

The Constitutional arbitration over the admissibility of the abrogating referendum - Comparative overview

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Abstract

Referendum is an institution of the direct democracy. Through it, citizens express their opinions regarding a specific law directly and without the intervention of the parliament. This is a great opportunity for the citizens to be part of the creation of the laws that influence their lives directly. Article 2 of the Constitution of the Republic of Albania states that the sovereignty belongs to the people only and they can exercise this sovereignty in two different ways, through representatives¹ and in a direct manner² whereas the constitution of the Italian Republic states that the sovereignty belongs to the people but they exercise it based on the limits that the constitution imposes them.³ This means that people exercise their legislative right through the chosen representatives and not directly.⁴

The Constitution has implied certain rules regarding the sovereignty that is exercised by the people. It is true that according to Article 2, point 1, of the Constitution, *“The sovereignty belongs to the people in the Republic of Albania”*. But this does not mean that people can have unlimited access in their sovereignty. Every article must be interpreted based on the context of the Constitution and not as something out of it.⁵ In this sense main purpose of this manuscript is the analysis of referendum in the Albanian constitution from a European perspective.

Keywords: Constitution, Albania, referendum, comparative overview.

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