



## The Nature of the Legal Acts Produced by the Government Essentially Alienated the Nature, Spirit and Constitution of the Albanian State 1944 – 1948

Lavdosh Ahmetaj

Kamila Karaj

Universiteti "Aleksander Moisiu" Durres

Received: 05 May 2022 / Accepted: 16 May 2023 / Published: 20 May 2023  
© 2023 Lavdosh Ahmetaj and Kamila Karaj

Doi: 10.56345/ijrdv10n1s122

### Abstract

The first acts of the Albanian government produced during the years 1944 and 1948 passed into the ownership of the state the assets of the occupying states and those of their collaborators as well as those individuals who in some cases were not confirmed by some special legal provisions in force. These acts hit the foundations of the economic, legal and political order of free capital, which, in the ideological notion of "speculator", enabled the absolute limitation of the free private economy and alienated property as the foundation of human freedom. While through the extraordinary tax, radical control over society, industry and foreign trade was established, accompanied by the cancellation of the conventions of the National Bank and the creation of the State Bank. The legal acts issued during March 1946 February 1947, nationalized the means of production of industrial enterprises that were in the hands of Albanian owners or capitalists was done in a short time through the only method without remuneration. The characteristic of the implementation of legal acts was radical, expressing class interests, ideologizing the state of the dictatorship of the majority against the ideologically conceived minority as "declassed" or "kulak".

**Keywords:** state, legal acts, ideology, law, order, etc

## 1. Introduction

### 1.1 Genesis of Albanian state constitution

Even before Albania was freed from the Nazi German occupation, the winners of the war arrived in an accelerated manner, to seize the political time, which seemed publicly to be in the service of the winner. In this contextual level, the platform was structured on which the spirit of the Congress of Përmet, May 1914 was based in Marx's doctrine on which the constitution of the Albanian state took its nature and spirit. This tendency is reflected in the theoretical works of Enver Hoxha<sup>1</sup>: only with the victory of the October revolution, only with the creation of the great powerful state of workers and free peasants of Russia, did the Albanian people have the hope of liberation from the heavy yoke of the Beylers and of capitalists, from the centuries-old yoke of foreign imperialist conquerors... . While, from a practical point of view, the logic of the leadership of the Albanian state also determined the path on which the Albanian political society would walk, which was "the path that we have described and describe today is the path previously broken by the Socialist Revolution of October, from the Soviet Union. This means that, even from the pragmatic point of view of the construction of the state, Albania had predetermined the political constitution in the example of an Asian state, which, even under itself, was a

<sup>1</sup> Jean Jacques Rousseau, *The origin of human inequality*, Tirana 2008, p. 34, 56, 78, 123, 134, 134, 156, 234, 345 "State Constitution"

deviation from the natural constitution of the state.

While, on the other hand, Marxist philosophy was concretized from a formal and legal point of view, in the Statute of the Republic of Albania, in the second chapter, the Social and Economic Order is defined, in order to utilize all opportunities and all economic powers, "the state directs life and economic development on the basis of a general economic plan". The plan, which was organized by the state and was based on two tracks of the state economy, Industry and agriculture, but with the absolute priority of promoting and developing the "state economic sector". At the same time, the Statute formalized the state control<sup>2</sup> expressed through article five and six over the "cooperative sector", which came under the grip of the "hands of the state", moreover the state extended its control to the initiative of small private, of the economy.

The program of nationalizations, moreover that of the nationalization of industry and mines was conceived of a specific importance, for the construction of the economic order processed in an accelerated manner by the Government emerging from the Congress of Përmet. What attracts attention is related to the economic policy followed by the Albanian government, which was "defined<sup>3</sup> as an anti-imperialist policy". Concreted in the ninth article of the Statute, which "prohibited monopolies, trusts, cartels", which were created with the aim of dictating prices and "monopolizing markets, to the detriment of the national economy<sup>4</sup>".

Whereas, from the public point of view, the antitrust and antimonopoly policy is materialized in the first meeting of the Antifascist Council, which through<sup>5</sup> its decisions decided to review all the agreements<sup>6</sup> that had been established with foreign countries, moreover, all the economic ties that had been built with the acts of Zogu's government, which, in the theoretical interpretation with strong dogmatic and ideological doses of Hoxha, are conceived to the detriment of the Albanian people, as a result they "had to be broken and new agreements made". Moreover, in the philosophy of the Hoxhish state, the spirit was being created that, a people could not see with indifference the "concessions and subordinate ties", economic and political, made by the regime of Zogu, which, according to the communist doctrine, was justified as having been used as a tool of Italian fascism. Argued with the idea that Zogu had applied the "open door policy strongly disputed by the anti-fascist congress. So, in the Hoxha version, from a practical and formal point of view, Zogut was responsible in front of the Albanians for creating the premises for the "colonization of Albania and the aggression of April 7, 1939", therefore he had delivered Albania into the hands of "Italian fascism".

While, from a formal point of view, it was foreseen by the Decisions of the National Anti-Fascist Council - Clirimtar, for the review of all agreements with foreign countries, "the economic and political ties that were made by the government of Zog". This decision was accompanied by the other decision, which made possible the detention of Zog in Albania on the grounds that "the issue of the regime would be decided by the people and with their will after the liberation of all of Albania"

In this ideological context as well as, from the formal legal point of view, the state was being built with a deep class nature, to be used as a weapon in the hands of the "state party". This nature of transformation naturally led to the implementation of the policy against entrepreneurship and private initiative, "because private property brings every hour and every day the capitalist way of work and production". In this ideological context, the project was being applied, for the development<sup>7</sup> of the socialist revolution in all areas, for the "disappearance of the old economic bases of capitalism", while politically insisting<sup>8</sup> on the creation of the new economic basis of socialism. For this, the ground was being prepared for the separation from the hands of the rich classes or the hands of the bourgeoisie, of the economic power and, step by step, to create the state economy designed in three main directions: first, the creation of the necessary conditions for the planned development of the Albanian economy<sup>9</sup>. So, from a practical point of view with<sup>10</sup> the aim of replacing free competition, moreover avoiding "anarchy in production"; secondly, limiting and liquidating the foundations of the "capitalist economy"; thirdly, the creation of the basis of a state with a class nature, conceived with the establishment of "new social

2 Ndreçi Plasari, "Historical Studies", No. 3 year 1975, p. 10-35 "The policy and strategy of the Anti-Fascist War 1939-1944"

3 E. Hoxha, *Influence of the Great Theory Revolution in Albania*, Tirana, 1957, p. 7

4 Dilaver Sadikaj, "Historical studies", no. 3, Tirana 1975, p. 40-61. *Reconstruction of the industry in 1945-1946*.

5 Statute of the Republic of Albania, Tirana 1946

6 Ndreçi Plasari, "Historical Studies", No. 4, 1975, p. 20-45 "The Anti-Fascist Congress of Përmet - The Establishment of the New Albanian State Anti-Imperialist Politics"

7 *The Anti-Fascist Congress of Përmet - The establishment of the new Albanian state*. Act, cit. *The effect of the extraordinary tax on merchants*, p. 287-290

8 Ndreçi Plasari, *Historical Studies*, No. 4, 1975, p. 20-45 "Antifascist Congress of Përmet - The establishment of the new Albanian state"

9 Haris Silajxhic, *Albania and the USA*, Tirana 1999, p. 206 "Some efforts for economic cooperation"

10 *The 1st Antifascist National-Clearing Congress 1944*, published by the Presidency of the National Anti-Fascist Council-Clearing, p. 42

relations and radical economic transformation".

While, in connection with the project<sup>11</sup> of the eradication of private property, the method, form and terms of expropriation were applied and the formation of socialist property presented its own features, "features, which are different from those of the popular democracies of that time in Europe and Asia".

The justification for the uprooting of old relations was "legitimized" and based on the theory of Marx and Engels: "whether the expropriation will be done with or without compensation, it will depend more not on us, but on the circumstances in which we will take power".

Whereas, the ownership of production assets as "capitalist property" was not realized through the combination of different methods, which expressed the right to compensation, but only based on the radical method as "the only method...without compensation". This method expressed the class spirit of the constitution of the newly built state, at a time when the state did not take into account the position of the respective owner whether the expropriated owner had participated or not in the movement against the fascist occupier. This means that the state was taking on its nature, the character of class ideology, moreover, nationalizations were carried out without any reward with "the characteristic that the state did not respond to any loans that third parties, whether natural or legal, who could they had against "nationalized property". To conceptualize<sup>12</sup> in a concrete way the conflict that the nationalization law was creating, we are referring to the clear order, from the Ministry of Finance, that no credit would be given to merchants charged with extraordinary tax, which had damaged the banking system, due to lack of funds and hindered and reduced communication to a minimum. From a theoretical point of view, the tatami of war profits would serve for the normalization of fiscal relations and for commercial activity on a large scale to bring effective services to the economy, but not to speculations, but, in the meantime, the phenomenon of the narrowing of the trade sector appeared, because "it had started to be carried out by the state<sup>13</sup>".

## 2. Nature of Nationalization in Albanian State

Looking carefully at the political and legal phenomenon of the nature of nationalizations, the intervention of Enver Hoxha, at that time prime minister, who through decision no. 29 appointed Abdyl Këllez, Director of the Bank, who replaces Sejfulla Maliashova, the latter was criticized, by Hoxha, for a liberal policy, in relation to the lending policy, because he had stimulated creditors with help, "for granting loans, keeping feet of a fruitful Albanian activity, which would produce for the Albanian economy, because not granting loans would lead to the closure of an industry". This policy was complicating the situation of the Albanian economy even more due to the situation that the Albanian economy<sup>14</sup> was going through, which was the lack of goods produced by the local economy, moreover the situation was aggravated due to the fact that "every commodity that was bought from outside Albania, was paid in gold".

Whereas, in Këllez's report, it is pointed out in a taxing manner that the granting of loans by Maliashova were given in opposition to the policies of the Albanian state, coming to the conclusion that loans could not be given to private enterprises and traders, but "only to the state, enterprises, cooperatives and recently perhaps also to private individuals. The process reflected the state's radical policy towards the economy of freedom reappeared on March 11, 1946, the circulars of April 12 and August 1, 1945 on credit to merchants were discussed and why their activity had been suspended and they had been imprisoned until the previous payment of the extraordinary tax and after the loan.

While, on April 16, 1946, the State Bank managed to radically change its profile immediately after the speech of Enver Hoxha<sup>15</sup>, held in the People's Assembly, among others it is said that "The State Bank will no longer be the supplier of loans to to enrich the big traders, but to help the big state enterprises, to help the economy and agriculture". The same phenomenon was reflected with the exchange of gold, which would be carried out by the Albanian Bank, at the time when the circulation of grains would also be done, by the autonomous entity of the collection and distribution of grains.

Whereas, from the point of view of the form<sup>16</sup> of nationalization of the means of production, that is, of the main

11 Official Gazette of December 21, 1944, Decisions of the Antifascist Council, No. 1 Through, May 24.

12 Official Gazette, December 21, 1944, No. 1. The 1st National Anti-Fascist Congress - Liberator of Albania, no. 3, Decision II.

13 Ndreci Plasari, "Historical Studies", No. 4, 1975, p. 20-45 "The Anti-Fascist Congress of Përmet - The Establishment of the New Albanian State Anti-Imperialist Politics"

14 Official Gazette 21 December 1944, Përmet, on 27/5/ 1944. Signed by the Chairman. Dr. Omer Nishani and Secretary Koco Tashko. National Anti-Fascist Congress - Clirimtar of Albania, Decision No. 1, II

15 The disappearance of Capitalism as the old economic base and the construction of a new economic base.

16 Hegel, Political Writings, Tirana 2000, p. 23, 45, 67, 78, 123, 134 "The bourgeoisie is conceived as citizenship, therefore, as a social stratum, it is not given an ideological nature"

means and means of production of factories, etc., the general one for branches of the economy has been used, accompanied by the terms of execution, which were relatively shortened and immediate<sup>17</sup>. Meanwhile, the measures undertaken consist of a more revolutionary-radical nature interwoven with it, which in Hoxha language is articulated as "intertwining the tasks of the socialist revolution with those of the democratic-bourgeois revolution", but, accompanied through a practical nature rough and fast in time.

The first acts of the 1st Antifascist Congress were directed against the wealth of the Italian and German states and those persons who had united with the occupier, but without neglecting those who had not declared their capitals, "confiscating and putting under the control of the state". With these acts, the embryonic system of the free economy was struck, which was conceived through the law as a capitalist system, moreover with a speculative nature. By making possible the limitation of the production of free goods and by placing the companies and industries under control over foreign trade, by canceling the convention of the National Bank and creating the State Bank.

While the embryonic phase of the crisis<sup>18</sup> of the Albanian state consisted of going from an ideological crisis to a political crisis, moreover to an existential crisis. Although in the embryonic stage of Albanian state formation, it was taking on a "savage antagonistic nature". This is argued through the discussion of Enver Hoxha, who accused Sejfulla Malishova of helping merchants with loans to escape the extraordinary tax. But, on the other hand, this meant that the extraordinary tax was formalized by law, that is, the economic and legal policy of the state was being violated, in relation to the principles of the legal order, moreover, Malishova's economic philosophy consisted of "control and not for the deletion of the private sector".

While, on the other hand, we have reactions and disputes regarding the law, for the elections of December 2, 1945, for the Anti-Fascist Council. It was Gjergj Kokoshi, who described the law as anti-democratic, because "the law did not give freedom and equal rights to citizens who wanted to run for parliament". Kokoshi found the political and public courage to argue the idea that those Canadians who "are at the front, being in power, would use it to ensure victory". Kokoshi's public criticism had marked the criticism of the electoral law<sup>19</sup>, which elements that were outside the Front had to "be given the necessary tools to develop their electoral campaign". Therefore, criticism was made of the construction and functioning of the electoral law, which failed to ensure equality of competition.

But, on the other hand, Hungary was also in its crisis, which, according to lawyer Spartak Ngjela, in his work, *The Bending and Fall of Albanian Tyranny*, gives the argument that the Communist Party won no more than<sup>20</sup> 17 percent in the 1945 elections. The same result was achieved by social democracy, at the time when the majority was won by the center-right party, which was called the "Small Owners Party". This had greatly angered the Soviets, who had declared that they would win "an absolute majority"<sup>21</sup>.

In the context of the "initial crisis"<sup>22</sup> that the communist system was experiencing and in Albania right on the threshold of the elections for the Constitutional Assembly, it coincides with the rapid recognition of the Provisional Government of Albania, by the Soviet Union "through the head of its military mission in Albania". Meanwhile, on the other side of world politics<sup>23</sup>, the governments of the USA and England announced that they were ready to recognize the Albanian Provisional Government but with some conditions: first, the SBA and England insisted on the Albanian government to recognize all the agreements that had been created between The USA and Albania before April 7, 1939, which were thrown down by the Përmet Congress "Political and economic agreements<sup>24</sup> and ties which were declared invalid", moreover as "enslavement agreements". Moreover, the recognition was conditioned by the development of free elections, in this context, both political and legal, the question arises why the western countries contested the elections in Albania? I think that, on the basis of a system of free elections, the construction of the promenade is built and made possible through two phases, which realize two spatial concepts; first, it is the rule of law, according to which any limitation of the individual autonomy of the person or citizen can be done only on the basis of the law. Moreover, the state becomes legal, when each of its actions is developed and perfected by respecting the law, which expresses the general will of the nation or the people. The second phase is related to the "rule of law", in which other guarantees are added, such as the acts of public bodies, which must be subject to the control of the judge, who made it possible to ensure

17 Con Fuci. *Philosophy*, p. 34, 56, 78, 89, 234, 235, 256, 256 "It was against the philosophy of rooting, moreover it seemed absurd"

18 Niazi Bocari, *Nationalization of the means of production of RPSH - December 1914-February 1944*, Tirana 1973, p. 124.

19 Karl Marx and Frederik Engels, *Selected Works*, V. II-, p. 416

20 Karl Marx, *Critique of political economy*, Tirana 1978, p.... "The state with a class nature"

21 Niazi Bocari, *Citizen of the means of production of RPSH - December 1914-February 1944*, Tirana 1973, p. 126

22 Alvin Saraçi, *Confiscation of property and robbery of gold, 1944-1955*, Tirana 2012, p. 239

23 Iljaz Meta, *The monetary and credit system, 1925-144*, Tirana 1971, p. 321-323

24 Minutes of the meeting of the Administrative Council, No. 33, dated April 16, 1946, p. 24-25

effective compliance. of the law. But, what is even more essential to understand the contestation of the West's policy towards the Albanian Government, is organically connected with "Individualism of power", from the point of view of law, it is conceived as a relationship of the individual taken in particular, but, that can enter the relationship and connect with others. This right cannot be prohibited or limited by the existence of different groups, moreover the principle of "Individualism of power" makes it possible to prohibit the forms of society, which in their practical or political activity, in Albania, could hinder<sup>25</sup> the autonomy of citizens "be they political parties". To be even more argumentative, we refer to Professor Omar, who explains<sup>26</sup> that the terminology in this case has a relative importance, as long as the two terms legal state or rule of law completely express<sup>27</sup> the same concept. But, while the main thing is its content, the fact that the state and law are organically related to each other. While, on the one hand, the state is presented as the embodiment of the very idea of the right, as a necessary factor to give the proper efficiency of the legal norm. On the other hand, the state cannot act without the right, its power is expressed in the legal norm<sup>28</sup>.

Whereas, the process of transferring the means of production into the hands of the state was carried out in the conditions of war, a process which took place "without distinction of religion, class region and political current"<sup>29</sup>. This made it possible for all the means of production to be concentrated in the hands of the state, economic policy, which was sanctioned at the Conference of Peza, September 16, 1942, while, from the point of view of law, we see it reflected in the entirety of the legal provisions, regulated that appeared before the elections of December 1945, based on which the People's Assembly proclaimed the People's Republic of Albania on January 11, 1946. According to the Statute, the means of production<sup>30</sup> were legally considered "common property in the hands of the state", while, in this political-legal concept, the assets of "popular cooperative organizations" were also included, at the time when the law also included "the assets of private physical or moral persons" in the assets of the state. What personifies the Hoxish state in its most original way is related to the "Social and Economic Order" expressed in the second chapter, article nine "The land belongs to those who work it". This would mean that the alienation of property is being reflected, which even though it had been formalized for centuries through inherited laws and regulations, from the founding statutes of the Republic and Monarchy of Albania

### 3. National Economy as a Property of the Country's Capitalists

Meanwhile, the main characteristic of the first period of the Provisional Government was the taking of revolutionary measures, which were reflected in the legal provisions, which sanction the right to confiscate the property of the conquering states and those who had supported the conqueror. We find this reflected<sup>31</sup> in the newspaper *Bashkimi*,

25 AQSH, State Bank, P. 505, V. 1945. D. 10, Instructions and regulations, of the Bank's directorate, sent to the bank's branches in the districts on the policy followed in granting loans, in favor of departments, entities and state enterprises, cooperatives and private persons. 6/2/1946, 21/12.1946, p. 5

26 AQSH, State Bank, P. 505, V. 1945. D. 10, Instructions and regulations, of the Bank's directorate, sent to the bank's branches in the districts on the policy followed in granting loans, in favor of departments, entities and enterprises state, cooperatives and private persons. 6/2/1946, 21/12.1946, p. 5

27 Official Gazette No. 94 dated October 15, 1948. Read; Government Decree No. 51 dated September 20, 1948, "On the new bank credit system"

28 Official Gazette, December 21, 1944, Through May 27, 1944, No. 1

29 AQSH, State Bank, P. 505, V. 1945. D. 10, Instructions and regulations, of the Bank's directorate, sent to the bank's branches in the districts on the policy followed in granting loans, in favor of departments, entities and enterprises state, cooperatives and private persons. 6/2/1946, 21/12.1946, p. 5

30 Joseph Stalin, Work No. 13, p. 4-5. This is called the transition period!?. The period of transition from capitalism to socialism named by Lenin in his article "On the infancy of the left" and on the microbourgeois spirit. In this context, Stalin asked, What did we have in 1918 in the popular economic field? A destroyed industry and lighters, very few kolkhozes and sovkozoes, the growth of the "new" bourgeoisie in the city and the "kulaks" in the countryside. In this context, Stalin argued in a Donkshotesque way that the Soviet Union today has a developed system of "sovkozoes" and "kolkozoes" and a new bourgeoisie that is giving life in the city, the kulaks who are taking life in the countryside. And he deduces in a quixotic way: in the years 1918 there was a period of transition and now in the years 1930-1935 we have a period of transition" Referring to Stalin, I am trying to reason that, in his early days, that is, the communist state, at the same time reflects his crisis, that is, the existence his as state nature. So, why the existential crisis?

31 Work No. 13, p. 6. "The two periods 1918 and 1930-1935 differ radically from one another, they differ like the earth and the sky." According to him, Russia was on the threshold of the liquidation of the last class of capitalists and the class of kulaks. This was considered the exit from the transition period in its old sense and Russia had entered the period of socialism, because the socialist sector had in its hands all the economic levers of the entire national economy. Moreover, even though we are far from the complete construction of the socialist society and the disappearance of class differences". (See, work, cit. Stalini, V. No. 13, p. 7)

through the main articles the attention of public opinion is drawn<sup>32</sup>: The problem of nationalism of the assets of the occupier and traitors is a problem that appeared not only in Albania, but was reflected in all countries, which they had been occupied. In support of the legal provisions, the assets of the persons who violated the legal provisions in force were also confiscated. However, after the proclamation of the People's Republic of Albania, measures of a radical character were taken based on the special legal provisions from time to time, nationalizing the means of production of various branches of the national economy, "property of the country's capitalists"<sup>33</sup>.

As it seems, in the first phase, when the state was still in the initial period of the dictatorship, it carried out the first attacks on the property of those persons, who joined the occupier and under the guise of "imperialist capital" sought to protect their interests and property. While, in the second phase, the measures were more formalized, from a legal point of view, because the radicalism of the state was formalized through the law, which hit the "industrial capitalism of the country".

What constitutes special interests is related to the state's radical attention to those persons who had naturally inherited real estate and property, but in the ideological view of the state they had the form of private property with a capitalist nature and why they were owners and small producers", against these forms of private property, the "right" based on the absurd reason of the state, for the "radical transformation into state property" has been exercised

For this reason, the task of socializing the means of production was achieved through two ways: First, the main means of production "owned by the users, who occupied commanding positions in the country's economy", were nationalized, turning into state property. This process ends in February 1947, forming the initial basis, the main focus of the common economy, shared by a group<sup>34</sup>.

While the radicality of the economic policy was escalating in an accelerated form, formally concretized through Law No. 20 dated December 15, 1944, which established the "foreign trade monopoly"<sup>35</sup>. The Presidency of the Anti-Fascist Council reasoning that the exports were made for the benefit of a "speculative minority" and to avoid smuggling and the black market, decided through Article 1 the prohibition and export of valuable goods and precious stones, and, through Article 2, it is possible to ban the export - import of any type of goods, without the special permission<sup>36</sup> of the Ministry of Economy. While, on the other hand, the foreign trade monopoly became a powerful weapon against the state, it created an "iron fence" to make it impossible for foreign capital to enter Albania, from developed Western European countries, which had an experience to be admired, in the transmission of market models and freedom of commercial action also from the point of view of law.

At the same time, the law regarding requisitions of means of transport No. 24, article no. 1, which was produced by the Presidency of the Anti-Fascist Council, on December 15, 1944. On the basis of this law, the Albanian Government, the commands of the military departments, the commands of the districts, the national councils of the prefectures and sub-prefectures were authorized to requisition land and sea transport tools and vehicles for the needs of the armed forces and reconstruction. Even when the vehicle was driven by the owner, the latter was paid a monthly salary. The requisitioning of means of transport was done without compensation, a principle which was applied later in the case of their nationalization, property which was included in the group of property of small producers.

Meanwhile, the mines were declared<sup>37</sup> common property through historic decree No. 24, March 15, 1946 of the Presidium of the Constitutional Assembly "Proclamation of the statute of the People's Republic of Albania. This radical measure was conceived through the law as a defense of public interests on the basis that the state had to take over the exploitation of still non-nationalized mines, reasons that were presented in the Law on the revocation of mining concessions, which expressed claims that the exploitation of mines were made without technical criteria and practically the concessionaires had benefited from the position of the mines they used, creating "the monopolistic nature of the main markets". Moreover, the Law expressed the claim to the concessions, which were guided by profit motives, therefore they

---

32 Work No. 13, p. 6. "The two periods 1918 and 1930-1935 differ radically from one another, they differ like the earth and the sky." According to him, Russia was on the threshold of the liquidation of the last class of capitalists and the class of kulaks. This was considered the exit from the transition period in its old sense and Russia had entered the period of socialism, because the socialist sector had in its hands all the economic levers of the entire national economy. Moreover, even though we are far from the complete construction of the socialist society and the disappearance of class differences". (See, work, cit. Stalini, V. No. 13, p. 7)

33 Spartak Ngjela, *Bending and the fall of the Albanian tyranny*, Tirana 2011, p. 135

34 Ndeçi Plaasari, *Përmet Congress*, "Historical Studies" No. 4 year 1975, p. 31, 32

35 Ndeçi Plaasari, *Përmet Congress*, "Historical Studies" No. 4 year 1975, p. 33, 34, 35

36 Jean-Jacques Rousseau, *The Social Contract*, p. 34, 56, 78, 89

37 Official Gazette, October 1, 1945, Law, No. 123 d. September 27, 1945, Article 1. "For the people to express their sovereign will on the future regime, representatives will be elected for a Constitutional Assembly, the highest subordinate body of Democratic Albania"



had reduced the investments in the direction of the maintenance of the mines. This Law through Article no. 1 states that the mining concessions granted on the basis of the mining law in force are revoked and the former concessionaires were not given any kind of remuneration". And under Article no. 3 it is expressly stated that any previous obligation was not recognized, for this third parties could not claim any right from the Albanian state, therefore the right of property and owners was conceived from a legal point of view as foreign to the nature of a society based to state property, therefore the state was the "biggest monopolist" and the main one was taking the anti-Albanian step that had been undertaken in the years of its existence since the foundation of the new Albanian state

With the decrees of April 18 and 20, 1946, it became formally impossible to transfer to state ownership "without compensation, agricultural machines, industrial sawmills, metal construction factories". The law<sup>38</sup> was accompanied by an ordinance of the Minister of Economy in support of Article 3 of the decree of the president of the popular assembly no. 64, May 27, 1946, the oil factories of Elbasan, Vlorë, Berat, Fier, the soap factories of Shkodër, Elbasan, Gjirokastër, the leather factories of Korçe, Gjirokastër, Vlorë, Durrës, Shkodër and the lithographic and typographic establishments were expropriated without compensation<sup>39</sup>. Based on the law no. 300 of October 4, 1946, the socialization of the means of production was carried out, which had to be done as soon as possible and without obstacles, for this served the ordinance accompanied by penalties no. April 7 and 11, 1946 of the Ministry of Economy, based on the law no. 144 of November 6, 1945 and in Law No. 35 of April 6, 1946, according to which all industrial or commercial firms or private persons who owned factories or machinery installed or not, with or without a permit, had to denounce them within the time limit of 15 days, from the moment of the publication of this ordinance in the official gazette.

Whereas, the denunciation was based<sup>40</sup> on article 2, in relation to any factory or factory parts, any machinery, spare parts, motors of any type or power, lathes, office tools with motor power. But, while taking into account the natural resistance of the "bourgeoisie", it was ordered administratively and on the basis of Article 5, which substantively considered them as saboteurs, therefore all opponents should be prosecuted by the military court.

At the time that, as an urgent measure for the needs of reconstruction and in the service of the war, were formalized<sup>41</sup> through the "law on the civil mobilization of specialists", moreover, according to this law, all specialists from different fields would be mobilized and could be taken to the service of to the government. The law provided for the loss of the permanent right to exercise the profession of those who were considered as saboteurs of the War and the power that was being built. Moreover, those designated as saboteurs were subjected to criminal trials by military courts, punishing them with imprisonment from one year to thirty years, or death.

#### 4. Conclusions

The constitutional way of law and the state that was being established in Albania reflects a situation of war, which was a political product of the winner of the war, who, before the country was freed, in a radical way, did not respect the political time, which was being fermented. This is reflected in the social composition of the legislative power, which was fulfilled in a radical way, by those who, as winners of the war, had a military spirit and character. As a result, the production of the legal acts issued by the institutions of a military nature, moreover triumphant, does nothing but produce a radicalist, coercive legislation in order to coerce those Albanians, who throughout the war were taken as evidence with the market and had managed to develop their properties. This socioeconomic nature of this class conflicted with the law that was the product of the winning legislation, which means that factory owners and merchants were legally conceived as opponents of the political and legal system that was being built in Albania. The nature of the law made it possible to limit the shown and the private initiative, in an artificial way, because the political doctrine on which the constitution of the law and the state was based in the years 1944-1946 was based on the work of Marx's Capital, which reasoned that relations between the owner of the land and the day laborer were two sides of a society in antagonistic conflict, which, from a concrete point of view, in the Albanian socio-economic terrain assumed the nature of exclusionary logic expressed through the law,

38 Official Gazette, October 1, 1945, Law, No. 123 d. September 27, 1945, Article 1. "The Constitutional Assembly will give Albania the "Statute" and other fundamental laws and will decide on all the acts received by the National Anti-Fascist-Liberation Council and its Presidency"

39 Official Gazette December 21, 1944, Anti-Fascist Congress of Albania, Decision No. 3, I, "The Anti-Fascist National-Liberation Council, which is the main Legislative and Executive body that represents the sovereignty of the people and the Albanian State at the time of the national-liberation war, elects the presidency which consists of the president, three vice-presidents, secretaries and twenty four members"

40 Documents of the high bodies of the revolutionary national-liberation power (19142-1944), Tirana 1962, p. 19.

41 Monika Shoshi Stafa, Monarchy against the Republic, Tirana 2011, p. 5-45

which limited to the radical denial of the operation of the economic laws of capitalism, as a result, the way was opened for the action of the laws of economy, state planning and the artificial concentration of the economic enterprise. This, as a tendency, was nothing more than creating a monstrous state, which in the first steps seemed effective, because, apparently, it satisfied the interests of those who had no property and money, but, in a very short period of time, in short, the monopolistic monster of the state neutralizes and penalizes everything free, everything private. Furthermore, state propaganda insisted on the idea that, without the addition of political and economic banks to the economic and political order that was being created, it would lack one of the most important tools, in relation to the consolidation of the state, which was taking shape giants of a single monopolist, in a typical rural society. What constitutes special interests, in this scientific research, is related to the philosophy and the radicalist attention of the state to those persons who had naturally inherited real and immovable properties, but, while, in the ideological view of the state, they constituted a the immans were at risk because they were free in their private property, which according to the Hoxha political philosophy constituted the capitalist nature of work and production, and because this class of people were small owners and producers against these forms of private property, "right" was exercised based on the state's absurd reason for the radical transformation of property into state property.

This economic policy was exercised on the following principles: first, for the planned development of the Albanian economy, with the aim of replacing free and justified competition, to avoid "anarchy in production". Accompanied by the artificial liquidation of the foundations of the capitalist economy, moreover, the constitution of a state with a class nature, which contradicted all the laws of state construction. In the meantime, this radical class nature of the state was perfected through the law of sequestration and expropriation, in order to eradicate private property. For this, the method, form and terms of expropriation were applied, in the service of the formation of socialist property, which were different from those of popular democracies. In this context, it logically reflects that law is nothing but the legal system, which resists the legality of time, which is more powerful than human minds. Moreover, the right is reflected as such, that is, the right, in the moment of time, when the political class, which assembled this right, dies, precisely this moment of time tests the right, in this time that the right has the opportunity to find its freedom, because it is redeemed, from artificial dictates, in that it functions naturally, it is conceived, in its spirit, as right.

## References

- AQSH, State Bank, P. 505, V. 1945. D. 10, Instructions and regulations, of the Bank's directorate, sent to the bank's branches in the districts on the policy followed in granting loans, in favor of departments, entities and enterprises state, cooperatives and private persons. 6/2/1946, 21/12.1946.
- The Anti-Fascist Congress of Përmet - The establishment of the new Albanian state". Act, cit. The effect of the extraordinary tax on merchants
- Alvin Saraçi, Confiscation of property and robbery of gold, 1944-1955, Tirana 2012
- Jean Jacques Rousseau, The origin of human inequality, Tirana 2008, "State Constitution"
- E. Hoxha, Influence of the Great Theory Revolution in Albania, Tirana, 1957.
- Dilaver Sadikaj, "Historical studies", no. 3, Tirana 1975. Reconstruction of the industry in 1945-1946.
- Documents of the high bodies of the revolutionary national-liberation power (19142-1944), Tirana 1962
- Haris Silajxhic, Albania and the USA, Tirana 1999, p. 206 "Some efforts for economic cooperation"
- The 1st Antifascist National-Clearing Congress 1944, published by the Presidency of the National Anti-Fascist Council-Clearing. Official Gazette of December 21, 1944, Decisions of the Antifascist Council, No. 1 Through, May 24.
- Official Gazette, December 21, 1944, No. 1. The 1st National Anti-Fascist Congress - Liberator of Albania, no. 3, Decision II.
- Official Gazette 21 December 1944, Përmet, on 27/5/ 1944. Signed by the Chairman. Dr. Omer Nishani and Secretary Koco Tashko.
- National Anti-Fascist Congress - Clirimtar of Albania, Decision No. 1, II
- Hegel, Political Writings, "The bourgeoisie is conceived as citizenship, therefore, as a social stratum, it is not given an ideological nature" Tirana 2000
- Karl Marx and Frederik Engels, Selected Works, V. II
- Karl Marx, Critique of political economy, Tirana 1978, p...."The state with a class nature"
- Statute of the Republic of Albania, Tirana 1946
- Niazi Bocari, Nationalization of the means of production of RPSH - December 1914-February 1944, Tirana 1973
- Ndeçi Plaasari, Përmet Congress, "Historical Studies" No. 4 year 1975
- Niazi Bocari, Citizen of the means of production of RPSH - December 1914-February 1944, Tirana 1973
- Ndreci Plasari, "Historical Studies", No. 4, 1975. "The Anti-Fascist Congress of Përmet - The Establishment of the New Albanian State Anti-Imperialist Politics
- Monika Shoshi Stafa, Monarchy against the Republic, Tirana 2011
- Karl Marx and Frederik Engels, Selected Works, V. II



- 2Karl Marx, Critique of political economy, Tirana 1978, p...."The state with a class nature"
- Ilijaz Meta, The monetary and credit system, 1925-144, Tirana 1971
- Minutes of the meeting of the Administrative Council, No. 33, dated April 16, 1946
- AQSH, State Bank, P. 505, V. 1945. D. 10, Instructions and regulations, of the Bank's directorate, sent to the bank's branches in the districts on the policy followed in granting loans, in favor of departments, entities and state enterprises, cooperatives and private persons. 6/2/1946, 21/12.1946.
- AQSH, State Bank, P. 505, V. 1945. D. 10, Instructions and regulations, of the Bank's directorate, sent to the bank's branches in the districts on the policy followed in granting loans, in favor of departments, entities and enterprises state, cooperatives and private persons. 6/2/1946, 21/12.1946.
- Joseph Stalin, Work No. 13, p. 4-5. This is called the transition period?
- Spartak Ngjela, Bending and the fall of the Albanian tyranny, Tirana 2011
- Jean-Jacques Rousseau, The Social Contract,
- Official Gazette, October 1, 1945, Law, No. 123 d. September 27, 1945, Article 1. "For the people to express their sovereign will on the future regime, representatives will be elected for a Constitutional Assembly, the highest subordinate body of Democratic Albania"
- Official Gazette, October 1, 1945, Law, No. 123 d. September 27, 1945, Article 1. "The Constitutional Assembly will give Albania the "Statute"
- Official Gazette December 21, 1944, Anti-Fascist Congress of Albania, Decision No. 3, I
- Work No. 13, p. 6. "The two periods 1918 and 1930-1935 differ radically from one another, they differ like the earth and the sky."  
According to him, Russia was on the threshold of the liquidation of the last class of capitalists and the class of kulaks. This was considered the exit from the transition period in its old sense and Russia had entered the period of socialism, because the socialist sector had in its hands all the economic levers of the entire national economy. Moreover, even though we are far from the complete construction of the socialist society and the disappearance of class differences"