



EUROPEAN SCIENTIFIC JOURNAL
by European Scientific Institute



Paper: “The Constitutional Dilemmas on Cases of Incompatibility and Conflict of Interest of Members of Parliament in Albania”

Submitted: 02 February 2026

Accepted: 23 February 2026

Published: 28 February 2026

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Doi: 10.19044/esj.2026.v22n5p54

Peer review:

Reviewer 1: Fathi Zerari
Souk-Ahras University, Algeria

Reviewer 2: Nino Kharitonashvili
Associate Professor of Caucasian International University, Georgia

ESJ Manuscript Evaluation Form 2026

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Reviewer Name: Zerari Fathi	
University/Country: Souk-Ahras university, Algeria	
Date Manuscript Received: 04/02/2026	Date Review Report Submitted: 09/02/2026
THE CONSTITUTIONAL DILEMMAS ON CASES OF INCOMPATIBILITY AND CONFLICT OF INTEREST OF MEMBERS OF PARLAMENT IN ALBANIA	
ESJ Manuscript Number: 51.02.26	
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Evaluation Criteria:

Please give each evaluation item a numeric rating on a 5-point scale, along with a thorough explanation for each point rating.

<i>Questions</i>	<i>Rating Result</i> [Poor] 1-5 [Excellent]
1. The title is clear and it is adequate to the content of the article.	5
The title clearly reflects the subject of the paper—constitutional dilemmas related to incompatibility and conflicts of interest of Members of Parliament in Albania.	
2. The abstract presents objects, methods, and results.	5
The abstract clearly outlines the research objective (assessing whether statutory incompatibilities can lead to termination of a parliamentary mandate), the methodological approach (analysis of constitutional provisions, legislation, and Constitutional Court jurisprudence), and the main findings (normative coherence contrasted with fragmented institutional practice and jurisdictional ambiguities).	
3. There are a few grammatical errors and spelling mistakes in this article.	3.5

<p>Yes. While the language is generally clear and appropriate for an academic legal article, there are some grammatical inconsistencies (subject verb agreement, a/the confusion...), minor spelling issues (HIDAKKI, HIDACCI, HIDAACI, capitalization in “member of parliament”), and occasional stylistic repetitions. These would benefit from careful language editing.</p>	
<p>4. The study methods are explained clearly.</p>	<p>4.5</p>
<p>The methodology is explicitly described and appropriate for the research question. The use of legal-normative analysis, jurisprudential review, and a limited comparative approach is clearly justified and consistently applied throughout the paper. The article analyzes the constitutional and legal framework governing incompatibility and conflicts of interest of Members of Parliament (MPs) in the Republic of Albania. Focusing primarily on Article 70 of the Albanian Constitution and the Law on the Prevention of Conflict of Interest, the study examines whether incompatibility cases established by statutory law may serve as valid grounds for the termination of a parliamentary mandate. Through this analysis, supported by some comparative references to European practices and international standards, the paper explores the restrictions placed on MPs’ private interests. Particular attention is paid to the roles and competences of the Assembly of Albania, the Constitutional Court, and the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest (HIDAACI). As a result the author’s analysis seems to me both appropriate and cogent, though the author could have more explicitly linked the methods to the structure of the article: how each method is used in specific sections, why comparative references are limited, and what the study deliberately excludes (e.g., empirical enforcement data). In addition</p>	
<p>5. The results are clear and do not contain errors.</p>	<p>5</p>
<p>The results are logically derived from the legal analysis and jurisprudence examined. The identification of institutional gaps and jurisdictional ambiguities is well supported by references to Constitutional Court decisions and parliamentary practice. As far as I am aware, there are no substantive legal errors. On the contrary, I appreciate the author’s distinction between the comprehensiveness of the normative-legal framework aiming at safeguarding parliamentary integrity, and the practical application, which remains fragmented. The author points out that the Constitutional Court has consistently limited its jurisdiction to cases expressly covered by Article 70(3) of the Constitution, while the Assembly has not yet developed a consistent practice for addressing incompatibilities arising from statutory law, resulting in a vacuum, undermining effective enforcement and public accountability. Therefore, the author, recommends clearer legal regulation, improved institutional coordination, and a possible expansion or clarification of the Constitutional Court’s jurisdiction to ensure a coherent and effective incompatibility regime. I guess, the author correctly highlights the Assembly’s lack of practice in enforcing statutory incompatibility but stops short of deeply analyzing why this institutional failure persists (political incentives, absence of procedures, constitutional ambiguity, political culture...). In my view; this could be addressed by analyzing political self-regulation problems, structural conflicts of interest within Parliament, and whether the Assembly is realistically capable of acting as an impartial decision-maker. Further, the author could have explained why, at the conceptual level, constitutional incompatibility should be treated differently from legal incompatibility, beyond the current jurisprudence of the Constitutional Court as one possible reading.</p>	
<p>6. The conclusions or summary are accurate and supported by the content.</p>	<p>5</p>

The conclusions accurately reflect the analysis conducted in the body of the paper. They are consistent with the findings and effectively synthesize the central argument regarding the disconnect between the normative framework and its practical implementation.

7. The references are comprehensive and appropriate.

5

The bibliography is extensive, relevant, and well balanced. It includes constitutional provisions, legislation, Constitutional Court case law, international standards, comparative materials, and scholarly works. The references appropriately support the legal analysis and contextual discussion.

Overall Recommendation (mark an X with your recommendation) :

Accepted, no revision needed	<input type="checkbox"/>
Accepted, minor revision needed	<input checked="" type="checkbox"/>
Return for major revision and resubmission	<input type="checkbox"/>
Reject	<input type="checkbox"/>

Comments and Suggestions to the Author(s):

Comments and Suggestions to the Editors Only:

Reviewer B:

Recommendation: Accept Submission

The TITLE is clear and it is adequate to the content of the article.

yes it is clear and adequate

The ABSTRACT clearly presents objectives, methods, results, and conclusions.

yes, but it would be better to explain more clearly about the used methods. there is mentioned comparative method, which is very important in this work.

There are a few grammatical errors and spelling mistakes in this article.

There are a few grammatical errors and spelling mistakes in this article.

The study METHODS are explained clearly.

yes but there are used more methods and it would be more effective to speak about.

The results are clear and do not contain errors.

yes, it would be better if the autor clearly explains the exact changes suggested by him.

The CONCLUSION or summary is accurate and supported by the content.

yes.

The list of REFERENCES is comprehensive and appropriate.

yes

Please rate the TITLE of this paper.

[Poor] 1-5 [Excellent]

5

Please rate the ABSTRACT of this paper.

[Poor] 1-5 [Excellent]

4

Please rate the LANGUAGE of this paper.

[Poor] 1-5 [Excellent]

5

Please rate the METHODS of this paper.

[Poor] 1-5 [Excellent]

4

Please rate the RESULTS of this paper.

[Poor] 1-5 [Excellent]

4

Please rate the CONCLUSION of this paper.

[Poor] 1-5 [Excellent]

4

Please rate the REFERENCES of this paper.

[Poor] 1-5 [Excellent]

5

Overall Recommendation!!!

Accepted, minor revision needed

Comments and Suggestions to the Author(s):

This is vety interesting and problematic issue in todays world from the point of view of EU politics. authors may deepen towards this direction.
