

The role of political parties in the constitutional order in Albania

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Abstract

One of the main problems of Albania since the overthrow of the communist dictatorship and the beginning of the transition in 1991 has been the consolidation of a functional constitutional democracy. Having a functional and applicable constitutional order by all institutions and mechanisms has been a significant challenge for Albania. Political parties are one of these mechanisms or vital elements in maintaining and improving the constitutional order in Albania.

In democratic regimes, political parties continue to be the most important bridge between the state and the mass of society. Political parties are the institutions that hold the position of a political leader in society, and democratic states cannot survive if they do not have political parties that fulfill their functions in consolidating, preserving, and improving democracy. The object of this study will be political parties in Albania and their role in the consolidation or not of the constitutional order during the period of democratic transition. In this study, the three main parties in Albania are taken as case studies, namely the Socialist Party of Albania, the Democratic Party of Albania, and the Socialist Movement for Integration.

Key words: *constitutional order, political parties, constitutional provisions, democracy, consolidation.*

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Introduction

Since the overthrow of the totalitarian communist regime and the introduction of a multi-party democratic system in 1991, the political history of Albania has been marked by numerous challenges and problems. The democratic system in Albania remains fragile and has not been consolidated for three decades now, since the time when multi-party elections were held for the first time in Albania on March 31, 1991. Therefore, having a functional and applicable constitutional order from all mechanisms, institutions, and parties has been one of the most critical challenges for Albania. This has also resulted from the fact that the Constitution of the Republic of Albania was approved and entered into force only in 1998, that is, several years after Albania had started its democratic transition.

In the framework of achieving a functional and applicable constitutional framework, political parties play a key and almost irreplaceable role. And this, because, in democratic systems, political parties continue to be the main connecting bridge between the state and the masses of society. The main object of our study will be the role of political parties in Albania in improving and consolidating the constitutional order. Through this paper, the constitutional provisions for political parties in Albania will be analyzed, and a conclusion will be reached as to how political parties fulfill their role in the constitutional order. The constitutional provisions that are studied here for the role of political parties in the Constitution of Albania are: *the participation in the formation of the political will of the people in all areas of public life; the ensuring of political competition; and participation in general and local elections; the inspiring of masses for active participation in public life; the organization and functioning of political parties based on intra-party democracy; the maintaining and implementation of the role of mass representatives*. By studying the applicability of these constitutional provisions from the three main parties (the Socialist Party, the Democratic Party, and the Socialist Movement for Integration, which are taken as case studies), we will understand whether or not the political parties in Albania fulfill their role in the constitutional order.

Methodology of the study

Through this paper, the author of the papers aims to analyze and explain the relationship that exists between political parties in Albania and the constitutional order in the Republic of Albania. The study explores the constitutional definitions for political parties in Albania as well whether political parties do fulfill their role

in the constitutional order. For this purpose, in this paper, we use the interpretive methodology to study, review and interpret the literature. The paper is mainly based on secondary data obtained from verified reports issued by national or international institutions, organizations, and media.

The study goes through the following main steps:

- Literature research on parties and constitutional order.
- Research: collection and selection of various documents, reports, and studies of international and national organizations;
- Research: collection and selection of legal documents, such as the Constitution of the Republic of Albania, the Law on Political Parties, or the Code of Conduct of Albanian Political Parties etc.
- Collection and selection of statistical data related to the internal organization of political parties, their bodies, party structures, constitutional order, and official sources of domestic and international data.

The objectives of this study are to highlight the constitutional provisions for Political Parties in the Constitution of Albania, to analyze the role of political parties in the constitutional order in Albania, and to study how political parties fulfill their role in the constitutional order in Albania. The study hypothesizes that *if the political parties in Albania do not function according to the constitutional provisions, they do not fulfill their role within the constitutional order.*

In the following section (III), we will briefly discuss the birth of constitutional orders and political parties in the world, where some of the main theories and concepts existing in the field literature will be presented. Then, section IV presents a brief history of the birth of political parties in Albania, explaining the five stages through which the history of political parties and the party system has evolved. Finally, section V is dedicated to the case study of the three main political parties (the Socialist Party, the Democratic Party, and the Socialist Integration Movement) in Albania, where the applicability or not of the constitutional provisions of these parties in the Albanian political environment will be analyzed and explained.

The advent of constitutional orders in the world

Constitutionalism

One of the most interesting fields of study in political philosophy is the explanation of the reasons for the birth and development of the modern state. One of the main theories regarding the inception of the state since ancient times is the Social

Contract, which also introduces the idea of the emergence of constitutional order (constitutionalism) for the first time in literature.

Constitutionalism is the idea, often associated with the political theories of John Locke and the founders of the American republic, that government can and should be legally limited in its powers. Its authority or legitimacy depends on compliance with these limitations (Stanford Encyclopedia of Philosophy, 2022). The early beginnings of constitutional orders (constitutionalism) start with Social Contract Theory. Regarding this theory, several philosophers have tried to explain the social contract, its necessity, and justification. Among these philosophers are Thomas Hobbes, John Locke, Rousseau, and John Rawls. In his book “Polyarchy,” Robert Dahl expresses that modern constitutionalism is based on two main principles:

- Representative government, which enables citizens to participate in public affairs and hold their governments accountable.
- Protection of rights, especially due process, freedom of speech, and religious tolerance, through which citizens are safeguarded from abuses of power (Dahl, 1971).

These principles of “representative governance and the protection of rights can be expressed in terms of inclusion and contestation” (Dahl, 1971: 4), notions that have gradually expanded and deepened over time. Majority rule, meaning free and fair elections that result in the election of candidates voted by the majority of the electors, judicial independence, the existence of political parties as main mechanisms for channeling and translating public expression into policies and a strong constitutional culture are seen as main features of constitutionalism (Tushnet and Bugarcic, 2022).

Theories of Social Contract

Social contract theories, almost as old as modern political philosophy itself, is the view that people’s moral and/or political obligations depend on a contract or agreement between them to form the society in which they live. “The term “social contract” refers to the idea that the state exists only to serve the will of the people, who are the source of all political power enjoyed by the state. The people can choose to give or withhold this power. The idea of the social contract is one of the foundations of the American political system” (Kelly, 2019). However, social contract theory is rightly associated with modern moral and political theory and is given its first full exposition and defence by Thomas Hobbes. After Hobbes, John Locke and Jean-Jacques Rousseau are the best-known proponents of this enormously influential theory, which has been one of the most dominant theories



within moral and political theory throughout the history of the modern West (Internet Encyclopaedia of Philosophy IEP).

Hobbes's political theory is best understood in his theory of human motivation and the social contract, which is based on a hypothetical state of nature. As for human nature, Hobbes has elaborated in his book "Leviathan", that macro-human behaviour is basically the totality of micro-behaviours, even when some behaviours are invisible to us. From Hobbes' point of view, we are essentially very complicated organic machines, responding to the stimuli of the world mechanistically and in accordance with universal laws of human nature (Internet Encyclopedia of Philosophy IEP). In addition, Hobbes further explains human nature, stating that "All men follow only that which they perceive to be in their best interest. All men pursue only what they perceive to be in their own individually considered best interests – they respond mechanistically by being drawn to that which they desire and repelled by that to which they are averse (...)" Everything we do is motivated solely by the desire to better our own situations, and satisfy as many of our own, individually considered desires as possible. We are infinitely appetitive and only genuinely concerned with our own selves." (Internet Encyclopedia of Philosophy IEP; Hobbes [1651] 2005).

Based on his perception of human nature, Hobbes builds a compelling argument as to why human beings should be willing to submit themselves to political authority. He does this by imagining persons in a situation prior to the establishment of society, in the State of Nature (Internet Encyclopedia of Philosophy IEP). Hobbes states that "[t]he justification for political obligation is this: given that men are naturally self-interested, yet they are rational, they will choose to submit to the authority of a Sovereign in order to be able to live in a civil society, which is conducive to their own interests" (p. 165). The first and most important law of nature commands that each man is willing to pursue peace when others are willing to do the same, all the while retaining the right to continue to pursue war when others do not pursue peace. This is made possible with the help of the Social Contract which allows them to have a life other than that available to them in the State of Nature" (Internet Encyclopedia of Philosophy IEP). This contract, according to Thomas Hobbes consists of two distinct points:

1. First, they must agree to establish society by collectively and reciprocally renouncing the rights they had against one another in the State of Nature.
2. Second, they must imbue some one person or assembly of persons with the authority and power to enforce the initial contract. (Internet Encyclopedia of Philosophy IEP).

In other words, to escape the State of Nature, individuals must agree to live together under common laws and establish a system to enforce those laws. The

sovereign, who has the authority to punish those who breach the social contract, plays a crucial role in ensuring cooperation and creating a functioning society. Although living under the authority of a sovereign may be harsh, it is considered preferable to the chaotic and unpredictable nature of the State of Nature. According to Hobbes “the Social Contract is the most fundamental source of all that is good and that which we depend upon to live well. Our choice is either to abide by the terms of the contract, or return to the State of Nature, which Hobbes argues no reasonable person could possibly prefer (Internet Encyclopedia of Philosophy IEP).

Constitution, Constitutionality, and Constitutional Order

The Constitution always remains a source of inspiration for scholars, who delve into its drafting history and the philosophy that underlies it. This interest stems from the fact that one can find almost everything within its content. As the autobiography of power relations, both tangible and intangible, within every human group, the Constitution represents the biography written at the moment of its inception. Constitutions are crafted during or after periods of turmoil, and as such, they often bear the imprints of past fears, which are deemed the best advisors in the process of constitution-making. They are formulated based on negative experiences, with the aim of preventing the recurrence of those experiences (Bala, 2014).

The Constitution defines the principles upon which the rule of law is constructed, and any subsequent laws or regulations must align with these constitutional principles. It serves as the primary law or legal act of a country, with all state laws and regulations being subject to its provisions. In some countries, the Constitution is also referred to as the fundamental law or the basic statute. Typically, the Constitution outlines the nature of the state, delineates the responsibilities of its governing bodies, and provides a framework for other state laws. In most democratic and authoritarian countries alike, the Constitution incorporates a charter of human rights and freedoms, which must not be violated by the state’s institutions or by other laws enacted by the legislative body (Sajó & Uitz, 2017). Another definition of the Constitution pertains to its regulation of the relationships between the document, the state, the legal system, and the citizens (Anastasi & Omari, 2017).

Constitutionality

According to Bala (2014), constitutionality is used in various ways. Firstly, according to Bala, this term signifies an essential constitutional principle in both the formal and political sense. The term “constitutionalism” has been used throughout human



history to encompass the entire movement for constitutionalism, the adoption of a written Constitution, and the limitation of incumbent powers (Bala, 2014). Constitutionality in the positive-legal sense entails ensuring the alignment of all legal acts with the Constitution. This aspect is based on the concept of “legal hierarchy,” which involves harmonizing all lower acts with higher ones. The positive legal definition aligns with the formal meaning of the Constitution.

Constitutional Order

Establish a state with a consolidated democracy, simply drafting a constitution is insufficient. The consolidation of democracy extends beyond a mere written constitution. A state with a consolidated democracy necessitates the presence of both a constitution and a functional constitutional order in its environment. However, what exactly does “constitutional order” mean? According to Ghai (2010), constitutional order refers to a fundamental commitment to constitutional norms and procedures, which are demonstrated through behaviour, practice, and the adoption of norms. The International Institute for Democracy and Electoral Assistance provides a more comprehensive explanation of this concept. According to IDEA (2014), the constitutional order encompasses more than just a constitutional text. Drafting the constitutional text is merely a small part of the challenge involved in establishing a constitutional order within a country. Establishing a democratic constitutional order is a complex and long-term process. According to IDEA (2014), this process may include customs, conventions, norms, traditions, administrative structures, party systems, and judicial decisions that are integral to the practical functioning of the Constitution.

The establishment of political parties in Albania

Political parties are an essential and irreplaceable institution for the implementation of democracy, serving as the foundation upon which political pluralism is built and functions. They play a crucial role in the representative and legitimizing processes, acting as constitutional subjects with high civic mobility and leadership skills. Furthermore, political parties significantly influence the shaping and democratic functioning of society and the state. Through their political programs, candidates, electoral competition, and active participation, they contribute to fulfilling the constitutional principle of governance based on a system of free, equal, periodic, and general elections. Additionally, parties provide alternatives and offer diverse solutions to the problems faced by citizens, society, and the state (Hofmeister, 2022).

The history of political parties and the party system in Albania

The first period began with the formation of the state and the representation system, spanning from 1920 to 1924. It commenced with the creation of the first parliamentary institution in 1920. The initial historical phase of political parties differed significantly from the party models seen today. According to Afrim Krasniqi (2017), political parties were more like associations of individuals united by a political viewpoint or project, rather than institutions with stable organization, elected structures, and regular party activities.

The second period occurred from 1925 to 1939 and was characterized by a state government without political parties. During this time, Albania transitioned from a republican system to a monarchy. Political organizations were prohibited by law, and only individuals participated in elections. This approach aimed to establish stability rather than a functioning democracy.

The third phase in the history of political parties and the party system in Albania took place from 1939 to 1944 and involved the existence of war parties. Albania was occupied by Nazi-fascist forces during this period, but some political organizations still operated in the country. The political movements during this time gave rise to several parties dominated by military organizations and agendas (Krasniqi, 2017: 86).

The fourth stage marks one of the most crucial periods in Albania's political life. From 1944 to 1990, the country experienced a government with a single party, known as the one-party system. This system prevailed throughout all aspects of social and state organizations, with a single dominant party.

The fifth and final phase encompasses the establishment and functioning of political pluralism, starting from 1990 until the present day. With the introduction of political pluralism, the foundations for democracy were laid. This period is characterized by a democratic multiparty system, with approximately 126 political parties being formed and allowed to engage in political activities (Bugajski, 2002; Krasniqi, 2009; Kajsiu, 2014; Xhaferaj, 2018: 21, 22).

The main political parties in Albania

Several parties have served as political subjects in the party system, but three have been the main parties of the Albanian political background in the 31 years of political transition. These are the Socialist Party of Albania, the Democratic Party, and the Socialist Movement for Integration (Xhaferaj, 2018: 22; Xhaferaj, 2014). Since these three parties will constitute our case studies, we will briefly explain the history of their creation, organization, and operation in the Albanian political landscape.

Socialist Party of Albania

The Socialist Party of Albania is currently the governing party in Albania. It was born in 1991 after the Party of Labor of Albania merger. The leader of this political force is Edi Rama. This party was initially founded in 1941 under the name of the Communist Party of Albania, and in 1948 it changed its name to the Labor Party of Albania. At the PPSH (Labor Party of Albania) Congress in 1991, a decision was made to change the party's name from the Labor Party of Albania to the Socialist Party of Albania. The Socialist Party was in opposition from 1992 to 1997.

The Socialist Party remains the largest party in the country. This party has governed the country during the years 1991, 1997-2005, and from 2013 to date. The SP is a party with a social base, with liberal attitudes towards the communist past, with support for the older age groups and the new generation (Krasniqi, 2017). The Socialist Party of Albania is the most important one on the left spectrum in Albania and has the highest number of members (Krasniqi, 2017). Its dominant figures are the former president Fatos Nano between 1991-2005 and the current prime minister of Albania, Edi Rama, from 2005 to date.

Democratic Party of Albania

The Democratic Party is a center-right political party in Albania. The Democratic Party was the leading party in the governing coalition after the elections of 28 June 2009. However, after losing the 2013 elections, it switched to the opposition.

The Democratic Party (PD) is the country's second-largest party. This party governed the country between 1992-1997 and 2005-2013 (Xhaferaj, 2012). PD was the first democratic opposition in Albania, it was the first citizen-based party, critical of the communist past, supportive of the middle age group, and considered a center-right party (Krasniqi, 2017). This reflects the conservative ideology this party followed in its first years in the country's party system. The Democratic Party is the most important party of the right and the only competitive party of the Socialist Party (Krasniqi, 2017). This party was the first party with functional democracy (the beginning of the 90s), a process which slowed down in the following years, where it reached the peaks of conflicts within it during the years 2019-2021-2022.

Socialist Movement for Integration

The Socialist Movement for Integration is Albania's third main political party. The party's full name is "Levizja Socialiste per Integrim", and the LSI initials are used in the symbol, flag, seal, and all official documents of this party. This party was created in 2004. Ilir Meta was the chairman of LSI since its foundation, but after being elected the President of Albania, Petrit Vasili was elected as the head of the

party in April 2017. After the results of the elections of June 25, 2017, after the resignation of the chairman Petrit Vasili, who proposed a change of the party's leadership, proposing Monika Kryemadhi as chairman. This party was created as a faction of the Socialist Party of Albania in 2004. LSI is a party of the left spectrum, with a solid organization, especially in some districts. There is no difference in her program with the SP. Its success is conditioning the majority and entering the government with two major parties (Krasniqi, 2017).

Enforcement of constitutional provisions by political parties in Albania: the case study of Socialist Party, Democratic Party and Socialist Movement for Integration

Constitutional and Legal Definitions for Political Parties in Albania

In a governing system with constitutional democracy, political parties have an extraordinary political role in the preservation and development of the constitutional order of that country. Ylli Bufi has stated that “the existence of political parties is vital for the functioning of democracy” (Hofmeister, 2022; van Biezen, 2004). In the Constitution of the Republic of Albania, Article 9 states that:

- Political parties are created freely. Their organization must comply with democratic principles.
- Political parties and other organizations whose programs and activities are based on totalitarian methods, which incite and support racial, religious, regional, or ethnic hatred, which use violence to seize power or to influence state policy, as well as those of a secret character, are prohibited by law.
- The financial resources of the parties, as well as their expenses, are always made public.

Based on the list of tasks that Political Parties have in maintaining and developing the constitutional order, we will study how many political parties in Albania implement or perform these tasks and whether political parties fulfil their role within the constitutional order in Albania. Some of the constitutional obligations for political parties in Albania are:

- Participate in the formation of the people's political will in all areas of public life (Article 2, Law on Political Parties).
- Ensure political competition and participation in general and local elections (Article 2, Law on Political Parties).

- Ensure accountability and transparency.
- Inspire active participation in public life (Article 2, Law on Political Parties).
- They inform the general public with accurate information, avoiding fictitious data, and influence the formation of public opinion and political education (Article 2(c), Law on Political Parties).
- Draft political agendas.
- Establish a connection between the governed and those who govern.
- Promote and encourage measures for public involvement.
- Bear political responsibility.
- Organization and functioning based on democratic principles within the party.
- Increase the credibility of leading institutions.
- Nominate candidates for public positions.
- Organization as public institutions, not private ones.
- Maintain and fulfill the role of representing the masses.
- Carry out public activities.
- Organization in accordance with constitutional provisions.

Political parties participate in the formation of the political will of the people in all areas of public life

David Roberts (2017) contends that political will exists when a sufficient set of decision-makers, with a common understanding of a problem assigned to the formal agenda, commits to supporting a commonly perceived, potentially effective political solution. Like in any other sphere of life, including politics, the concept of “distribution of preferences” exists, which relates to who wants what. This concept becomes even more evident in the ambitions and desires of political parties. Each political party in Albania knows well what it wants. The problem is that their narrow interests often hinder the achievement of political will in Albania. As Çullhaj comments “[i]n Albania, the Constitution somehow is not considered a set of shared values and norms, thus ignoring its axiological content concerning the processes of democratic consolidation” (2021, p.69). Let’s consider some specific cases where the lack of political will has caused problems in maintaining the constitutional order in Albania.

First Case:

According to auditors of European Union funds, “the lack of political will hindered the reform of justice in Albania.” An audit of the funds that the European Union invested in the Western Balkans for strengthening the rule of law concluded that the millions of euros had a limited effect in this direction due to the lack of political

will for reforms in these countries (Bayer, 2022). Regarding Albania, the report notes that positive developments supported by EU funds were impeded by a lack of political will, resulting in limited success in advancing key reforms (Bayer, 2022). “EU support for the rule of law in the Western Balkans [including Albania] has clearly not been successful in bringing about comprehensive change,” says Juhan Parts, a member of the court’s audit group, in the critical report (Bayer, 2022).

Second Case:

In June 2011, Voice of America published the report “The lack of political will is hindering the fight against corruption” by the well-known organization “Transparency International,” which monitors corruption worldwide. This report criticizes Albania for the lack of reforms in the justice system, political interference in the appointment of public sector employees, and the lack of a professional and independent administration in the parliament (VOA, 2011). According to this report, the Albanian Parliament has been unable to approve a series of important reforms due to the opposition’s boycott (VoA, 2011).

Ensuring political competition and participation in general and local elections

Article No. 2, point C of the Law on Political Parties states that: “Political parties participate in the formation of the people’s political will in all areas of public life and mainly through participation in general and local elections.” Therefore, one of the constitutional obligations of political parties in Albania is to participate in general or central elections and local government elections. However, we have often witnessed in Albania that parties in the opposition have “threatened” not to participate in the elections, even though they were registered as political entities and exercised the function of the opposition. In 2019, local elections were held in Albania for mayors and municipal councils in the 61 municipalities. These were the first elections where the opposition parties did not participate. According to the OSCE/ODIHR final report, “The local elections of June 30 were held without much consideration for the interests of the electorate. The opposition decided not to participate, while the government was determined to hold the elections without the opposition. In a climate of deadlock and political polarization, voters did not have the opportunity to choose between several policy options. In a total of 31 out of 61 municipalities, mayoral candidates ran unopposed” (OSCE/ODIHR, 2019).

The two opposition political forces at the time, namely the “Democratic Party of Albania,” together with the other coalition party, the “Socialist Movement for Integration,” decided not to field their candidates for the local elections of June 30, 2019. This resulted in a lack of open political competition for the local elections,



clearly indicating a violation of the constitutional provisions regarding the role of political parties in the constitutional order in Albania.

Inspiration of the mass for active participation in public life

Another role that political parties have in the constitutional order in Albania is inspiring the masses for active participation in public life. Active mass participation in public life means that different groups of individuals, interest groups, and organized groups, in various forms, actively participate in the country's public life.

One indicator that determines whether political parties promote participation in political life is the number of members in political parties. Political parties have experienced significant losses in their membership, indicating that they no longer inspire the masses to be active in political life. People's trust in political parties has largely been eroded. Another indicator that provides an overview of citizen participation in political life is voter turnout. Unfortunately, the number of citizens who abstain from voting in elections for central or local government has significantly increased. According to the Central Election Commission, in the 2019 elections, only 22.96% of the electorate participated, with 811,727 voters out of 3,536,016 eligible voters in the country (OSCE, 2019). Similarly, in the 2021 elections, out of the 3,588,869 eligible voters, only 1,662,274 cast their votes, accounting for 46.33% of the total (OSCE, 2021). Both statistics clearly demonstrate a considerable portion of the electorate abstaining from voting. This trend is primarily attributed to the failure of political parties in Albania to inspire and mobilize the electorate based on specific programs and ideologies. Instead, they rely on targeted clientelist incentives (Sqapi, 2022; Sqapi, 2020; Xhaferaj, 2018), which has led to a gradual loss of credibility in political parties over time (Çullhaj, 2019).

Another telling indicator of political parties no longer inspiring the masses to engage in political participation is the high number of Albanian citizens emigrating from the country in recent years. Disillusioned by the political situation, many Albanians have fled the country in search of better opportunities abroad.

Philosopher Jean-Paul Sartre once said, "the most difficult war is the war within the species." This expression by Sartre aptly reflects the state of internal democracy within political parties in Albania. The lack of internal party democracy in Albania is evident in several elements, including:

- Institutionalism of different factions or the allowance of different opinions within the party.
- Authoritarianism of the party leader.
- Limited or fictitious race for party leadership.

In Albanian political parties, being a member with a different opinion from the party majority or, more specifically, differing from the party leader, often leads to expulsion from the party. The internal distribution of power is done in favour to the leader of the party enhancing thus his power over the party (Xhaferaj, 2018, pp. 89-92). An example of this occurred within the Socialist Party when Ilir Meta, the former leader of the Socialist Movement for Integration (a faction that split from the SP in 2004), expressed opposing attitudes and opinions to Fatos Nano, who was the chairman of the Socialist Party at that time. Ilir Meta openly expressed dissatisfaction with the party's leadership. However, the Socialist Party leadership, under Fatos Nano, did not respond to the requests for new elections within the party and retained Nano as chairman. In this situation, Mr. Meta left the SP and founded the Socialist Movement for Integration.

Another case within the Socialist Party is the 2016 incident. In 2016, former member of the SP, Ben Blushi, openly spoke about the statutory violations committed by the party's chairman, Edi Rama. Blushi, along with his supporters and other Socialist Party members, signed a letter addressed to the Chairman of the Commission of Statutory Guarantees of the SP. The signatories expressed their dissatisfaction with the leadership of the SP. Unfortunately, despite Blushi's efforts, the Socialist Party did not accept the requests made by Blushi's group and reaffirmed Edi Rama as the party leader without holding internal elections. Consequently, Ben Blushi and his supporters split from the Socialist Party and founded the Libra Party.

The situation at the Democratic Party is very much the same. The foundations of internal democracy within the Democratic Party, which had already been tested multiple times in the '90s, faced another challenge in 2015. Two months after the initial failure in the local elections of 2015 under the leadership of Lulzim Basha, the first voices of dissent against him and his leadership began to emerge. Jozefina Topalli and Eduart Selami were among the initial proponents of these dissenting voices within the DP. The fragmentation of the party followed in the subsequent years. The crisis within the Democratic Party deepened even further when Lulzim Basha expelled the former historic leader of the DP, Sali Berisha, from the party's parliamentary group. Following the declaration of Sali Berisha as non-grata by the United States of America, Chairman Lulzim Basha expelled Berisha from the parliamentary group of the DP. This moment paved the way for the DP to splinter into several factions: Basha's supporters, Berisha's supporters, and those who did not align with either camp, proposing alternative solutions. Fatbardh Kadilli, who belonged to the third group, established the new PD forum called the "Democratic Initiative." Kadilli offered an alternative solution that differed from Basha or Berisha. The Democratic Party found itself

divided into rivalling factions, posing the main challenge of internal division with conflicting camps vying for control of the party. Neither side recognizes the legitimacy of the other, further highlighting the party's unwillingness to accept factions and differing opinions.

Maintaining and implementing the role of mass representative

Political parties are formed, organized, and exist primarily with the objective of attaining political power or assuming executive positions. To achieve this goal, they register as electoral entities and participate in both general and local elections. They present themselves as representatives of the masses by presenting candidate lists to compete in the elections. However, according to Ylli Bufi (2010), party members and the general electorate increasingly feel that they are not adequately represented in the lists of political parties in Albania (Xhaferaj 2018, p.103). The lists are dominated by individuals who were previously unknown for their public involvement, attempting to portray themselves as ordinary people when they are not. Some even boast about having no connection to politics. Even if they are elected, they fail to gain popularity among the electorate.

In essence, this demonstrates that their connection with the electorate is almost non-existent, and this is not a coincidental occurrence. Party leaders include individuals on the party lists who have no affiliation with the electoral district in which they are competing. But, for representation to hold meaning, it is essential for a political candidate seeking election from a particular electorate to originate from that electorate. Only a candidate who is familiar with the concerns and challenges of their electorate can be a worthy representative.

Furthermore, non-participation in elections serves as an indicator of a lack of representation. For instance, the Democratic Party and the Socialist Movement for Integration failed to fulfil one of the constitutional and legal provisions for political parties when they chose not to compete in the 2019 local elections. When Democratic Party and the Socialist Movement Integration decided to escalate their stance by collectively withdrawing from their parliamentary mandates acquired in the 2017 elections, they withdraw their representation for the electorate that voted and supported them. Although the law allows for individual representatives to withdraw from their mandates, it does not anticipate such collective actions by political parties. Consequently, through the withdrawal of their parliamentary mandates, the Albanian opposition in 2019 left their constituents without representation in the Parliament.

Conclusions

The main purpose of this paper was to present a theoretical and analytical overview of the relationship between political parties and constitutional order in Albania. The aim of this study was to provide a comprehensive and clear overview of the effects of this relationship on preserving and improving the constitutional order in Albania. Based on the constitutional provisions for political parties as stipulated in the Constitution of the Republic of Albania, our analysis revealed that the main political parties in Albania, due to the lack of political will and their narrow interests, have failed in their mission to form the political will of the people. When DP and SMI didn't contest in the local elections of 2019, they failed to fulfil the constitutional provision of ensuring political competition and participation in elections. The OSCE/ODIHR (2019) report highlighted the fact that the local elections of 2019 were held with little consideration for the interests of the electorate. As for the third constitutional provision, inspiring the public/people for active participation in public life, we observed that the political parties in Albania do not fare well in this. Two indicators that support this observation are the drastic drop in the number of members in political parties and the very low voter turnout in elections.

Regarding the fourth constitutional provision, we find that the biggest problem of Albania's three main political parties (and not only them) is the lack of organization and their functioning based on internal democracy. Throughout this paper, we have provided various examples that demonstrate how Albanian political parties consistently disregard the democratic norms and principles outlined in the Constitution and the Law of Political Parties. They exhibit authoritarian tendencies in their internal functioning, impeding factions and differences in opinions within their ranks, and conducting limited or fictitious contests for party leadership. Lastly, with respect to the final constitutional provision concerning the maintenance and implementation of the role of mass representation, we have also observed that the three main political parties in Albania fail to fulfil it through their selection of representatives, election boycotts, and withdrawal of parliamentary mandates, leaving their electorate without due representation. Based on these findings, we can conclude that the hypothesis of this study is valid. Political parties in Albania do not fulfil their constitutional role because they do not operate in accordance with the constitutional provisions.



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