

THE CONSTITUTION OF THE PEOPLE'S SOCIALIST REPUBLIC OF ALBANIA

Approved by the People's Assembly on December 28, 1976

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INTRODUCTION

The Albanian people have blazed the trail of history sword in hand. In struggle against their internal and external enemies, they have defended their existence as a people and nation, have fought for national freedom and independence, for their land and mother tongue, for their livelihood and social justice. After centuries of bondage, they achieved a major victory with the creation of the independent Albanian national state in November 28, 1912.

The national democratic and revolutionary movement was given a new impulse and content with the triumph of the great October Socialist Revolution and with the spread of communist ideas, which marked a decisive turning point for the fate of the Albanian people, too.

In the grave conditions of fascist and nazi occupation, and betrayed by the ruling classes, the Albanian people, under the leadership of the Communist Party of Albania (today, the Party of Labour) united in the National Liberation Front, rose to their feet, and arms in hand hurled themselves into the greatest war of their history for national and social liberation. In the fire of the war for freedom, on the ruins of the old state power, the new Albanian state of people's democracy emerged as a form of the dictatorship of the proletariat. On November 29, 1944, Albania won genuine independence and the Albanian people took their fate into their own hands. The people's revolution triumphed and a new epoch, the epoch of socialism, was opened.

In the conditions of the people's state power, under the leadership of the Party of the working class, great social-economic changes were carried out, which were outlined by the first Constitution of the Albanian socialist state. The domination by foreign capital and plunder of the country's riches was ended. The capitalists and big land owners were expropriated and the main means of production passed into the hands of the people. They way was opened for the socialist industrialization of the country. The Land Reform gave the land to those who till it, and the collectivization of agriculture set the countryside on the road of socialism.

Social ownership over the means of production and the single system of socialist economy, which prevails in town and countryside, replaced the private ownership and the multi-form economy. The exploiting classes and the exploitation of man by man were liquidated. The entire social development proceeds consciously, according to plan, and in the interest of the people.

In socialist Albania, the working class is the leading class of the state and the society. New relations of mutual assistance and cooperation have been established between the two friendly classes of our society, the working class and the cooperativist peasantry, as well as the stratum of the people's intelligentsia. The work readily contributed by free people has become the decisive factor in the flourishing of the socialist homeland, in raising the general and individual wellbeing. Albania has overcome its age-old backwardness and has been transformed into a country with advanced industry and agriculture.

The vital forces of the people were freed and their inexhaustible creative energies burst out. In the unceasing process of the revolution the Albanian woman won equality in all fields, became a great social force, and is advancing towards her complete emancipation. Education and culture have become the property of the broad masses of the people, and science and knowledge have been placed at the service of society. The foundations of religious obscurantism were smashed. The moral figure of the working man, his consciousness, and world outlook, are moulded on the basis of the proletarian ideology, which has become the dominant ideology.

Socialism has shown its absolute superiority over the old exploiting order.

Albania has entered the stage of the complete construction of socialist society. The great historic changes have created new conditions for the continuous development of the revolution and socialist construction.

The waging of the class struggle in favour of socialism, the continuous strengthening of the state of the dictatorship of the proletariat and the deepening of socialist democracy, the development of the productive forces and the perfecting of socialist relations of production, the steady raising of the wellbeing of the working masses, the gradual narrowing of distinctions between industry and agriculture, town and country, mental and physical labour, the affirmation of the personality of man within the socialist collectivity, the mastering of contemporary technology and science, the continuous revolutionization of the entire life of the country, are the main ways through which the socialist society is growing stronger and advancing.

The Albanian people are determined to defend their national independence, the people's state power and their socialist victories against any enemy. Socialist Albania is always an active factor in the struggle for national and social liberation, for peace, freedom, and the rights of all the peoples against imperialism, reaction, and revisionism. In its foreign policy it is guided by the great ideals of socialism and communism, and fights for their triumph the world over.

The Albanian people have found constant inspiration in the great doctrine of Marxism-Leninism, under the banner of which, united round the Party of Labour and under its leadership, they are carrying forward the construction of socialist society to pass over, later, gradually to communist society.

PART ONE

CHAPTER I

THE SOCIAL ORDER

A. THE POLITICAL ORDER

Article 1

Albania is a People's Socialist Republic.

Article 2

The People's Socialist Republic of Albania is a state of the dictatorship of the proletariat, which expresses and defends the interests of all the working people.

The People's Socialist Republic of Albania is based on the unity of the people round the Party of Labour of Albania and it has as its foundation the alliance of the working class with the cooperativist peasantry under the leadership of the working class.

Article 3

The Party of Labour of Albania, the vanguard of the working class, is the sole leading political force of the state and the society.

In the People's Socialist Republic of Albania the dominant ideology is Marxism-Leninism. The entire socialist social order is developed on the basis of its principles.

Article 4

The People's Socialist Republic of Albania unceasingly develops the revolution by adhering to the class struggle and aims at ensuring the final victory of the socialist road over the capitalist road, at achieving the complete construction of socialism and communism.

Article 5

All state power in the People's Socialist Republic of Albania derives from and belongs to the working people.

The working class, the cooperativist peasantry and the other working people, exercise their state power through the representative organs as well as directly.

The representative organs are the People's Assembly and the people's councils.

No one else apart from the organs expressly defined in this Constitution, can

exercise the sovereignty of the people and any of its attributes in the name of the People's Socialist Republic of Albania.

Article 6

The representative organs direct and control the activity of all the other state organs, which are responsible to them and render account to them.

Article 7

In all their work, the representative organs and other state organs rely on the creative initiative of the masses of the working people, draw them into running the country, and render account before them.

Article 8

The representative organs are elected by the people through universal suffrage with equal, direct and secret voting.

The electors have the right to recall their representative at any time when he has lost their political trust, when he does not fulfil the tasks he is charged with, or when he acts in contravention of the laws.

The organization and procedure in holding elections are regulated by law.

Article 9

Officials serve the people and render account before them, participate directly in work in production, and are paid salaries in fair ratio with those of the workers and cooperativists, with the aim of preventing the creation of a privileged stratum. The pay ratio is set by law.

Article 10

Under the leadership of the Party of Labour of Albania, the working class, as the leading class of the society, the cooperativist peasantry, as well as the other working people, exercise direct and organized control over the activity of state organs, economic and social organizations and their workers, for the purpose of defending the victories of the revolution and strengthening the socialist order.

Article 11

The organization of the state and state activity, all the political and economic

life in the- People's Socialist Republic of Albania are based on the principle of democratic centralism and develop according to it, combining the centralized direction with the creative initiative of local organs and the masses of the working people, in struggle against bureaucracy and liberalism.

Article 12

The precise and equal implementation of the Constitution and laws, which express the will of the working class and the other masses of the working people is obligatory in all the activity of the state organs, economic and social organizations and officials.

Article 13

The state relies on the social organizations, cooperates with them, and creates conditions for the development of their activity.

The social organizations unite the masses and broad strata of the people, draw them, in an organized way, into the running of the country, the socialist construction and the defence of the country, work for their communist education and take care of the solution of their individual problems.

Article 14

In the construction of socialism, the People's Socialist Republic of Albania relies mainly on its own forces.

Article 15

In foreign relations the People's Socialist Republic of Albania proceeds from the principles of Marxism-Leninism and proletarian internationalism, follows the policy of friendship, collaboration, and mutual assistance with the socialist states, supports the revolutionary movement of the working class and the struggle of the peoples for freedom, independence, social progress and socialism and relies on their solidarity.

The People's Socialist Republic of Albania is for peace and good neighbourliness, for relations with all states on the basis of equality, respect for sovereignty, non-interference in internal affairs and mutual benefit.

The People's Socialist Republic of Albania opposes any form of aggression, colonial exploitation, tutelage, dictate and hegemony, national oppression and racial discrimination. It upholds the principle of self-determination of the peoples, the exercise of full national sovereignty and equality of all countries in international relations.

B. THE ECONOMIC ORDER

Article 16

The economy of the People's Socialist Republic of Albania is a socialist economy which is based on the socialist ownership of the means of production.

In the People's Socialist Republic of Albania there are no exploiting classes, private property and the exploitation of man by man have been liquidated and are forbidden.

Article 17

The socialist property is the inviolable basis of the socialist order, the source of the wellbeing of the people and of the might of the homeland; it has special protection from the state.

Socialist property is comprised of the state property and the cooperativist property in agriculture.

Article 18

State property belongs to the whole people and is the highest form of socialist property.

The following are property of the state alone: the land and underground riches, the mines, forests, pastures, waters, natural energy resources, the plants, factories, machine and tractor stations, the banks, the roads of communication and means of rail, water, and air transport, post, telegraph, telephone offices, radio and TV stations, cinematography.

Any other wealth which is created in the state sector or which the state gains according to law, is also state property.

Article 19

Land is granted for social use to the economic enterprises and state institutions, to the agricultural cooperatives and social organizations, and for the personal use of individual citizens. Land is granted for use free of charge.

Agricultural land may be used for other purposes only with the consent of the respective state organs.

Article 20

Protection of the land, natural riches, waters and the atmosphere from damage and pollution is a duty of the state, of the economic and social organizations, and of all citizens.

Article 21

Cooperativist property belongs to the group of working people of the countryside, voluntarily united in the agricultural cooperative for the purpose of increasing production and wellbeing, for the construction of socialism in the countryside and throughout the country.

The following are property of the agricultural cooperative: buildings, machines, equipment, means of transport, tools and implements, livestock for work or production, fruit trees, agricultural and livestock products, as well as other means necessary for its activity.

Article 22

The state supports, the development and strengthening of the agricultural cooperatives, their transformation into modern economies of large-scale socialist production.

Under certain circumstances, the state supports the setting up and development of higher type cooperatives, in which it participates directly with investments, especially in the main means of production.

The transition of the cooperativist property into property of the entire people is done in conformity with the objective conditions, according to the free will of the cooperativists and with the consent of the state.

The state works for the narrowing of distinctions between town and country.

Article 23

The personal property of the citizens is recognized and protected by the state.

Personal property are: income from work and other lawful sources, dwelling houses and other objects which serve to meet personal and family material and cultural needs.

The objects belonging to the cooperativist family on the basis of the Constitution of the agricultural cooperative are also personal property.

Personal property cannot be used to the detriment of the social interest.

Article 24

When the general interest requires it, certain fixed assets of the cooperativist and personal property may be converted into state property. The criteria of conversion and the method of payment are fixed by law.

Article 25

The state organizes, manages, and develops all the economic and social life by a unified general plan in order to fulfil the ever increasing material and cultural needs of the society, to strengthen the independence of the country and defence by constantly increasing and perfecting socialist production on the basis of advanced technology.

Article 26

For the administration of means which are property of the whole people, the state creates economic enterprises which carry on their activity guided by the general interests of the society which is expressed in the state plan.

The method of the creation of enterprises and the principles of their activity are fixed by law.

Article 27

Foreign trade is a monopoly of the state.

Domestic trade is mainly carried out by the state, which has every activity in this field under its control.

The selling prices of the products of the enterprises as well as the prices for state purchase of agricultural and livestock products are fixed by the state.

Article 28

The granting of concessions to, and the creation of, foreign economic and financial companies and other institutions or ones formed jointly with bourgeois and revisionist capitalist monopolies and states, as well as obtaining credits from them, are prohibited in the People's Socialist Republic of Albania.

Article 29

Work is the foundation of the entire economic-social life of the country. Work is the main source from which every citizen ensures the means of livelihood.

The state works to narrow the differences between mental and physical labour, between work in industry and work in agriculture.

The state takes care of, and adopts measures for safety at work and the qualification of the working people.

Article 30

In the People's Socialist Republic of Albania the socialist principle »from each according to his ability, to each according to his work« is implemented.

Equal pay is guaranteed for equal work.

To encourage work for the maximum results, the use of material stimuli is combined correctly with moral stimuli, giving priority to moral stimuli. The fund of social consumption for the fulfilment of the common needs of citizens is increased continually in accordance with the possibilities created by the development of the country's economy.

The state exercises control over the amount of work and consumption.

Article 31

The citizens pay no levies or taxes whatsoever.

C. EDUCATION, SCIENCE, CULTURE

Article 32

The state carries out extensive ideological and cultural activity for the communist education of the working people, for the moulding of the new man.

The state takes special care of the allround development and education of the younger generation in the spirit of socialism and communism.

Article 33

Education in the People's Socialist Republic of Albania is organized and run by the state, is open to all and free of charge; it is built on the basis of the Marxist-Leninist world outlook and combines lessons with productive work and physical and military training.

Education follows the best traditions of the Albanian national secular school.

Article 34

The state organizes and directs the development of science and technology in close connection with life and production in the service of the progress of society and defence of the homeland.

The state supports the dissemination of scientific knowledge among the masses and drawing them extensively into scientific research activity.

Article 35

The state protects the cultural heritage of the people and cares for the allround development of the socialist national culture.

The state supports the development of the literature and art of socialist realism, which uphold the ideals of socialism and communism and are permeated by the national and people's spirit.

Article 36

The state works for the development of physical culture and sports on the basis of the mass movement for the strengthening of the health of the people, especially of the younger generation, for tempering them for work and defence.

Article 37

The state recognizes no religion whatever and supports atheist propaganda for the purpose of inculcating the scientific materialist world outlook in people.

CHAPTER II

THE FUNDAMENTAL RIGHTS AND DUTIES OF CITIZENS

Article 38

Citizens of the People's Socialist Republic of Albania are those who have Albanian citizenship according to the law.

Article 39

The rights and duties of citizens are built on the basis of the reconciliation of

the interests of the individual and the socialist society, giving priority to the general interest.

The rights of the citizens are inseparable from the fulfilment of their duties and cannot be exercised in opposition to the socialist order.

The further extension and deepening of the fights of citizens are closely linked with the socialist development of the country.

Article 40

All citizens are equal before the law.

No restriction or privilege is recognized on the rights and duties of citizens on account of sex, race, nationality, education, social position or material situation.

Article 41

The woman, liberated from political oppression and economic exploitation, as a great force of the revolution, takes an active part in the socialist construction of the country and the defence of the homeland.

The woman enjoys equal rights with man in work, pay, holidays, social security, education, in all social-political activity, as well as in the family.

Article 42

Protection and development of their people's culture and traditions, the use of their mother tongue and teaching of it in school, equal development in all fields of social life are guaranteed for national minorities.

Any national privilege and inequality and any act which violates the rights of national minorities is contrary to the Constitution and is punishable by law.

Article 43

Citizens who reach the age of 18 years have the right to elect and to be elected to all the organs of state power.

The only persons excluded from electoral rights are those deprived of them by decision of the court and those who are mentally incompetent and declared as such by the court.

Article 44

In the People's Socialist Republic of Albania citizens have the right to work, which is guaranteed by the state.

Work is a duty and honour for every able-bodied citizen.

Citizens have the right to choose and exercise their profession according to their capacity and personal inclination, and in accordance with the needs of the society.

Article 45

Citizens enjoy the right of rest after work. The working day and working week and the paid annual holiday are regulated by law.

Rest homes, houses of culture, and other centres of this kind are created for and are put in service of, the working people.

Article 46

Citizens of town and country are guaranteed the necessary material means of livelihood in old age, in case of illness or loss of ability to work.

The state takes under special care the invalids of the National Liberation War, of the struggle in defence of the homeland and invalids from work, and creates the conditions for their rehabilitation.

The young children of those fallen in defence of the country and in the socialist construction are under the care of the state.

Article 47

The state guarantees to citizens the necessary medical services as well as medical treatment in the health centres of the country, free of charge.

Article 48

Mother and child enjoy special solicitude and protection.

A mother is entitled to paid leave prior to and after childbirth.

The state opens maternity homes and creches and kindergartens for the children.

Article 49

Marriage and the family are under the care and protection of the state and society.

Marriage is contracted before competent state organs.

The parents are responsible for the upbringing and communist education of the children.

The children are duty bound to care for parents who are disabled and lack the necessary means of livelihood.

Children born out of wedlock have the same rights and duties as children born within marriage.

The children bereaved of their parents and without support are brought up and educated by the state.

Article 50

Citizens enjoy the right to personal property.

The right of inheritance is regulated by law.

Article 51

The state guarantees the freedom of scientific work and literary and artistic creativeness.

Author's rights are protected by law.

Article 52

Citizens have the right to education.

Eight-grade education is universal and compulsory. The state aims at raising the level of compulsory education for everybody.

Article 53

Citizens enjoy the freedom of speech, the press, organization, association, assembly and public manifestation.

The state guarantees the realization of these freedoms, it creates the conditions for them, and makes available the necessary material means.

Article 54

The right to join various organizations which operate in the political, economic, cultural as well as in any other field of the country's life, is guaranteed to the citizens.

Article 55

The creation of any type of organization of a fascist, anti-democratic, religious, and anti-socialist character is prohibited.

Fascist, anti-democratic, religious, war-mongering, and anti-socialist activities and propaganda, as well as the incitement of national and racial hatred are prohibited.

Article 56

The state guarantees the inviolability of the person.

Nobody can be arrested without the decision of the court or the approval of the prosecutor. In special cases envisaged in the law the competent organs can detain a person for a maximum of 3 days.

Nobody can be sentenced penally without the verdict of the court or for an act which is not envisaged by the law as a crime.

Nobody can be sentenced without being present at court apart from when it has been legally proved that he is missing.

Nobody can be interned or expelled except in special cases envisaged by the law.

Article 57

The home is inviolable. No one is permitted to enter another person's home without the approval of the respective person, apart from representatives of the competent state organs and under the conditions defined by law.

Article 58

The secrecy of correspondence and other means of communication cannot be violated, except in the cases of the investigation of a crime, a state of emergency, or of war.

Article 59

Citizens enjoy the right to make requests, complaints, remarks and proposals to the competent organs over personal, social, and state affairs.

According to the conditions defined by law, citizens have the right to demand compensation from the state or its officials for the damage caused by the illegal activities of the state organs and its employees in the exercise of their duty.

Article 60

The citizens are obliged to respect and implement the Constitution and other laws.

The preservation and strengthening of the socialist order and the implementation of the rules of socialist co-existence are a duty for all the citizens.

Article 61

Citizens have the duty to protect and strengthen socialist property.

Violation of socialist property constitutes a grave crime.

Article 62

The defence of the socialist Homeland is the supreme duty and the greatest honour for all citizens.

Betrayal of the Homeland is the most serious crime.

Article 63

Military service and the constant training for the defence of the socialist Homeland are duties for all the citizens.

Article 64

Albanian citizens abroad enjoy the care and are under the protection of the state.

Article 65

The right of sanctuary in the People's Socialist Republic of Albania is granted to foreign citizens who are persecuted on account of their activity in favour of the revolution and socialism, of democracy and national liberation, or the progress of science and culture.

PART TWO

CHAPTER I

THE SUPREME ORGANS OF THE STATE POWER

A. THE PEOPLE'S ASSEMBLY

Article 66

The People's Assembly is the supreme organ of state power, the bearer of the sovereignty of the people and the state and the sole law-making organ.

Article 67

The People's Assembly has the following main competences:
it defines, in conformity with the general line and the orientations of the Party of Labour of Albania, the main directions of the internal and external policies of the state;

it approves and amends the Constitution and the laws, decides on the conformity of the laws with the Constitution, and interprets the laws;

it approves the plan for the economic and cultural development of the country and the state budget;

it proclaims partial and general mobilization, the state of emergency, as well as the state of war in case of armed aggression against the People's Socialist Republic of Albania, or when this is necessary to fulfil the obligations deriving from international treaties;

it ratifies and denounces international treaties of special importance;

it grants amnesty;

it decides on popular referendums;

it elects, appoints, and dismisses the Presidium of the People's Assembly, the Council of Ministers, the Supreme Court, the Attorney General and his deputies. These organs are responsible to the People's Assembly and render account to it;

it defines the administrative territorial structure;

it decides on the creation or dissolving of ministries.

Article 68

The People's Assembly is comprised of 250 deputies who are elected in constituencies with an equal number of inhabitants.

The People's Assembly is elected for a term of 4 years.

The People's Assembly holds its first session no later than two months from the day of its election.

The elections to the People's Assembly are held no later than three months from the day its mandate ends.

In case of war or in similar state of emergency, the People's Assembly may continue its activity beyond the normal term as long as the state of emergency continues.

In special instances, the People's Assembly may decide its dissolution before the completion of the term for which it has been elected.

Article 69

The People's Assembly elects its Presidential Council.

The activity of the People's Assembly is carried out according to the rules approved by it.

Article 70

The People's Assembly meets in normal session twice per year by decree of the Presidium of the People's Assembly.

The People's Assembly may be summoned in extraordinary session by decree of the Presidium of the People Assembly or at the request of one-third of the deputies.

The meetings of the People's Assembly open when the majority of the deputies are present.

Article 71

The People's Assembly elects from its ranks permanent and temporary

commissions.

At its first session the People's Assembly elects a commission for the examination of the mandates of the deputies. At the proposal of this commission the People's Assembly confirms or annuls the mandates of the deputies.

The permanent commissions have the duty to examine the bills and decrees of a normative character of the Presidium of the People's Assembly, to observe and control the activity of the state organs according to their respective sectors and to present problems to the People's Assembly or the Presidium of the People's Assembly. The temporary commissions are created for special questions.

Article 72

It is the duty of the deputy to the People's Assembly to serve the interests of the people, and the cause of the Homeland and socialism conscientiously and loyally, to maintain close contact with his electors, and render account to them.

The deputy to the People's Assembly has the right to demand explanations from all the state organs and to intervene with them for the precise implementation of the Constitution and laws.

The state organs are obliged to examine the requests and proposals by the deputies and to reply to them within defined regulations.

Article 73

The deputy to the People's Assembly enjoys immunity.

The deputy cannot be detained, arrested, or suffer penal punishment, without the approval of the People's Assembly or the Presidium of the People's Assembly, apart from cases in which a grave crime has obviously been committed.

Article 74

The right to initiate legislation belongs to the Presidium of the People's Assembly, to the Council of Ministers, and the deputies.

The laws and other acts of the People's Assembly are considered approved when the majority of the deputies present have voted for them.

The laws are proclaimed no later than 15 days after their approval and enter into force 15 days after their proclamation in the Official Gazette, apart from

occasions when they themselves envisage otherwise.

B. THE PRESIDIUM OF THE PEOPLE'S ASSEMBLY

Article 75

The Presidium of the People's Assembly is a superior organ of the state power with permanent activity.

The Presidium of the People's Assembly is comprised of the president, 3 vice-presidents, the secretary and 10 members.

Article 76

The Presidium of the People's Assembly is elected from the ranks of the People's Assembly at its first session and it continues its activity till the election of a new Presidium.

Decisions of the Presidium of the People's Assembly are taken on a majority of votes when a majority of its members is present.

Article 77

The Presidium of the People's Assembly has these main permanent competences:

it convenes the sessions of the People's Assembly;

it sets the date of elections to the People's Assembly and the people's councils;

it awards decorations and titles of honour;

it accords or revokes Albanian citizenship and accepts the renunciation of it;

it exercises the right of pardon;

it defines the territorial-administrative divisions;

it enters into, international treaties and ratifies and denounces those which are not examined by the People's Assembly itself;

on the proposal of the Council of Ministers it appoints or dismisses diplomatic representatives;

it accepts the credentials and the letters of recall of the diplomatic

representatives of foreign states;

it proclaims the laws and referendums decided by the People's Assembly.

Article 78

Between sessions of the People's Assembly, the Presidium of the People's Assembly exercises these competences:

it controls the implementations of the laws and decisions of the People's Assembly;

it controls the Council of Ministers, the Supreme Court, the Attorney General and any other state organ, and summons them to report;

it appoints or dismisses Vice-Chairmen of the Council of Ministers or individual ministers on the proposal of the Chairman of the Council of Ministers, it appoints or dismisses individual members or the Vice-Presidents of the Supreme Court and the deputies of the Attorney General. In each case the decrees for their appointment or dismissal must be approved by the People's Assembly;

it issues decrees and decisions; the decrees of a normative character are presented for approval to the People's Assembly at its next session;

it makes interpretations of laws and presents them for approval to the People's Assembly at its next session.

when the convening of the People's Assembly is impossible, it proclaims partial or general mobilization, the state of emergency, as well as the state of war in case of armed aggression against the People's Socialist Republic of Albania, or when this is necessary to fulfil the obligations deriving from international treaties. In time of war, in case the convening of the People's Assembly is impossible, the Presidium of the People's Assembly exercises all the competences of the People's Assembly apart from changes in the Constitution.

Article 79

The Presidium of the People's Assembly directs and controls the activity of the people's councils.

The Presidium of the People's Assembly may disband people's councils, appoint the respective temporary executive committees, as well as decide on the election of a new people's council.

The Presidium of the People's Assembly abrogates the unlawful or irregular acts of the Council of Ministers, of the people's councils and of the executive committees.

CHAPTER II

THE SUPREME ORGANS OF THE STATE ADMINISTRATION

Article 80

The Council of Ministers is the supreme executive and administrative organ.

The Council of Ministers is appointed at the first session of the People's Assembly.

The Council of Ministers comprises the Chairman, the Vice-Chairmen and the Ministers.

As a rule, the members of the Council of Ministers are appointed from among the ranks of the deputies to the People's Assembly.

The decisions of the Council of Ministers are taken on the majority of votes, when the majority of its members is present.

Article 81

The Council of Ministers has the following main competences:
it directs the activity for the realization of the internal and external policies of the state;

it promulgates decisions, ordinances and instructions on the basis of the Constitution and the laws and for their implementation;

it directs and controls the activity of the ministries, other central organs of state administration, and the executive committees of the people's councils, and defines their internal organization;

it works out the draft-plan for the economic and cultural development of the country, the draft- budget of the state, organizes and controls the implementation of the plan and the budget, directs and organizes the finances of the state and the monetary and credit system;

it directs the activity for the fulfilment of duties in the field of the defence of the country, in conformity with the decisions of the Defence Council;

it takes measures for the security, protection, and strengthening of the socialist juridical order and the rights of citizens;

it enters into, and approves international agreements and denounces those international agreements not subject to ratification.

Article 82

The Council of Ministers abrogates the unlawful or irregular acts of the Ministers and other central organs of the state administration and of executive committees of the people's councils.

The Council of Ministers suspends the implementation of unlawful or irregular decisions of the people's council, and presents the question of their abrogation to the higher people's council, or to the Presidium of the People's Assembly.

Article 83

The Presidium of the Council of Ministers comprises the Chairman and the Vice-Chairmen of the Council of Ministers.

The Presidium of the Council of Ministers supervises, controls and takes decisions on the implementation of tasks set by the Council of Ministers.

The Chairman of the Council of Ministers represents the Council of Ministers, presides over the meetings and directs its activity.

Article 84

The ministries are central organs of the state administration, specialized in particular branches of activity, which are directed by members of the Council of Ministers.

Article 85

The ministers are responsible for the activity of their respective ministries and of the Council of Ministers, they direct and control the organs, enterprises, institutions and economic organizations of their sector.

On matters within their competences, the ministers issue orders, rules and instructions according to the laws, ordinances and decisions of the Council of Ministers, and for their implementation.

Article 86

The ministers abrogate the unlawful or irregular ordinances and instructions of the organs, enterprises or institutions dependent on them and suspend the application of the unlawful or irregular decisions of the executive committees of the people's councils, which have to do with their respective sphere of activity, representing the question of their abrogation to the Council of Ministers.

CHAPTER III

THE DEFENCE OF THE COUNTRY AND THE ARMED FORCES

Article 87

The state safeguards the victories of the people's revolution and the socialist construction, defends the freedom, national independence and territorial integrity of the country.

The territory of the People's Socialist Republic of Albania is inalienable and its borders are inviolable.

Article 88

The defence of the Homeland and of the victories of socialism is ensured by the armed people, organized in the Armed Forces, which comprise the People's Army, the forces of the Ministry of Internal Affairs and the People's Voluntary self-defence forces.

The People's Army, as the main force for the defence of the Homeland, is the army of the people and serves the people.

The Armed Forces are led by the Party of Labour of Albania.

Article 89

The Defence Council is created to direct, organize and mobilize all the forces and resources of the country in defence of the Homeland.

The First Secretary of the Central Committee of the Party of Labour of Albania is the Commander-in-chief of the Armed Forces and Chairman of the Defence Council.

The composition of the Defence Council is defined by the Presidium of the People's Assembly on the proposal of the Chairman of the Defence Council;

Article 90

No one has the right to sign or accept, in the name of the People's Socialist Republic of Albania, the capitulation or occupation of the country. Any such act is condemned as treason to the country.

Article 91

The establishment of foreign military bases and the stationing of foreign

troops in the territory of the People's Socialist Republic of Albania is prohibited.

CHAPTER IV

THE LOCAL ORGANS OF THE STATE POWER AND STATE ADMINISTRATION

Article 92

The people's councils are organs of the state power, which carry out the governing of the country in the respective territorial administrative units, with the broad participation of the working masses.

The people's councils direct all social life in the political, economic, social-cultural fields, the defence of the country and the protection of the socialist juridical order, reconciling the local interests with the general state interests.

The people's councils are elected for a term of three years.

Article 93

The people's council adopts the local plan and budget; from its members it elects the executive committee and the commissions of the council and discharges them; it appoints and discharges the chiefs of the sections of the executive committee; it directs and controls the activity of the people's councils at lower levels. It issues ordinances and decisions within its competences.

Article 94

The meetings of the people's council open when the majority of its members is present.

The decisions of the people's council are taken on the majority of votes of its members present.

Article 95

A higher people's council may dissolve a lower level people's council, appoints the provisional executive committee and decides on the elections for a new people's council.

A higher people's council may dismiss the executive committee of a lower level people's council and order a new election.

The people's council abrogates the unlawful or irregular acts of its executive committee, of the lower level people's council and the respective executive committee.

Article 96

It is the duty of the members of the people's council to serve the people conscientiously and loyally, to maintain close ties with the electors and render account to them. They have the right to control the state organs, enterprises, institutions and agricultural cooperatives and demand from them the precise implementation of the socialist law.

The respective state organs are obliged to examine the remarks of the members of the people's councils and take the necessary measures.

The members of the people's councils enjoy immunity within the territorial unit under the administration of the people's council. They cannot be detained, arrested or subjected to penal prosecution without the consent of the people's council or the executive committee, except in cases when a grave crime has obviously been committed.

Article 97

The executive committee is the executive and administrative organ of the people's council.

The executive committee continues its activity even after the expiration of the mandate of the people's council which has elected it, until the first meeting of the new people's council.

Article 98

Between sessions of the people's council, the executive committee exercises the rights and duties of the people's council, with the exception of those which, by law, come within the competence of the people's council alone.

The executive committee renders account to the people's council about its activity, presents its more important decisions for approval, and reports on the implementation of decisions of the people's council.

Article 99

The executive committee of the people's council is dependent on the people's council which has elected it and the next higher administrative executive organ.

The executive committee of a higher people's council abrogates the unlawful and irregular acts of a lower level executive committee and suspends those of the lower level people's council, presenting the question of their abrogation to the competent people's council.

Article 100

The specialized organs created under the executive committees are dependent on the people's council, its executive committee, and the higher organs of the state administration, render account to them and to the masses of working people.

CHAPTER V

THE PEOPLE'S COURTS

Article 101

The people's courts are the organs which administer justice.

The people's courts protect the socialist juridical order, fight for prevention of crimes, educate the masses of working people to respect and implement the socialist law, relying on their active participation.

At the head of the organs of justice is the Supreme Court which directs and controls the activity of the courts. The Supreme Court is elected at the first session of the People's Assembly. The other people's courts are elected by the people, according to the method defined by law.

Court organization and trial procedure are defined by law.

Article 102

The courts judge penal and civil cases and other cases which are within their competence according to the law.

Judgment is done with the participation of assistant judges and in public sittings, with the exception of cases when it has been decided otherwise by law.

During the trial the Albanian language is used. Persons who do not know Albanian may use their own language and speak through an interpreter.

The accused enjoys the right of defence.

Article 103

The court is independent in its judgment of a case, it takes its decision on the basis of the law alone, and it pronounces its verdict in the name of the people.

The verdict may be annulled or amended only by the competent higher court.

CHAPTER VI

THE ATTORNEY GENERAL'S OFFICE

Article 104

The duty of the Attorney General's Office is to control the precise and uniform implementation of the laws by the ministries and other central and local organs, by the courts, the organs of investigation, enterprises, institutions, organizations, officials and citizens.

The Attorney General's Office has the right to protest against every illegal act and to demand from the respective organs its abrogation or amendment. The request of the Attorney General must be examined within the period defined by law, otherwise the implementation of the act is suspended.

Article 105

The Attorney General puts before the People's Assembly and before the Presidium of the People's Assembly cases in which the laws and decrees are not in conformity with the Constitution, and it also puts before the Council of Ministers cases in which its decisions and instructions do not conform with the law.

Article 106

The Attorney General and his assistants are appointed at the first session of the People's Assembly.

The attorneys are appointed by the Presidium of the People's Assembly.

PART THREE

CHAPTER I

THE EMBLEM, THE FLAG, THE CAPITAL CITY

Article 107

The emblem of the People's Socialist Republic of Albania bears a black, double-headed eagle, encircled by two sheaves of wheat with a five-pointed red star at the top and which are tied at the bottom with a red ribbon, on which the date »24th May 1944« is inscribed.

Article 108

The state flag of the People's Socialist Republic of Albania presents a red background with a black double-headed eagle in the middle, above which there is a five-pointed red star, outlined in gold. The ratio between the width and the length of the flag is 1 x 1,4.

Article 109

The capital of the People's Socialist Republic of Albania is Tirana.

CHAPTER II

FINAL DISPOSITIONS

Article 110

The Constitution is the fundamental law of the state.

All activity for the creation of juridical norms is conducted on the basis of the Constitution and in complete conformity with it.

Article 111

Proposals for amendments to the Constitution can be presented by the Presidium of the People's Assembly, the Council of Ministers, or by two-fifths of the deputies.

Approval of, or amendments to, the Constitution are done by the People's Assembly by a majority of two-thirds of all the deputies.

Article 112

This Constitution comes into force immediately.