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## THE EVOLUTION OF PRESIDENTIAL POWERS IN ALBANIAN CONSTITUTIONS 1991 AND 1998 ACCORDING TO THE FRYE INDEX

DOI: 10.1515/ppsr-2015-0035

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### Abstract:

The article describes the changes in the president's position in Albania over the years, starting with the democratic transition in the early 1990s. The work consists of three elements: (1) theoretical framework about measuring presidential power and institutionalization of the president (2) the Presidential competence index provided by T. Frye (3) the analysis of the reasons for the presidency implementation in Albania. The author considered two Constitutions acts that were valid in a given moment. The paper takes into consideration the analysis of legal (constitutional) factors that influenced the destabilization of political systems emerging in post-communist countries according to Frye Index.

**Keywords:** Constitutions, Albania, presidential system, transformation, Frye Index

## Introduction

The aim of the paper is to indicate the extent of the changes in the scope of presidential power that occurred in Albania during the transformation process. In this work, the author draws attention to the issue of strong political leadership, which is, on the one hand, a tempting solution in the face of charismatic leadership, but on the other it is a very serious threat to the functioning of the emerging political systems.

The above work tries to answer the questions: (1) How did the adoption of the new Constitutions in Albania in 1998 change the position of the president? (2) How does the Frye Index reflect the political changes in Albania after 1997? (3) In what way was the institution of the presidency implemented into Albanian law?

In order to analyse the president's powers, the author will use modified Frye Index (Frye T., 1997). It has to be mentioned that the use of this tool is risky, since it is focused only on constitutional regulations but not on the actual influence capabilities of the presidential institution. Frye distinguished twenty-seven prerogatives of the state taking into account the specific nature of the post-Soviet region. (Frye T., 1997).

Data used in analysis was two constitutions valid in Albania. The first document, analyzed in terms of the position of the President, is the Act of 29 April 1991 Law on the Major Constitutional Provisions (see at: <http://www.constitutionnet.org/vl/item/interim-consti>

tution-albania-1991–1998). The original text covered only basic systemic regulations. It was supposed to be a sign that the law was only temporary. The Constitutional Act of 1991 was amended six times. Important in this context was Act 7558 of April 9, 1992 which clearly extended the powers of the president (Bosiacki A., 1997, p. 15).

The second document, analyzed in terms of the president's position, was the Constitution enacted on 21 October 1998 and approved in the referendum on 22 November of the same year (see at: <http://www.osce.org/albania/41888>). It took place after the resignation of Sali Berisha and after the socialists took power. It was significant in limiting the president's prerogatives to those mentioned explicitly in the Constitution and other acts in conformity with the Constitution (Article 94)

The analysis characteristics should indicate that time frames should be clearly defined. The use of two existing Albanian constitutions additionally specifies the time range of work for 1991–1998. However, the introduction of the institution of the president to Albanian politics began a bit earlier, with a marked increase in the importance of social unrest in Albania after death of Hoxha. On the other hand the analysis of the subsequent constitution should not finish at the time of its adoption, but rather extend to the period of stabilization in the country at the end of 20<sup>th</sup> century and the beginning of the 21<sup>st</sup> century.

## Theoretical Framework

Albania was founded on a few significant works. *Albania From Anarchy to a Balkan Identity* (Vickers, Pettifer 1997) and *The Albanian Question. Reshaping the Balkans* (Pettifer J., Vickers M., 2007) are two significant research papers of Albania's problems during the transformation process. Work of Elez Biberaj (Biberaj E., 1999) also describes the Albanian situation in those times. The first modern Polish work to analyze the history of Albania was by J. Hauziński and J. Leśny (Hauziński J., Leśny J., 1992) The works of T. Czekalski on both history (Czekalski T., et al. 2009, also Czekalski T. 1998) as well as his work about transformation in Albania in the 1990s (Czekalski T., 2003) are invaluable sources of information. More contemporary works of Przemysław Żukiewicz (Żukiewicz 2015) are good examples of analysis of the Albanian political situation.

So far many papers dealing with issues related to the presidential system have appeared. It is possible for Elgie (Elgie, 2005) to designate at least three different stages of the presidential debate. The first stage is related to the classical Linz theory, which argued that the parliamentary system was more efficient than the presidential one. He emphasized the fact that direct presidential elections cause the presidents to usurp the greater power as representatives of the whole nation. This debate was characterized by the presence of one explanatory variable (the type of regime) and one dependent variable (the success of democratic consolidation). The answer to Linz's theory was the so-called second stage, which was arguments put forward by Mainwaring (1993) and Mainwaring and Shugart (1997). According to these researchers, the problem was not only related to the president himself, but also to the combination of the presidential system and the strong defragmentation of the party system, resulting in the failure of the legislature. The second phase introduced into the analysis more than one explanatory variable (egg. regime type, the party system, leadership powers, political practice and the electoral system) and different dependant variables (good governance generally as opposed to democratic consolidation). The most controversial third phase of the debate is the often-discussed presidential agenda,

with many clearly defined analytical methods such as the Veto Player (Tsebelis, 2002), rational choice institutionalism and the principal-agent theory (Strøm, 2000). Third-phase research is characterized by a critical approach to previous approaches and a multitude of empirical research into the functioning of presidential systems. The results of these studies show that it is possible to implement appropriate policies without disturbing the functioning of the democratic order.

The concentration of power in a political system is a quite known problem. Considerations of the position of a single political actor are the subject of various studies. The phenomenon of the increasing importance of individual politicians is becoming increasingly visible. This process is often called the presidentialisation of politics. It does not necessarily affect the presidential office itself. Direct elections and the lack of a possibility of dismissing the president are the indispensable determinant of the presidency (Lijphart 2008). This phenomenon affects stable democracies as well as transitional states. While in established democracies the check-and-balance mechanisms are sufficiently well-established to prevent abuse of power, in states where political systems are still building, there are numerous degenerations, often leading to usurpation by individual actors of almost absolute power. The presidentialisation of politics starts, on the one hand, in the changes associated with shifting the expectations of the electorate towards strong leadership and, on the other, in the increasing autonomy of the president towards the political parties sitting in the parliament.

Among the different methods of examining the position of the president, two basic groups of methods can be distinguished. The first one to repeat Fortin (2012) is the method proposed by Shugart and Carrey (1992) and modified by Metcalf (2000). In this measurement method the president's powers are divided into 10 categories, each of which is rated on a scale ranging between 0–4. Each category belongs to two groups, legislative prerogatives and non-legislative prerogatives. Researchers using this type of instrument, on the basis of the prerogatives exercised, determine how the head of state fulfils the individual tasks and the possibilities and then determines how many points the president gains. The next step is to sum up points for the overall strength and position of the president.

The second approach lists the potential president powers. The composition of the list depends on the particular researcher. For example, Siaroff (2003) proposed a list of 9 permissions. The more complicated lists were written by Frye (1997) – 27 allowances and Lucky C. (1993–1994) – 38 allowances. The President earns the appropriate number of points, depending on in which authority s/he can act independently (1 point), in consultation with another state body (.5 points), and in which there is no possibility of influence (0 points). After identifying the number of points scored in each act, it should be added up to determine the position of the president.

To analyze the position of the president in the light of the two constitutions in force in Albania, the author will use a modified Frye index. The use of this method seems appropriate for the purpose of the study, namely to analyze the influence of the leadership of the president on factors destabilizing the political system in Albania. However, this type of tool seems to be most suitable for comparing two different legal acts in the same country, due to the same weighting of the individual points of analysis. Many of the powers were extended by the head of state and have their background in extra-constitutional matters. Thus, capture of these powers would be difficult. In addition, many of the powers were unconstitutional but during the 1991 Constitution, it did not preclude them from being implemented in the political sphere by the President.

According to the Frye Index, for the exclusive right president receives 1 point. For the privilege shared with other state organs 0.5 point and for lack of prerogative get 0 points. The obtained points should be totalled and compared with the other results. To make the result easier to compare, the author has extracted a percentage of the obtained scores from the analysis of particular legislation in relation to the total number of points. Thanks to such an approach, one can get a clear picture of the comparison of the President's position and the strength that the body had under the conditions of a particular Constitution.

Using the Frye Index, two constitutional arrangements in Albania after 1991 should be compared. Of course, it should be noted that there is no way of accurately specifying how the actual role of the president in Albania looked – especially during the 1991 constitution. Albania during the presidency of Sali Berisha was a country with a facade of democratic solutions and many of the powers were implied and unspoken. In addition, the president wished to maintain the perception of the power being as wide as possible. It was related to the fact that many of the powers were not directly indicated in the constitution. For better understanding, the author presents the following rights (Table 1) that are included in the Frye index.

**Table 1.** Presidential rights according to Frye index

	Right
1	the possibility of dissolving the Parliament
2	calling a referendum.
3	appointment of a Prime Minister
4	appointment of Ministers.
5	appointment of a Constitutional Tribunal
6	appointment of a Supreme Court.
7	appointment of a General Prosecutor
8	appointment of the president of the central bank
9	appointment of a Security Council
10	appointment of a commander-in-chief
11	chairing the Security Council
12	demanding the secondary treatment of acts
13	referral of acts to a Constitutional Tribunal
14	legislative initiative
15	issue a decree with act power
16	make amendments to the constitution
17	calling of a special session of parliament.
18	extraordinary entitlement.
19	participation in sessions of parliaments.
20	calling Cabinet sessions
21	participation in government
22	communication with the assembly.

Source: T. Frye, A Politics of Institutional Choices: Post-Communist Presidencies., *Comparative Political Studies*, 30(5), 1997

The Frye Index has been modified by removing such powers as calling an election, as it is a merely technical activity. The appointing of judges, officers and senior commanders, was removed because at least in the first period, there was a complete replacement of the judiciary and the officer corps, which was dictated by radical decommunization. Special powers in situations where the parliament can not gather have also been removed because they have never been used in Albania.

### **Analysis of the President's position in the light of constitutional regulations according to the Frye index**

Frye's first indicator of the president's position is the possibility of dissolving the parliament. According to the 1991 constitution, the President could dissolve the parliament after consultation with the chairman of the Council of Ministers and the chairman of the Presidency of the People's Assembly (Chapter III, Article 28, paragraph 9). The next determinant is the possibility of calling a referendum. The constitution confers this right only to the Assembly but the President may ask the People's Assembly to issue a referendum (Chapter III, Article 28, paragraph 4). Consequently, his formal power in this matter was small and the decision was not his but it must be borne in mind, that the Assembly was dominated by the group from which the President originated. Therefore, he could exert pressure on the Assembly to hold a referendum. The next indicator is the possibility of calling elections. In Chapter III, Article 28, paragraph 3, the President shall determine the date of the election. The entitlement shall be either with the possibility of dissolving the parliament or with the expiry the term of Assembly.

Another determinant is the appointment of the prime minister. The president has no restrictions here and could appoint according to his own choice. On the other hand, the election, dismissal or dismissal of government members, the president makes the request that the prime minister submits this decree for approval to the People's Assembly in its next meeting. (Chapter III, Article 28, paragraphs 6 and 7). In addition, in accordance with the provisions of the 1991 Constitutional Act, the President was obliged to elect 4 members of the Constitutional Court and requested the Assembly to elect the chairman and deputy chairmen of the Supreme Court. (Chapter IIIa, Article 6 and Chapter IIIa, Article 18). Judges were appointed by the Supreme Judicial Council, the body headed by the President of the Republic, so his participation in appointing judges of the first instance courts was essential (Chapter VI, Article 15).

The Attorney General and his deputy were elected by People's Assembly but at the demand of the President (Chapter VI, Article 14, Paragraph 1). According to the above Constitution, the President was The Supreme Commander of Armed Forces and Chairman of the Defence Council. The People's Assembly elected Members of the Defence Council at the request of the President (Chapter III of Article 32). The Constitution does not explicitly regulate the appointment of officers and commanders in the Albanian Army. The lack of sources makes it ambiguous to determine exactly who was responsible for the appointment of officers. It is certain that higher officers degrees were conferred by the President and that some part of the assignment was given by the Defence Council, which according to Article 32, was responsible for the organization and mobilization of all forces to defend the country<sup>1</sup>.

<sup>1</sup> On March 3, 1997, Sali Berisha appointed his trusted deputy head of staff, see Dziak W. J. (1999).



The President may request reconsideration of the statutes, giving justification within 15 days of the adoption by the Assembly (Chapter III, Article 28, paragraph 5) and may file a motion to the Constitutional Court for constitutional control (Chapter IV, Article 25, paragraph 2). The President of Albania, according to the 1991 Constitution, had the legislative initiative (Chapter II, Article 23), and could issue decrees, but the decrees needed approval of the Prime Minister or an appropriate official (Chapter III, Article 28 paragraph 19, Article 29). He could also apply for a constitutional amendment (Chapter IV Art 43 Paragraph 1).

At the request of the President, the Presidium of the People's Assembly could order the convening of a special session of the Assembly (Chapter II, Article 19). The President also possessed certain powers in extraordinary cases. For example, in situations where the Assembly could not be gathered, the President could decide on the mobilization or state of emergency, which required submission of the Assembly within five days (Chapter III, Article 28); in addition, it was possible to declare the state of war. However, he did not have to present it (Chapter III, Article 28, point 18).

The amendment of the Constitutional Act of 9 April 1992, which extended the powers of the President, allowed him to attend government meetings and bring to the agenda issues which should be considered. Chapter III, Article 28 Paragraph 18 defined the manner in which the President communicates with the People's Assembly as being by means of a message read in plenary.

On the other hand, the Constitution passed over several powers of the President. It does not explicitly speak about the possibility of appointing the President of the Central Bank, but Chapter III Article 28 paragraph 8 talks about that President appointing „other central offices” at the request of the Prime Minister, probably also includes the President of the Bank of Albania. The President's participation in parliamentary sessions was also not mentioned in the constitution, however filling by Sali Berisha of the deciding position in the party certainly enabled it. The last entitlement falling within the scope of the Frye Index, which is silent on the constitution, is the possibility of convening government meetings. However the Act of 9 April 1992 created a *de facto* Cabinet Advice, which was created by the President. The president shared some prerogatives with other authorities, but in the Albanian reality of President Berisha's day (when almost all state organs were controlled by the President's PDSh), his actions were not limited in any way, and almost all decisions were made and were approved by the appropriate institutions.

An analysis of the first constitution of Albania revealed that the President obtained 15.5 points out of a possible 22. Additionally the research showed that (1) straight out is 18 powers, in which the President scored 12 points with the weight 66.66 [ $12/18 * 100$ ] (2) Permissions silenced by constitutions, but exercised by the president (total 4) give after summing up with other 15.5 points for a total of 22 allowances, which translates into a weight of 70.45 [ $15.5 / 22 * 100$ ] (3) Some changes were introduced by the Act of 9 April 1992 regulating the procedure for the election of the President and extending its prerogatives, for example, allowing the People's Assembly to request the organization of a popular referendum, and to create a Cabinet chaired by the President. This law legalized the position of then President, Sali Berisha.

In the second analyzed document, as previously mentioned, the first indicator is the possibility of convening the parliament. The 1998 constitution imposed a specific condition for taking the initiative to shorten the mandate of the Assembly. It is a failure of the new prime

minister after his resignation (Article 104 (2)). Powers in this matter are depleted and the president cannot dissolve the parliament at any time (i.e. when the Assembly is not allowed to carry out his duties to the President). Article 150 specifies the rules for calling a referendum.

At the request of 50,000 citizens, the President could hold a referendum of special importance. Compared to the previous constitution, this reverses the possibility of referendum. In the subsequent regulations, the possibility of holding a referendum rests with the head of state and he is announcing the adoption of the law through referendum (Article 151). However, the announcement of the referendum is additionally subject to a favourable decision of the Constitutional Court. Another Presidential prerogative is the possibility of calling elections. The President's competence in this matter is limited to the date of the general election (i.e. Assembly, local government and referendum) (Article 92, point k) and the president has no initiative in this matter.

The Albanian President may appoint a prime minister at the request of a party or coalition having a majority in Parliament (Article 96). It does not fundamentally change the role of the president because, according to the earlier constitution, the prime minister elected by the president had to be accepted by the Assembly. Currently, the proposal to appoint a new prime minister comes from a parliamentary majority, which must additionally accept the proposed Cabinet. Appointment and dismissal of ministers by the President takes place at the request of the Prime Minister (article 98). The President appoints nine Judges of the Supreme Court with the consent of the Parliament (Article 136). This is an extension of competence since the earlier constitutional law regulated that the Assembly could elect judges of the Court of Cassation. On the other hand, the election of the chairman and alternates is made at the request of the President. The current systemic regulations give the President rights to choose all the judges, but this election is at the request of the Assembly. Similarly, is the situation of the Constitutional Court (Article 125). Other judges are appointed by the President at the request of the Supreme Judicial Council.

The Attorney General and his deputy are appointed by the President with the approval of the Assembly (Article 149), as in the case of a referendum reversal of roles. Another priority is to elect the President of the Central Bank (Art 161). The next Constitution explicitly defined the structure of the Bank of Albania and determined the election of the chairman of the Board of Governors or the Governor. According to the 1998 Constitution, he is elected by the Assembly, at the request of the President, for a period of 7 years.

The situation of the Security Council has changed, and it has become solely the advisory body of the President as the Commander-in-Chief of the Armed Forces. On the composition and function of the Security Council see (Article 168). The commander of the Armed Forces during the war and the chief of staff of the General Staff are appointed by the President at the request of the Prime Minister (Article 169 (2) and (3)). The President may return the law for reconsideration, only once through a decree. At the same time, this decree can be repealed if it was rejected by a simple majority in the Assembly (Article 85). The President may refer requests for commencing proceedings to the Constitutional Court (art 134). The president has lost the legislative initiative (Article 81), he cannot issue decree-law, nor can he present his amendments to the Constitution (Article 177 (1)), but he has the right to request an extraordinary session of the Assembly (art 74).

During the war, when the Parliament cannot meet, the President may issue special legislative acts, approved by the Assembly at its next meeting (Articles 172 and 176).

Presidential participation in the meetings is limited to ceremonial functions, and the passive observation of events. The President can maintain communication with the Assembly through the official message.

The Constitution of 1998 does not assume the existence of a body such as the Cabinet Council (organized under the chairmanship of the President). The Council of Ministers is headed by the Prime Minister. Council of Ministers meetings are closed, so the participation of the President is excluded.

This article presents an analysis using the Frye Index to the changes in the position of president in Albania. Whereas the analysis of the second constitutional act indicates that (1) The position of the president was clearly weakened; he was deprived of most of the powers and, from being in the dominant position in the state, he became only the executor of the provisions of the Prime Minister, the Assembly or the Nation. (2) For 22 powers, the president reached 9 points, and it is down by almost a third.

**Table 2.** Presidential rights in two constitutions of Albania according to Frey index

Lp.	Right	Points	
		Constitution act 1991 with novel 1992	Constitution 1998
1	possibility of dissolving the Assembly	1	0.5
2	calling referendum.	0.5	0.5
3	appointment of Prime Minister	1	0.5
4	appointment of Ministers.	0.5	0.5
5	appointment of Constitutional Tribunal	0.5	0.5
6	appointment of Supreme Court.	0.5	0.5
7	appointment of General Prosecutor	0.5	0.5
8	appointment of president of the Central Bank	[0.5]	0.5
9	appointment of Security Council	0.5	1
10	appointment of commander-in-chief	[1]	0.5
11	Chair Security Council	1	1
12	Demand secondary treatment of acts	0.5	0.5
13	Refer acts to Constitutional Tribunal	1	1
14	Legislative initiative	1	0
15	issue a decree with act power	0.5	0
16	make amendments to the constitution	1	0
17	Calling of special session of parliament.	0.5	0.5
18	Extraordinary entitlement.	0.5	0.5
19	Participation in sessions of parliaments.	[1]	0
20	Calling Cabinet sessions	[1]	0
21	Participation in government	1	0
22	Address or send message to parliament.	0	0
	In total	12 / 18 [15.5/22] 66,6 [70.45]	09/22 4141

Source: on the base of T. Frye, *A Politics of Institutional Choices: Post-Communist Presidencies. Comparative Political Studies*, 30(5), 1997



The powers of president is more clearly illustrated on a table below, which presents the differences in power in accordance to the respective Albanian Constitutions (Table 2). Numbers in square brackets are powers that was absent in 1991 Constitution, even with amendments.

The aforementioned data trends tend to change the position of the President in the Republic of Albania. It was related to President Berisha style of politics and his dictatorial aspirations. Socialists, who took over power on Berisha's fall, did not want to let the situation happen again and introduced changes that could prevent it. The president has been deprived of the opportunity to make the majority of independent decisions. Currently almost all his political decisions require being countersigned by the Prime Minister or the Assembly. President kept only three independent prerogatives, in security matters and cooperation with Constitutional Court.

### **The establishment of the President of Albania and its modifications**

As a result of the democratic transformation in Albania enormous changes took place. Primarily, transformation was embraced in the economic and the political system. Changes did not miss the sphere of political leadership, for example in the position of head of state. In the first place noticeable change had been seen in strengthening the position of the head of the state. The first democratic Albanian president, Sali Berisha, was characterized by his dictatorial aspirations. His rule ended in a spectacular defeat affected by the pyramid crisis (alb. *Kriza piramidale* 1997). Moreover, the takeover of power by the opposition of socialist background led to gradual weakening of the president's powers, while enhancing the parliamentary power.

For a better understanding of the issue of political leadership in Albania and above all the position of the President in this country, one should pay attention to the issues connected with the institutionalization of the presidency in Albania.

In the process of formation of the Albanian Presidency, three main stages can be noted: (1) the creation of the institution of the presidency and its basic shape by the falling communist rulers in the era of transition (to the 1992 election); (2) the modification (in this case, the extension) of the president's powers by the Democrats and their leader, by the constitutional majority in parliament (from 1992 until the fall of the president and the takeover of power by socialists in 1997) (3) far-reaching limitation of the scope of the authority of the President and a turning towards the stable parliamentary system by the socialists (since the adoption of the new Constitution in 1998).

Some kind of analysis of implementing the institution of the president in the new Central European democracies was suggested by B. Dziemidok-Olszewska; her analysis contains three questions (1) Why was the presidency implemented? (2) What model of the presidency was adopted? And (3) How have the powers of the Head of State been modified? (Dziemidok-Olszewska B. 2003, p. 83) .

Referring to the first question, in Albania there has almost always been a strong political leadership. Both historical figures such as Skanderbeg and more modern like King Leka I and Enver Hoxha were characters – symbols, and certainly usurped almost unlimited powers as rulers. Combined with the patriarchal clan society, this caused the need to establish a single representative of the nation. Although in Albania the concept of the president was initially unfamiliar, the need for a strong leader was conditioned by histor-

ical traces. After the fall of President Berisha and the restriction of the president's role, clear leadership had found exemplifications in the party leadership of the main political forces, in PSSh led by F. Nano and in PDSH. Led by S. Berisha, and in the form of an ever-present prime minister (Czekalski T. et al. 2009, p. 300)<sup>2</sup>.

The second question related to the creation of the institution of president was about the determinants of concrete solutions on the systemic basis. Determining the position of the office (in the Albanian conditions, initially strong presidency) was related to several elements. First of all, the political tradition of attributing the head of the state to a strong and often unrestricted power is taken as a fact of life. The lack of strong parliamentary experience had led to the presumption that the only control centre in the country was the presidency. The President's office takeover by Communists brought expectation that the most important office in the state would provide control over the reforms that were being implemented and could maintain power.

The last question, related to the implementing institution of the President in the political system, concerns how to create a presidency and how to modify the scope of competence. The decision to appoint the presidency was the sole responsibility of the Communist Party. This change was an outcome of the negotiations with the opposition in the first democratic government of the socialists. It was an effect of the progressing disintegration of the authority of communists and concessions to public requests. In the second stage, modifications which extended the power of the president were proposed and introduced by the governing democrats. This change was opposed by both the socialist opposition and an increasing number of members of the ruling coalition.

At the last stage the changing of the scope of the president's power was carried out by the Parliament, but they were subject to approval by a constitutional referendum (Czekalski T. *et al.*, 2009, p. 298). Any revision of the constitution was strongly opposed by democrats, who considered Parliament unrepresentative (this was in line with the general tendency of the democrats to undermine the legitimacy of lost elections (Czekalski T. *et al.*, 2009, p. 295).

It can be assumed that the political system of the Republic of Albania at the time of Sali Berisha can be described, in line with the definition by A. Antoszewski, the parliamentary with the dominant presidency. Only enormous social-economic problems caused the collapse of Berisha. It contributed to modifying the political system and developing resistance to shocks and increasing adaptability to changing conditions. From the dominant presidential model, the Albanian regime has evolved towards the corrective presidency also described by A. Antoszewski<sup>3</sup> (Antoszewski A., Herbut R., 2006, p. 174)

<sup>2</sup> The most important in this context is conflict provoking form of Fatos Nano, whose aspirations and ambitions effectively paralyzed the government and introduced confusion in the ranks PSSh, and S. Berisha, who after removal from power is still actively involved in the political life of the country, eventually becoming the prime minister.

<sup>3</sup> However, the model of the dominating presidency is somehow in contradiction with the parliamentary system, and therefore this system is described as a hybrid solution. The combination of the parliamentary system with the dominating presidency is associated with strict regulations in the legal and-political aspects based on the constitution. Constitutional definition of Albania as a parliamentary republic, could lead to a conclusion that the form of Albanian government was of parliamentarianism with the dominant presidency A. Antoszewski, R. Herbut, (2006), p. 174, see also A. Siaroff, (2003), see article 1 Act 29 April 1991 Law on the major constitutional provisions: <http://www.constitutionnet.org/vl/item/interim-constitution-albania-1991-1998>

Seeing all these tendencies it can be said that the nature of the Presidency of the President-Creator of Political Will has changed to the President-Arbitrator and Guardian. Changes resulted in the Albanian political system becoming more resistant to disturbance. Strong leadership in developing democracies is, for sure, a dangerous factor, and recourse to more conciliatory methods is a way to overcome the crises. Such a change came out in favour of a young and unproductive Albanian democracy, even after changing the style of politics. At the time when Sali Berisha was removed from the government, social protests become less aggressive than before and the political situation was more stable. Albania with such a well-regulated head of state has the chance to meet its goals of integration with the rest of Europe and stabilizing its young democracy<sup>4</sup>. The limitation of presidential powers has become an opportunity for the long-term sustainability of the political system in Albania.

## Conclusions

Changing the Albanian constitution in 1998 caused a clear reduction of the president's power over the Assembly and the Cabinet of the Prime Minister. The strength of the political system has shifted from a single office to more collegial mechanisms. This led to changes primarily in the gradual stabilization of the political system and allowed the emergence from an extremely serious political crisis.

The Frye Index expresses the tendency of changes in the head of state position. According to the results of the analysis, the president's position was clearly reduced, by removing the majority of independent decisions, leaving only the Security Council matters – This body has only advisory competence. The President was also given the opportunity to refer legal acts to the constitutional court, which is only relevant in stabilizing the political system.

The institution of the president, even though it was introduced to the political system very quickly, only took shape over the course of time. The shaping of the president's position was undoubtedly related to the Sali Berisha and his desire to dominate in political life. The initial expansion of the president's power, culminating in a spectacular defeat, resulted in a change of approach and a radical restriction of presidential power. In the process of shaping the office of the president (its implementation) cultural and historical issues have been quite significant, indicating that the only good solution would be to entrust a considerable amount of competence to a single actor. Even after the fall of President Berisha, strong leadership continued to play a significant role in the political life of the country, but it was more connected with party leadership.

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<sup>4</sup> In 2009 Albania became a member of NATO see: [http://www.nato.int/cps/ic/natohq/topics\\_48891.htm](http://www.nato.int/cps/ic/natohq/topics_48891.htm) [01-06-2017], In 2014, Albania was recommended by the European Commission as a candidate for membership in the European Union, see: [https://ec.europa.eu/neighbourhood-enlargement/countries/detailed-country-information/albania\\_en](https://ec.europa.eu/neighbourhood-enlargement/countries/detailed-country-information/albania_en) [01-06-2017]

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