished without a hearing or without being summoned to defend himself according to law, except in a case where his absence is legally established.

The administrative organs of the State may give jail sentences for common law misdemeanors as prescribed by law.

No citizens may be exiled or interned within the State except as prescribed by law.

The People's Republic of Albania protects the rights of its citizens in foreign lands.

Art. 20. A home cannot be violated.

No person can enter a house and search it against the wishes of the owner, except when he holds a court order in his hands.

No search can be made except in the presence of two witnesses. The owner of the house also has a right to be present.

Art. 21. The secrecy of mail and other correspondence cannot be violated except in cases of criminal investigations, military mobilization, or state of war.

Art. 22. In the People's Republic of Albania work is a privilege and a duty.

Every citizen has a right to be paid according to his work and to receive from society as much as he gives to it.

All citizens have a right to be employed in government work according to specific regulations laid down by law.

Citizens appointed or elected to public office are bound to perform their duties conscientiously.

Art. 24. It is the duty of the State adequately to support disabled soldiers at public expense and to enable them to resume their work. The State shall support the families of those who died in battle and of all war victims.

Art. 25. The State takes care of the health of the people by organizing and controlling health service, hospitals, and sanatoriums.

Art. 26. The State takes care of the physical education of the people, especially that of the youth, with a view to improving health and increasing the capacity of the people for work and the defense of the State.

Art. 27. Freedom of scientific and artistic work is guaranteed. The State promotes science and the arts in such a way as to further the culture and welfare of the public.

The rights of authors are protected by law.

Art. 28. In order to raise the cultural level, the State gives to all classes of people every chance to attend schools and other cultural institutions.

The State is particularly interested in the education of youth.

Minors are protected by law.

The schools belong to the State. Private schools can be opened only by special permission. All their activities are supervised by the State. Elementary education is free and obligatory.

Schools are separated from the church.

Art. 29. Citizens have the right to petition state organs for redress of wrongs.

Citizens have the right to complain against any illegal or irregular decision of an administrative organ of the State.

Art. 30. Every citizen can complain in competent courts against officials who have acted unjustly in the discharge of their duty.

Art. 31. Citizens are entitled to seek from the State, or from an official, compensation for damages incurred as a result of illegal or irregular punishment.

Art. 32. Defense of the country is the highest duty and greatest privilege of any citizen.

Treachery against the people is the greatest crime.

Military service is obligatory for all citizens.

Art. 33. Every citizen must pay taxes according to his income.

The State fixes taxes, and exemption from the same is determined by law.

Art. 34. Citizens cannot use the rights given them by this Constitution in order to change the constitutional régime of the People's Republic of Albania in an undemocratic manner. Any act of this kind is illegal and carries with it punishment as prescribed by law.

Art. 35. In the People's Republic of Albania, national minorities enjoy all the rights enjoyed by other citizens as well as freedom to use their own language and develop their own culture.

Art. 36. The People's Republic of Albania gives the right of refuge to citizens of other countries who are persecuted for their activities in behalf of democracy, national liberation, rights of the workers, or scientific and cultural freedom.

PART TWO

STATE ORGANIZATIONS

TITLE I

Highest Organs of the State

(a) People's Convention

Art. 37. The People's Convention (parliament) is the highest organ of the State of the People's Republic of Albania.

Art. 38. The People's Convention maintains the sovereignty of the nation and State, and exercises all the sovereign rights under the Constitution with the exception of those rights which the Constitution itself has assigned to the presidium of the People's Convention or to the government.

Art. 39. Legislative powers are exercised only by the People's Convention.

Art. 40. The People's Convention is elected by all the citizens, with one representative for every twenty thousand people.

Art. 41. The People's Convention is elected for four years.

Art. 42. At the beginning of each session, the People's Convention elects a president, vice-president, and secretary. The president presides over the meetings according to the rules of procedure.

Art. 43. The People's Convention is called by a decree of the presidium in ordinary and extraordinary sessions.

Ordinary sessions meet twice annually, March 15 and October 15. If the People's Convention is not called on these two dates, it will meet on its own initiative and without a decree of the presidium.

Extraordinary sessions of the People's Convention are called when the presidium deems it necessary or when one-third of the members request its convocation.

Art. 44. The People's Convention makes its own rules of procedure.

Art. 45. No bill can become a law until it is passed by the relative majority in a session when the majority of its members take part.

Art. 46. Laws become effective fifteen days after they are promulgated in the official journal, except when it is designated otherwise in the law itself.

Art. 47. The People's Convention appoints various committees for specific purposes.

The People's Convention appoints a committee to examine the credentials of the people's representatives in its first session.

Upon recommendation of this committee the People's Convention approves or rejects the credentials of the people's representatives.

Art. 48. The People's Convention may investigate matters of general interest through special committees.

All organs of the State must give facts and information when these committees demand it.

Art. 49. All members of the People's Convention enjoy parliamentary immunity.

Members of the People's Convention and of the presidium cannot be arrested or prosecuted without the approval of the People's Convention, except in case of *flagrante delicto*.

Art. 50. In case of war or similar emergency, the People's Convention may convene longer than its normal term so long as the emergency exists.

The People's Convention may also shorten its term.

Art. 51. The date for new parliamentary elections must be fixed before the convention dissolves.

The interval between the day of dissolution of the People's Convention and the day of the new elections must not exceed three months nor be less than two months.

Art. 52. The Constitution can be changed or amended only by the People's Convention.

Bills for changes or amendments in the Constitution may be proposed by the presidium, the government, or by two-fifths of the members of the People's Convention.

Changes or amendments to the Constitution must be passed by an absolute majority of the members of the Convention.

(b) The Presidium of the People's Convention

Art. 53. The People's Convention elects its own presidium, which shall consist of a president, two vice-presidents, a secretary, and seven members.

Art. 54. The presidium of the People's Convention has the following duties:

- (1) It calls the People's Convention.
- (2) It designates the elections for the People's Convention.
- (3) It makes authentic interpretations as to the constitutionality of the laws. These interpretations are then submitted to the People's Convention for approval.
- (4) It makes authentic interpretations of the laws and issues decrees.
- (5) It promulgates the laws passed by the Convention.
- (6) It exercises the right of pardon in accordance with the prescriptions of the law.
- (7) It awards decorations and honorary titles upon recommendations of the Prime Minister.
- (8) It ratifies international treaties, except when it considers it necessary for ratification to be made by the People's Convention.
- (9) It appoints and recalls envoys extraordinary and ministers plenipotentiary to foreign countries upon recommendation of the government.
- (10) It accepts credentials and letters of recall from foreign diplomats.

(11) It proclaims general mobilization and declares war in case of armed aggression against the People's Republic of Albania between sessions of the People's Convention; in case of urgent necessity, it fulfills international obligations of the Republic to the international peace organizations or allied nations.

(12) It appoints and dismisses ministers between sessions of the People's Convention upon recommendation of the Prime Minister.

(13) It appoints assistant ministers upon recommendation of the Prime Minister.

(14) It creates commissions within the government and designates their chairmen upon recommendation of the Prime Minister.

(15) It assigns duties to a ministry or to a government commission.

(16) On the basis of decisions made by the People's Convention or upon recommendation of the government, it submits various questions to a popular referendum.

The decrees of the presidium of the People's Convention are signed by the president and by the secretary.

Art. 55. The presidium of the People's Convention is responsible for its activities to the People's Convention. The Convention may revoke its presidium and replace it by another; it may dismiss some members and replace them by others before their terms expire.

Art. 56. When the People's Convention is dissolved, the presidium continues in power until another People's Convention elects a new presidium.

The presidium convokes the People's Convention within one month after its election.

TITLE II

Administrative Organs of the State

Art. 57. The government is the highest executive and administrative organ of the People's Republic of Albania.

The government is appointed and dismissed by the People's Convention.

The government is responsible to the People's Convention and must account to it for its activities. Between sessions of the People's Convention, the government is responsible to the presidium of the Convention before which it must render full account of its activities.

Art. 58. The government performs its duties according to the Constitution and the laws. The government issues the decrees necessary for carrying out laws on the basis of a special authorization; it gives binding instructions for the execution of laws.

Orders, decrees, instructions, and decisions of the government must be signed by the Prime Minister and the minister in charge of the department concerned.

Art. 59. The government directs and co-ordinates the functioning of the ministries, committees, and all other institutions which come under its jurisdiction.

The government outlines the economic plan of the State, submits the annual budget to the People's Convention for its approval, and supervises its execution; directs the credit and monetary systems; takes all necessary measures to uphold the Constitution and the rights of all citizens; directs all military forces; keeps in touch with foreign governments; carries out treaties with foreign countries and other international obligations; sub-

mits bills prepared by the government and by various ministries to the People's Convention; decides on how ministries and other government institutions shall be organized; and creates committees to execute economic, cultural, and defensive measures on a national scale.

Art. 60. The government is composed of the Prime Minister, the deputy prime minister, the ministers, the chairman of the committee for economic planning, and the chairman of the committee of control.

The members of the government take the oath of office before the presidium of the People's Convention.

Art. 61. The Prime Minister represents the government, presides over all meetings, and directs all the activities of the government.

Art. 62. The members of the government head the various administrative departments of the State.

The cabinet may have also ministers without portfolio.

Art. 63. Members of the government are held criminally responsible for the violation of the Constitution or any other law in the performance of their duties.

They are also responsible for any damage they may cause the State by acting contrary to law.

The exact responsibilities of members of the government will be stated in a special law.

Art. 64. Ministers and government committees are authorized to issue orders, regulations, and instructions relating to laws and decrees of the government.

Each minister supervises the execution of the governmental laws, decrees, and instructions in his own department and is held responsible for their execution in his particular administrative branch.

Art. 65. The various ministries of the government are:

- (1) Ministry of foreign affairs
- (2) Ministry of the interior
- (3) Ministry of national defense
- (4) Ministry of justice
- (5) Ministry of finance
- (6) Ministry of education
- (7) Ministry of economy
- (8) Ministry of agriculture and forestry
- (9) Ministry of public works
- (10) Ministry of health

Art. 66. The government may appoint a special council of ministers to deal with questions of national economy and defense.

The decree by which this council is appointed shall determine its organization and scope.

TITLE III

Organs of the Local Governmental Units

Art. 67. The people's councils are the governmental units in rural districts, communes, subprefectures, and prefectures.

The people's councils are elected directly by the people: those of the rural districts for two years and those of the communes, subprefectures, and prefectures for three years.

The people's councils of the communes, subprefectures, and prefectures hold regular meetings according to special regulations.

Art. 68. The people's councils direct their own administrative affairs, are responsible for economic and cultural matters within their jurisdiction, maintain order, see that the laws are carried out, uphold the rights of citizens, and pass local budgets.

The people's councils make decisions within their own jurisdiction in conformity with the Constitution and the laws, decrees, and ordinances of high departments of government.

Art. 69. In the exercise of their local functions, the people's councils must co-operate with the people as well as the workers' organizations, and they should be inspired by their initiative.

Art. 70. With the exception of the rural districts, the executive committees elected by the people's councils are the executive and administrative organs of these councils.

The executive committee is composed of a chairman, a secretary, and members.

Art. 71. In the rural districts the executive body of the people's council is composed of one chairman and one secretary.

Art. 72. The people's council of the rural district calls a convention to which it gives an account of its activities.

The rights and duties of the local convention are defined by law.

Art. 73. The executive organs of the people's council depend on the people's council and also on the executive and administrative organs of the State.

Art. 74. The people's councils may create special offices and sections to direct various administrative affairs.

The activities of these offices or subdivisions are directed by the executive committee and are under the jurisdiction of the people's council as well as the respective higher councils and ministries concerned.

TITLE IV

Courts and Department of the Attorney General

(a) Courts

Art. 75. The judicial organs of the People's Republic of Albania are: the Supreme Court, the people's courts of the prefectures and subprefectures, and the military courts.

Special courts may be created by law for specific questions.

Art. 76. The courts give their decisions in the name of the people.

The courts are independent in the exercise of their own functions. They are separated from all the administrative branches of government. Their decisions cannot be altered except by higher courts.

The higher courts are empowered within the law to control lower courts.

The ministry of justice directs and controls all matters of judicial administration and organization.

Art. 77. The courts try cases according to law.

Art. 78. In principle, court sessions are open to the public.

Art. 79. In principle, the decisions of the courts are given for the entire bench. The judicial personnel of the subprefectures and prefectures sitting as a court of original jurisdiction is composed of permanent judges and juries, both of whom have equal rights.

Penal verdicts of more than ten years cannot be given by a court of original jurisdiction but only by a court of the prefecture or by a higher court.

Art. 80. The official language in all courts is Albanian.

Any citizen who does not know Albanian may use his own language through an interpreter.

Art. 81. The Supreme Court is elected for four years by the People's Convention of the Republic and by secret ballot.

The courts of the prefectures are elected for three years by the people's councils of the prefecture and by secret ballot.

The judges of the subprefectures are also elected for three years by the people's councils of the subprefecture and by secret ballot.

A person may be elected judge many times.

The manner of election to all courts will be defined by law.

Art. 82. The Supreme Court is the highest judicial body of the People's Republic of Albania.

The Supreme Court can arbitrate any conflict of jurisdiction between the civil and military courts as well as between courts and any other bodies.

Cases in which the Supreme Court acts as a court of original or secondary jurisdiction will be defined by law.

Art. 83. The Supreme Court passes on the legality of all court decisions of the Republic.

Only the district attorney may exercise an appeal against a summary decision of the courts. The decision given on such an appeal has no effect on the cause tried except when the law provides otherwise.

(b) Department of the Attorney General

Art. 84. The department of the attorney general is the organ of the People's Convention which supervises the execution of the law by the ministries and other administrative bodies as well as by all public officials and citizens.

Art. 85. The attorney general of the People's Republic of Albania and his assistants are appointed by the People's Convention.

District attorneys of the prefectures and subprefectures are appointed by the Attorney General.

Art. 86. All district attorneys are independent of the local governmental units and are responsible only to the Attorney General, from whom they receive orders and instructions.

Art. 87. District attorneys are authorized to initiate penal actions and also to exercise the right of appeal as well as the right to intervene during a judicial or administrative trial. District attorneys can exercise the right of appeal against summary decisions of the courts and other administrative organs when such decisions are illegal.

Art. 88. The district attorney of the military courts of the national army of the People's Republic of Albania and other military attorneys are appointed by the commander-in-chief of the armed forces of the Republic.

TITLE V

Relation between the Executive and Administrative Departments

Art. 89. The presidium of the People's Convention may annul or suspend decrees, instructions, and decisions of the government when they are unconstitutional and illegal.

The government may annul or suspend decrees, ordinances, instructions, and decisions of ministers when they are contrary to the laws, decrees, instructions, and decisions of the government.

Art. 90. The presidium of the People's Convention and the higher people's councils may suspend any illegal or irregular act of the lower people's councils.

The government or the ministers may annul or suspend any illegal or irregular act of the executive committees. The higher executive committees have the same right over the lower executive committees.

The people's councils may annul or suspend any illegal or irregular act of their own executive committees.

The government and the executive committees of the higher people's councils may suspend the execution of every illegal or irregular act of the lower people's councils or may propose the annulment of such acts.

Art. 91. The Presidium of the People's Convention and the higher people's councils may dissolve the lower people's councils and authorize new elections. Likewise they may suspend executive committees of the lower people's councils and order elections of new executive committees.

TITLE VI

The National Army

Art. 92. The national army is the armed force of the People's Republic of Albania. Its duty is to defend the independence of the State and the freedom of the people.

The army defends the frontiers of the State and guarantees internal peace and security.

Art. 93. The supreme commander of the armed forces of the People's Republic of Albania is appointed by the People's Convention.

The supreme commander directs all the armed forces of the People's Republic of Albania.

PART THREE

The Seal, Flag, and Capital City

Art. 94. The seal of the People's Republic of Albania depicts a field enclosed by two sheaves of wheat. The sheaves are tied at the bottom with a ribbon on which is written the date, May 24, 1944.

Between the tips of the ears of wheat there is a red pentagonal star. In the center of the field is a black double-headed eagle.

Art. 95. The official flag of the People's Republic of Albania has a red field, in the center of which is a black double-headed eagle. Over the eagle is a pentagonal star, embroidered in gold. The length and breadth of the flag is one by one and forty.

Art. 96. The capital city of the People's Republic of Albania is Tirana.

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