

LAW, POLITICS AND ELECTIONS ELECTORAL SYSTEM IN ALBANIA.

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Abstract

This paper aims to highlight the observance of the law of political parties and elections electoral system as one of the most important institutional decisions for any democracy.

History tells us that electoral systems generally cannot be solved in a conscious and free way. Often they are determined by a combination of unusual circumstances or historical changes.

While as in case of new democracies, electoral systems are selected with a view, in the center of which stands parliamentary election. Albanian history after 90 years is a party-multiplication history, which will quench the thirst of the democratic wind with the creation of a large number of political parties. This tendency had its historical explanation, because it was like a 50-year-old one-party system antipodal and got infinite scale examined as abusive. This addition to the vacuum party in Albanian life, consequently brought the definition of a majoritarian electoral system to proportional mix with it.

During the practical application of the elections are held two different systems of majoritarian and proportional system. Whereas, in practice, in most cases find out mixed forms (...). Political structure of a country and the process formation of political will may be affected in a crucial way mill of the electoral system, because as intra order, the relationship between the parties and the relations between the government and the parliament depends on the electoral system.

23 June is coming. Along with high temperatures, this half-year expects to "taste", in addition to the opening of the election campaign and sweat of each competitor candidate for deputy(MP) in the assembly place, but while as candidates sweating is an issue that mostly should be managed in a organized way by the party structure aimed at the eve of the campaign gaining majority or safe places for potential alliances are Albanian citizens in their individual brand this time should respect the vote and its value.

Key words: *Electoral systems, Political parties, the proportional system, majoritarian system, the majority principle, the Constitution.*

➤ Introduction

Selecting the election system is one of the most important institutional decisions for any democracy. However, the selection of a rare election system consciously and deliberately. Selection is often the case, the result of unusual combination of circumstances, a transitional trend, or foreign history.

Background selection of electoral system can therefore be as important as the selection itself. One should not have the illusion that such decisions are made in the political vacuum. Indeed, the treatment of political advantage is almost always a factor in the selection of electoral systems - sometimes it is the only consideration. At the same time, the electoral system choices available are often, in fact, relatively new. However, also like the calculations of short-term political interest can often obscure the success of a particular electoral system and the broader interests of the political system. Consequently, while the obligations accepted practice, we try to approach the issue of selection of the electoral system in the most extensive and comprehensive.

During the practical implementation of elections held two systems are different, and the proportional majority system. While in practice, in most cases got to find mixed forms (...). The political structure of a country and the process of formation of political will may be affected in order sanitation crucial electoral system, because as intra order, the relationship between party and government and parliamentary relations among depend on the electoral system. On the other hand, certain political traditions, historical conditions and social conditions allowed each to only certain electoral systems. Universal application of any electoral system is Potential. Manipulating's election system regardless indications concrete structures, political and social risks losing the true function of elections, if the electoral system is not acceptable and is not recognized by the All population, then it the power to elect the majority is not accepted as legitimate by minorities.

➤ **The role of electoral systems in the consolidation of representative democracy**

One of the most fundamental theory outlined in psefologjis and political science, is to clarify the role of the main electoral consolidation of representative democracy.

Contemporary world dominated by three main types of electoral systems, which derive from a number of subsystems and other modified forms.

Because of the variety of electoral systems on the roles and functions generalization of elections is always difficult. The significance of such systems, however, is more difficult to determine. The electoral system is at the core of the credibility and legitimacy of modern democracies and in this case in these societies is most important to achieve as much as possible greater compliance within society regarding the electoral system which applies. Situations in which the change of power brings the consequent change of the electoral system¹ are facts that have been proven many times in practice. Prominent scholar psefologjisë scope of Duverger submitted an argument that was later baptized as Duvergerit law, under which a simple majority system of voting favors two-party system.² He also argued that proportional representation tends to be associated with a multiparty system.

This definition is quite argumentative electoral systems to indicate which of electoral systems which helps more and less in the consolidation of representative democracy, but may not always apply in all countries applying these electoral systems. Majoritarian electoral system usually creates a very stable foundation for democratic governance and government-type two-party system, while proportional system opens the possibility that a greater number of political parties, MPs take seats in the legislature, on the basis of which built a multiparty government of governed by two or more political parties.

In general, the majority system in these countries for a long time has helped consolidate representative democracy because the political spotlight is individual, as in structures within political parties as well as the electorate from which the mandate given to legislature.

Parliament formed mainly by two three political parties, while the government mainly consists of a political party without the need for post-election coalitions, the coalitions which are most of the time generator parliamentary and governmental crisis.

The system helps proportional consolidation of representative democracy in countries with ethnic diversity. Moreover, in these countries the application of majoritarian systems often avoids or hampers the ability of minority MPs take seats in representative bodies. Sri Lanka has inherited model of Britain's electoral system, which was a colony until independence declaration.

➤ **Constitutions and electoral systems**

This process is encouraged by the widespread realization that the choice of institutions can have a substantial impact on the wider political system - for example, more and more accepted that an

¹ Latifi, veto; Politikologjia, Institute for Democracy and Development, Skopje 2008, page 226

² Latifi, veto; Politikologjia, Institute for Democracy and Development, Skopje 2008.

electoral system can help to "engineered" and establishing cooperation in society share. Creating electoral system now recognized as important issues relevant to big government, and likely the one with the greatest impact from all political institutions.

By providing this detailed analysis of choices and consequences, and showing how they worked democratic electoral systems in the world, we hope to achieve two things:

- To expand the knowledge and enlighten the public and political discussions;
- And to give designers the constitution means to make a selection of information, and
- In order to avoid some of the effects of failure and instability special selections electoral systems.

At the most basic level, electoral systems indicate that in the general election votes cast in places that parties and candidates win. The main variables are:

1. Electoral formula used (ie whether it be by majority or proportional system, and what mathematical formula used to calculate the allocation of seats) and
2. Size of the region, not how many voters live in a region, but rather as members of parliament elected in that region.

The structure of the electoral system more closely related to other aspects of election administration which relate to this website, such as the distribution of polling places, appointment of candidates, registering voters, who manages elections and so row. These issues are of great importance, and the potential advantage of every election system selection will be hindered unless they needed attention. Form the electoral system also affects other areas of electoral laws: the selection of electoral system affects the way in which regional boundaries set, izajni the ballot as votes are counted, along with numerous other aspects of the electoral process.

The electoral system in Albania³ has as main features of its first and that is stipulated in the Constitution of the Republic of Albania. Albania represented (and still represents today) a new multi-party democracy, the unconsolidated. Consequently, political competition and governance alternatives is often not developed rules and procedures favorable or not, all competing political alternatives in the electoral process.

That force / political alternative which has had political power / legislative ahead of competition the next election has always attempted to apply electoral rules to help him in improperly or fair, to get a better electoral result in the end the election race.

And not only in Albania, but almost all new democracies, it is concluded that generally the choice of electoral system is seen more as an "adjustment tool" political.

It seems that the removal of as many cases to use or sanction the rules change election by political interests of the moment, in favor of one party and against the other, has Conditional validation of the electoral system in the Constitution.

³ A.Anastasi "Constitutional Right" 2003

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It is clear that changing the electoral system, when it is part of the Constitution, represents a greater difficulty than in the case when he (the electoral system) is not part of a law constitutional.

➤ **Proportional system, and the shortcomings** ⁴

Is how political style and political structures of a society of processing in the electoral system, this shows a summary of the main differences. The proportional system based on the principle, according to which countries are divided sakt sisth in parliament in proportion to the votes entitled to DATA parties are in all polling stations. If a relevant party wins 10% of the vote, given that 10% of the seats. In this way, Parliament changeable into a kind of political overview of the different currents. Each and every minority political direction of is pragmatic and can present in source has its own parliament. Proportional election system makes possible the establishment of easier and successfully to the new party, because for their representation in parliament, enough to win only by a vote in each constituency, as they gather together in the end, Thus the profit p . sh. % to a vote of a new party, gives her a few seats in parliament. The temptation for the establishment of new parties obviously brings with it the new elements, deg zimin promotes the interests of the parties and groups of people. For this reason, the proportional election system often responds parliament parliamentary divided into many groups, from which emerge the unstable coalition government with the known weaknesses of and crisis. Voter, with his can affect the formation of the government, because in some instances partit not clearly common in campaigns for certain coalitions of. Since the success of the government every member of the coalition considers its own, while he dedicates partners failures, even voter has the competent difficult to recognize, as in the positive, and negative at that. Candidates for deputy in the proportional system established at the local or at congresses of counties, not by local party committees, that gives opportunity rather large influence of the party chairmanships. Respective candidate the voter does not choose, but must jap vot n selected list s relevant parties, within which the candidates are ranked according to a set time. Although not a representative voter to an area of particular election, he gives parties during Compilations of lists that take account of all relevant groups and strata of the target partis of voters. On the other hand, it enables organizations of interest to partis promise, if they bring members of these relationships last on the list of candidates.

⁴ L.Omari "Parliamentary System" Tirana 2000

➤ **Majority system, and the shortcomings.**⁵

In contrast to the proportional system, in majoritarian system, constituencies equally divided into constituencies, as is the number of places offered in parliament. I picked it considered that in constituencies won or absolute majority or relative majority of votes. This, in normal conditions, only candidates who reach partit from the larger regional or united partit. On the other hand, they should withdraw themselves from the only representation of special interests and should be done very attractive for possible large population groups, with the aim to reach the majority of votes. Majoritarian system of elections in this way compels partit to modernize and to withdraw themselves into their programs and actions of extreme groups from representation.

In historical perspective, the choice of two-party systems are majoritar and be closely linked. Although the majority system can not produce a bipartisan system, he maintains and provides them. In terms of such voter in elections decide between two different programs and groups qeveritare. Choice wins parliament in elections tendenc n of government. Group winner hope government may in this way in a stable parliamentary majority of his partis. On the other hand, such a thing ndimhon voters that in future elections Looking Accountability of the government, because the circumstances in clear majority political success or failure can be clearly identified. Potential failures can not be blamed coalition partners. The influence of voters in the formation of the government and the effect of the National Government supported the most up prioritization of the two-party system stabilized by a majority of the electoral system. In addition, the system creates gearing majority relatively narrow area between the parliament and the election, define to the same extent in areas of certain MPs and in this way prevents the creation of larger distance between the electorate and the elected. Simultaneously, low local organization, determining the candidates wins during the great significance, is that the desirable in the internal democratization of political parties.

However, the disadvantages should not be overlooked majoritarian system. Definition of candidates perspective only by local interests that often b n respective minorities or different groups of the population are represented not. Examples in this respect are among the other women, of which, given the current circumstances, today's easier to have more than arrijn in parliament acquire the votes of a respective electoral zone.

In addition, because the in constituency votes are taken into account only to the successful candidate are DATA, other groups of the representatives voters remain in parliament.

Majoritarian system of elections gives possibility often relevant to a narrow majority have a high degree of addition Representation in parliament.

➤ **RECOMMENDATIONS**

⁵ L.Omari "Parliamentary System" Tirana 2000

I. The electoral system can not be part of the Constitution, but the Constitution can determine rules on which should be selected electoral system. To ensure that choice of electoral system may not be "in hand" only a certain majority, The Constitution may determine that "the electoral law in the Parliament and bodies Local government is approved by not less than three fifths of the votes of all deputies. " This solution will enable system change, if considered, most often without being procedures need to be entered "complicated" to change the Constitution.

II. Constitution in the case of paragraph 1 and give definition to indicate what should be law in question contain, as p.sh: and when the election date is announced, who are the bodies that manage, monitor, control, declare the election results, etc..

In this way, the definition of what the Constitution should contain what "law elections "removes the possibility of a certain majority of abused setting number and type of adjustments that must contain "election law" - (a case abuse can be: a majority in "election law" defines some rules elections, p.sh as voters list prepared as made complaints and appeals, etc., but does not include rules on the composition of the committee or another. These rules past it (the majority) you can make part of another law, which may consider that there is a need for qualified majority);

III. The electoral system should be simplified to ensure the development, administration voting process, as well as announcements of results possibly in a single day - in this context elections may take place with one round and tabulation formula not related to the final development of the election and / or publication of results in a special electoral districts;

IV. In the current political and economic development of Albania's electoral system should be such as to provide a great opportunity a governing majority stable, able to develop reforms moment but it should give to minority have a strong role in expressing its views and attitudes to the government program and its progress, so that an electoral system that takes it best score wins the right choice for majority rule

Absolute can satisfy this need, or perhaps even a clear majority system in terms of a technical administration of reliable;

V. Although the political configuration in Albania is quite broad, it is clear that individualities of prominent political and electoral found only in a limited number political parties. But not a few of the other political parties are represented in the body legislation, Parliament only because of "sponsorship" political "allies" with other great electoral weight.

So, needless to have a large number of parties represented in Parliament can justify the selection of a system that allows the representation in the Assembly only those political parties or groups that have a significant percentage of votes the electorate - thus increasing the electoral threshold will gradually serve as a filter for realization of this goal, yet will give a chance to those parties which, although

"Small" are close to what may be defined as "real electoral";

VI. It seems to have a stable political life, and to be able various issues that enable significant political agreement required a strong role of political parties and perhaps their leaders. But more and more time

is showing that the voters' electoral choices are guided more by values of person than on what he represents politically. However political sympathy continues to be a determining factor in the selection of electoral Albanian voters - therefore an electoral system that harmonizes these interests would be a

The proper solution. So can vote for political parties, but those candidates who win seats because of the number of votes received by the political party represent, may be ranked by the voters. - The system is such that the ballot open list proportional;

VII. Albania is in the phase of organisms required to demonstrate before International where she aspires to join, it is a democratic state which recognizes and respects the rights of minorities and certain social groups. For this reason it's First, you might want to ensure that these groups when they make a number of prominent in relation to the population in the country, have a real opportunity to have representatives in Parliament in a reasonable number of such representatives - Solutions can be electoral system that guarantees in any case a certain number of countries to advance these ethnic groups, social, etc.

➤ CONCLUSION

From all that has been said above shows that there exists a division of dogma strictly enforce the powers between the executive, legislative and judikativit. At the same time, modern democracy claims to prevent monopolization of power. She organized into five levels coexistence and competition of political forces: the electorate and public opinion, associations and political parties, parliament, government and administration as executive and judiciary, although different impact, participate in policy formulation based decisions, implementation and control them. But all participants remain connected with the fundamental principles of the Constitution and must adhere to the rules that it provides.

All should be subject to the permanent control of other bodies. In this way, the influence of the state in democratic countries is limited by a complicated system of limitation of power through the weights and kundëpeshave. In view of modern democracy, the defense of all the state's legal norms, which should be specifically protected by an independent judiciary (...).

The democratic political systems are not so democratic in the sense that power belongs to the people, but they are different political systems even if they have common points between them.

So it is wrong to be defined democracy as a system of the United States or the United Kingdom or France or any other Western country. Since the rights of these states is the choice for themselves what they deem appropriate, foundations and political values of the whole though she called democratic, is it not our right to choose political principles and values that we see fit for our self, our reality, as the best means to achieve our goals, whether those values in accordance with the democratic system or contrary to it? As no! And this is the natural way of every nation that believes in his mind, his self-respect and pride with his personality and originality.

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