

EDITORIAL

The President of the Republic. Past, present and future _____

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This edition of Jus & Justicia Scientific Journal is dedicated to the academic debate on the role and powers of the President of the Republic while exercising the relevant functions in different forms of government. Constitutionally or legally provided powers, limitations, and related implications in presidential, semi-presidential, or parliamentary forms of government vary significantly. The relevant responsibilities and constraints under constitutional provisions define a crucial position in the local and international environment, guarantying democracy, development and peace.

The role of the President in assuring political and institutional balances - such as interacting with legislative and governmental bodies, exercising of veto power, government formation and termination foreign policy powers, etc. - is related not only to the country's institutional framework but also to personality features. The position of the President of the Republic might be "stronger" in times of crises or "weaker" in stable situations. That requires the attention of political and constitutional actors for a critical approach to the check and balance principle and to a solid constitutional architecture.

In most European countries - where parliamentary republic form of government prevails - the role of the President of the Republic is a ceremonial one with limited effective powers. In the quality of the guarantor of the Constitution, the President of the Republic is generally considered the embodiment of the unity of the nation acting *super partes*.

Eventual limits on presidential powers under the guidance of the Venice Commission opinions, involving the attempted impeachment procedure - as recently occurred in Albania, - demand an in-depth and critical analysis of

factors, that may lead to such events, so as to prevent eventual abuse of powers and preserve democracy.

Reference is made as well to recent constitutional events in Albania and the critical stances of international bodies (OSCE/ODHIR) towards the presidential activity during elections, to the campaign of the President against the ruling party, to the language or active interference with other state bodies activities, etc., which call for a responsible exercise of the, limited as they may be, presidential powers, in accordance with the constitutional spirit and provisions, but most of all to exercise his powers in order to meet the Albanian citizens' expectations (Albanian Constitutional Court Decision No. 1 date 16.02.2022).

As sustained by academic contributors in this edition, a reduced role of the President of the Republic confronted to previously recognized powers, is revealed. This leads to an essential need to guarantee the separation of powers and prevent their conflict. The fact that the presidency is held by a party other than the ruling majority may appear to be beneficial to the balance and division of powers. Whereas strong political figures and protagonists covering the position of the President of the Republic may risk devolving into constitutional conflicts, and jeopardize the constitutional relations that should exist between constitutional bodies. In this context, the President cannot be expected (or required) to be more active or dominant in political decision-making processes.

According to another approach, the functioning or non-functioning of political and institutional systems in democratic order are subject to geographical and cultural domains. Authentic endeavors in finding appropriate solutions are an imperative of the time. On the other hand, institutions are not subject to universality. Thus, in times of values crisis and repositioning of state hierarchies in relation to society, it is mandatory to apply an "*ad hoc* doctrine", to provide solutions to the balance between constitutional bodies, including the of Head of State.

