

Constitutional Principles in the Functioning of the Parliament in the Republic of Kosovo

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Abstract

The function of parliamentary control is one of the cornerstones of democracy. Parliamentary scrutiny makes the executive responsible for its actions and ensuring the effective implementation of its policies. The executive control of parliament is an indicator of good governance.

In addition to the legislative function, through the control, parliament guarantees the balance of powers and affirms its role as a protector of the people's interests. Parliament has the power to oversee the government through a number of tools and mechanisms generally envisioned by the constitution and internal parliamentary regulations. The way the parliament can use its control power depends on the legal framework that defines the position of parliament as an institution of control and guarantees its powers and independence within the political system. The purpose of the work is the functioning of the Kosovo parliament based on constitutional objectives.

Keywords: *Parliament, functioning, government, executive.*

Introduction

Parallel control has three main objectives:

- To ensure the transparency of executive actions. Parliaments shed light on government operations by giving public space for discussion and transition to the public opinion polls of government policies and actions;
- To establish executive responsibility. Parliamentary scrutiny allows to see if government policies are viable and whether they have had the desired impact;
- To guarantee financial responsibility. Parliaments approve and scrutinize government spending in detail denouncing abuses at the level of state-funded services, aiming at improving the economy, efficiency and efficiency of government spending;

Autonomous way of organizing parliament

Parliament, expressing directly the will of the people, is a unique structure with complex structure. It may exercise its functions as a whole (single) in a plenary session or separate (in the Chamber or in the Senate) as well as in its internal structures (committees or parliamentary councils). In general, the complex structure of parliament through which it carries out its functions is the attribute of the Constitution of any country. The constitution in the complex structure of the body of parliament defines only those bodies or structural units which it desires to give a specific and non-transferable or altered assignment.

The organization of parliament is governed by norms based on the principle of

autonomy guaranteed by the Constitution. From this principle arise the existence of self-regulatory power, administrative and financial autonomy, and the principle of parliamentary immunity.

The existence of a self-governing power implies that the parliament has full competence to set itself the ways of its activity, working methods and discussion and voting procedures. In the Constitution of Albania (Article 75.2) it is stated that "the Assembly is organized and functions according to the regulation adopted by the majority of all members".

But here comes the question of the relationship between the constitution and the domestic parliamentary regulation. Most of the norms that define the organization and the way of functioning of parliament are sanctioned in this regulation and the principle that "Parliament is the master of its regulation." Today, more than at any time, parliamentary regulations are different to each other and the variety of parliamentary structures leads often in a differentiated interpretation of their activity, more and more complex and multifaceted. By following the comparative analysis approach, in this chapter we will try to focus on the ubiquitous models of parliamentary structures through which democratic parliaments engage in realization of their functions, adapting to the spirit of governance systems.

Usually in such analyzes four main issues are addressed:

- First, the external format of parliament, namely, the choice between a "classical" division of two-chamber parliaments and single-parliamentary parliaments;
- Secondly, the way in which the representative body is structured internally, that is, the choice between the "centralized" implementation of parliamentary functions based on its functioning mainly in plenary sessions or the transfer of some institutional functions to internal structures such as commissions parliamentary bodies, which enjoy specific decision-making competences;
- Thirdly, the ways of structuring the institutional governance of parliaments, taking into account not only the elected model (chairman, or collegial leadership disagreement), but also their attributes against the assembly itself;
- Fourth, Ways of organizing political subjects within parliament. In democratic parliaments such an organization responds to the need for party representation, with the aim of simplifying the complexity of social pluralism. However, such mediation is solved, in accordance with the way of organization, party force, parliamentary rules and customs. The composition of each parliament is conditioned by the number of MPs and their respective affiliation. In any case, the MPs are grouped in parliamentary groups according to the political affiliation and similarity of the political programs. That is why parliamentary groups are also called political groups.

It is the parliamentary groups themselves that decide how their MPs will be involved in parliamentary committees by respecting the principle of representation in line with the political spectrum of parliament. In contrast to political groups, committees are parliamentary working bodies, which prepare decisions to be taken in the session, while parliamentary groups are prepared for the decisions they want to take in the plenary session. Parliamentary groups and committees are the foundations upon which the structural and functional organization of each parliament is established (Mastropaolo, Verzichelli, 2006).

The main functions of parliamentary control are:

- To detect and prevent abuses, arbitrary or non-legal and unconstitutional behavior of government and public bodies. The protection of citizens' rights and freedoms

is central to this function;

- Ask the government to account for how it uses public funds in order to improve the efficiency of public spending and not allow financial abuses in the administration's activity;
- To oversee the effective implementation of government-programmed policies;
- To make the transparency of the government's activity and to strengthen citizens' trust towards the rule of law.

Parliamentary control instruments of government

The parliamentary control of the government represents a political-juridical process that provides a constant political oversight of the government by parliament. This control is in the function of continuous information on the work of the executive, implementation of laws and realization of the state policy, realized and conceived in parliament. These instruments are available to parliament permanently and use throughout the term of its mandate. Among the main instruments of parliamentary control are the parliament's right to adopt the state budget and the periodic reports that the government submits to parliament for its work.

Regular means of parliamentary control

As a regular means through which parliament exercises control over the activity of the government, as noted above are; the parliament's right to approve the budget and submit periodic government reports to parliament.

Approval of the budget

Budget approval is an important act for the work of each government. Determining the height of the budget, parliament determines the revenue and expenditure of public spending. Given that the amount of budget directly determines the volume of government work and the material opportunities for implementing its program, governments in parliamentary practice understand budget approval as a decisive act in their work. Moreover, the non-vote of parliamentary budget is often a source of government crises and government conflict with parliament.

There are rare cases when precisely because of the non-voting of the budget "falls the government", which in the form of disapproval of the required budget resigns collectively. By adopting the budget the parliament exercises political control over the government and its work. In the practice of government work, as a rule, the budget is approved by the end of the following year.

This enables the government to start with a new budget starting next year. However, not least the government during the year requires changes and supplements of the budget through the rebalances and additional means that it wants to be allowed by the parliament. These demands come as a result of the spending of financially allowed funds with the budget, and as a result of the addition of additional requirements for financing the state administration. In parliamentary practice, the non-vote of the budget by the parliament is followed by different consequences.

As noted above, this often results in the collective resignation of the government, which in this case represents an act of expressing dissatisfaction with the level of the

budget. In other cases, parliament as a rule makes a decision on temporary funding to the next budget, allocating additional funds until the adoption of the new budget over a period of not more than three months (Burdeau, 1980).

Submission of Government Periodic Reports to Parliament

In typical parliamentary systems, the government is obliged to report to Parliament through its work through periodic reports on its work. The periodic reports, which the government puts forward in parliament, are a political control instrument by which parliament oversees the implementation of government laws and state policy. Taking periodical reports on the work of the government, the parliament ascertains the efficiency of the government, the problems in the accomplishment of its functions, and undertakes adequate measures in certain executive areas. Usually, periodic reports include a period of 6 months and one year. In the parliamentary practice is the well-known institute of "saving the government for the first 100 days of its work". This institute, and why it does not represent a constitutional and legal category, is accepted in parliamentary practice and represents a kind of political credibility that will enable the government to consolidate it and start implementing its government program.

During the mentioned period, the government is spared from parliamentary scrutiny and the obligation to submit reports on its work. Government work reports are usually filed in writing and in parliament are presented by the prime minister. Usually when filing periodical reports, a parliamentary debate opens, in which MPs can ask questions and ask for additional information about the work of the government as a whole or its designated ministries. Submission of periodic government reports can often serve as a basis for opposition action and the opening of a government's responsibility debate, which may result in a government's vote of confidence.

Extraordinary means of parliamentary control

Unlike regular parliamentary scrutiny instruments, parliament can exercise political control through extraordinary means, which are enforced case by case, whenever MPs raise the issue of government accountability. These instruments have "ad hoc" occasional use and are, as a rule, an instrument of opposition to the criticism of the government in the framework of the political struggle in parliament. The main instruments of this form of parliamentary control are parliamentary questions, parliamentary interpellations, parliamentary polling commissions, the confidence-building institute and the government's dismissal (Bibic, 1971).

MPs' questions pose the most familiar and most common instrument through which parliament exercises control over the work of the government and its ministries. In most states, the Constitution defines the right to submit parliamentary questions as well as the procedure for submitting them. The practice of filing parliamentary questions was first introduced in England (considered to be the cradle of parliamentary) at the end of the seventeenth and early eighteenth century. This practice was motivated by the desire of the deputies to be informed about the work of the government and the desire of the head of government to explain its plans to parliament. From the history of the development of parliamentary in England, it has been noted that the first parliamentary question was put forward precisely in the House of Lords in 1721. MPs' questions (parliamentary questions) are an instrument of parliamentary scrutiny

through which MPs address certain questions to the government or government minister. They ask for specific work by the government or the ministry concerned about the actions it has taken on specific issues from its scope, government attitudes and opinions on certain issues, etc., through these questions. The essence of the parliamentary inquiry institute consists in the right of deputies to exercise political control over the government, seeking information and adequate disclosures about its work in a concrete field of affairs. Regarding the legal nature of the motion of parliamentary questions, it creates "inter partes" reports, ie certain reports between the two subjects: the submitter of the question (deputy) and the respondent (prime minister, minister or other public head). In this legal report, no third party can be implicated, either from the rank of deputy or from the government.

Parliamentary questions may be submitted in writing and verbally. They are usually set according to the timetable for the work of the parliament, as a rule at the beginning or end of the parliamentary session. Nonetheless, parliaments set special sessions for filing parliamentary questions. Some of these, such a possibility, are foreseen at least once a month, when special meetings are held with the presence of the Prime Minister and Ministers, whereby MPs can address them concrete questions. The Rules of Procedure of the Assembly of Kosovo, in Articles 45 and 46, establish parliamentary procedures for filing parliamentary questions. According to these provisions, the agenda for each Assembly meeting provides for 60 minutes for parliamentary questions.

The deputy for a plenary session may submit a maximum of two (2) questions. Each Member may ask oral questions to a member of the Government, provided that the parliamentary question has been parcels in advance in writing to the Assembly's Motion and Appeals Office at least forty eight (48) hours prior to the commencement of the meeting. The deputy submits the question in writing to the meeting at the time reserved for parliamentary questions.⁵ The oral question cannot last more than two (2) minutes, and the response of a member of the Government cannot be longer than three (3) minutes. Oral questions are not the only form of parliamentary questions.

Written questions are also an important part of parliamentary questions. If time is not enough for the minister or prime minister to answer verbally, the MP receives written answers. It should be noted that during the time of questioning and answering, other MPs cannot be present. An ordinary problem of time for questioning is that substantive questions are often overlooked. Article 46 of the Rules of Procedure of the Assembly of Kosovo stipulates that MPs may submit questions for written answers to the Prime Minister or one of the Ministers in his / her field of responsibility. The answer is given within two (2) weeks after the date of the question and is recorded in the minutes of the next plenary session of the Assembly. The list of questions for which no response has been given within a certain time is published in the Bulletin of the Assembly and sent to the MPs also the regulations of the work of the parliaments of Macedonia and Albania devote special attention to the parliamentary question institute. The Rules of Procedure of the Assembly of Macedonia devote some articles (Articles 35-44) to the MPs' questions. Thus, Article 35 defines the right of MPs to ask questions to ministers and all other public office holders.

Article 36 stipulates that questions may be submitted during the oral hearing, and at the time between the two sessions, the written question is raised to the Speaker of the Parliament. Further, it is regulated the procedure that applies when asking questions and answering the question by the minister or other head of staff to whom

the question is addressed. Article 40 defines the right of a Member to request a written response to the question submitted within 15 days. Within this deadline, the Speaker of Parliament responds in writing to his submitter and for this reason, at the next hearing, he informs that the MP has received the question in writing. If the question is about lighting a fact that is a state secret, the Regulation stipulates that the answer may be given to the hearing without the presence of the public or to be sent to the parliamentary working bodies (Bajrami, Stavileci & Reka, 1996). The Rules of Procedure of the Assembly of the Republic of Albania contain similar provisions for MPs' questions. Article 147-153 of the Regulation establishes a procedure similar to that in the Macedonian Parliament. The specificity of this procedure is foreseen in Article 150, where it is foreseen that after the answer, has the right to replicate up to two minutes for each question, in a questioning session and 5 minutes for specific questions, saying whether it is satisfied or not from the answer. This election is an exception to the rule of parliamentary debate on the parliamentary question, although the opening of this debate is only allowed for the complainant in the event of his dissatisfaction with the response. Also, the Rules of Procedure of the Assembly of Albania stipulate the right of the deputy to request that the reply be sent to the appropriate committee. A greater exception in this regard is laid down in the Constitution of Bulgaria in Article 90, paragraph 2, where it is expressly stipulated that "with the proposal of 1/5 of the people's representatives, after the questions, discussions and decisions are made".

So this is a rare case in the constitutional practice, when even on the occasion of the MP's question the parliamentary debate opens, allowing the discussion of other MPs and that this debate ends with the decision (Bajrami, 1997).

Parliamentary interpellation

The introduction of the parliamentary interpellation institute as a means of parliamentary control of the government and its ministries is the result of the development of the parliamentary system and efforts for the parliament to strengthen the means and mechanisms of parliamentary control, which for the ultimate aim of exercising political control and the government's political accountability to the parliament, in cases where deviations and mistakes are observed in the implementation of the state-determined policy. The need for this institute is therefore motivated as an imperative to prevent arbitrary government action and its removal from parliamentary control. This institute is typical for states where the parliamentary government model works, where the government derives its mandate from parliament and at the same time is subject to full parliamentary control. Parliament in these systems, as a representative of popular sovereignty through interpellation and other parliamentary control instruments, ensures that the government will act within legal-political frameworks and implement the policy and laws set by parliament.

Today most states address parliamentary interpellation as a constitutional category, defining it as a regular instrument of government political control. The procedures followed in the case of an open motion regarding parliamentary interpellation are set out in the parliamentary work regulations. Authors dealing with the classification of parliamentary scrutiny instruments list parliamentary interpellation along with MPs' questions as a tool for individual government control. This classification is made on the basis of subjects that are authorized to initiate the use of these mechanisms. However, the individual character of this mechanism is controversial because most

constitutions, the right to use this instrument, are known only to the number of deputies. Parliamentary interpellation means the session or discussion raised by the motion of the assigned number of deputies and addressed to the Prime Minister, Minister or other public authority regarding their eventual responsibilities.

Most of the constitutions of transition states stipulate that interpellation can be raised to all public functionaries, the Government and each member individually. The interpellation can be raised by at least five deputies, who together, submit the motion of the interpellation. The procedure of filing and parliamentary debate regarding the parliamentary interpellation is defined in detail in the Rules of Procedure of the Assembly. On the basis of the Rules of Procedure of the Assembly, the interpellation is submitted in writing and must be reasoned and signed by all MPs supporting the interpellation. The motion of the interpellation is sent to the speaker of the parliament, who will then forward it to the body, respectively the public function holder to whom the interpellation has been raised. The subject to which the motion of the interpellation has been submitted is obliged to send the report in writing to the President of the Assembly within one month of the submission of this motion. After this period, the motion of the interpellation together with the written response to this motion comes into parliamentary procedure and is discussed in the Assembly ten days after being sent to the deputies. After the beginning of the parliamentary debate regarding the interpellation, initially one of the Applicants of this motion has the right to make the reasoning of the interpellation. After the reasoning of the motion of the interpellation, by one of its submitters, the President of the Government or one of the Ministers has the right to verbally contest this motion and to justify the written response in that regard. Then a broad parliamentary debate opens, in which all MPs and all members of the Assembly are eligible to participate.

After the end of the parliamentary debate, the deliberation can be concluded with the conclusion, by which the Assembly determines its position on the motion filed in interpellation, respectively can conclude that there are elements of responsibility of the Government as a whole, respectively of any of its members. If the elements of political accountability are ascertained, the Assembly may initiate a vote of confidence of the government as a whole.

If the interpellation concerns a certain minister in the Government, then the Assembly cannot, through this motion, dismiss him, but this motion may "force" the President of the Government to submit the proposal for the dismissal of this ministry. The raised interpellation motion may be withdrawn by its submitters at any time, until the end of parliamentary debate on this motion. If only five of the five interpellation motion filers withdraw, then it is considered that the motion is withdrawn because it fails to meet the condition for supporting this motion by at least 5 MPs.

The subject of an interpellation motion can be one or several issues from the scope of the government as a whole or a concrete ministry regarding the implementation of the policy and implementation of the laws in the executive field. The procedural rules for the use of parliamentary interpellation are quite similar in different states.

Most states have the right to file a parliamentary interpellation motion from 5 to 10 MPs. In some states, the right to raise parliamentary interpellations is also known to the parliamentary group operating within the parliament. Meanwhile, in a small number of states, the motion of the interpellation is an individual right and can be submitted by every member of parliament. Almost, without exception parliamentary interpellation should be submitted in written form and must contain justification from its submitters. In the Assembly of Kosovo, pursuant to Article 44 of the Rules of

Procedure, a parliamentary group or six (6) or more MPs may lodge an application for interpellation to examine any matter related to the work of the Government or a Ministry. The proceedings of the Assembly for consideration of an interpellation may take up to three (3) hours. In the event that there are more requests from parliamentary groups for interpellation, the Presidency enables each group to use the right of interpellation in one of the next meeting, in the order of the request.

The motion for interpellation is presented in written form, which contains:

- a. the correct formulation of the interpellation case;
- b. justification for the motion;
- c. the name and signature of the authorized representative of the parliamentary group;
- d. The text of the motion proposed for voting.¹

Interpellation is put on the agenda of the plenary session within seven (7) days after receiving the response from the Government. If the Government, within the deadline provided for in paragraph 5 of this Article, does not send a reply to the interpellation, it is the last item on the agenda of the plenary session of the Assembly, which is under development. If the Assembly is not holding a meeting, it is placed as the first item on the agenda of the first meeting of the Assembly. The Assembly cannot refuse to put an interpellation on the agenda unless it does not meet the formal requirements under paragraph 4 of this Article. The parliamentary group, which has proposed the interpellation, is given the word at the beginning and at the end of the debate. This group at the beginning of the debate is available ten (10) minutes and at the end of the debate, five (5) minutes. The Prime Minister or Minister, to whom the interpellation is lodged, submits and justifies the Government's position on the issue of interpellation. The discussion time for the Prime Minister or the Minister is fifteen (15) minutes. Interpellation on the same issue cannot be filed more than twice during a calendar year.

Parliamentary Polling Commissions

Parliamentary polling commissions represent a specific parliamentary scrutiny instrument by which the parliament, as the case may be, ascertains the responsibility of the government as a whole or of the particular ministry regarding a concrete case that is subject to parliamentary debate about its responsibility. These committees differ from the standing parliamentary committees, which are represented by regular parliamentary bodies because they are of an "ad hoc" nature and are formed in concrete cases when the relevant facts that prove the political responsibility of the government or of one of its ministries need to be clarified. The formation of the polling commissions always precedes the parliamentary debate on its responsibility and the facts raised by the MPs for establishing this responsibility. The motives of forming parliamentary polling committees are different and they are related to the questioning of a concrete situation by a parliamentary commission. This survey involves illuminating the facts relevant to the action or inaction of the government or its concrete ministry in a concrete situation. Most often, this survey deals with the confirmation of overcoming the competences of the government or the respective ministry, their involvement in any illegal action or the implication of an illicit affair. Since the parliament cannot, in the parliamentary debate, prove the accuracy of the allegations raised by MPs, it is usually when these allegations are grounded, forming a

¹ Kosovo's Constitution of 1974.

parliamentary polling commission, which prepares a written report to the parliament on the issue. As a rule in the composition of the parliamentary committees are the MPs, who raise the issue of government responsibility in parliament.

As the designation itself indicates, the task of this commission is to survey the concrete facts about the eventual responsibility of the government or the particular ministry and to present a report on this in parliament. In parliamentary practice, the polling committees are formed in cases where there are opposing views and attitudes between the ruling party and the opposition parties about the responsibility of the government or its involvement in illicit work in some parliamentary affairs. In these cases, parliamentary debate is usually terminated and in order to clarify the facts, a parliamentary inquiry commission is set up to illuminate the facts and present a written report.

The Commission may, in its survey, request certain data from the state bodies, which on this occasion are obliged to provide all the information requested by this commission. After receiving the parliamentary report from the polling commission, the parliament continues the debate on the results submitted by the polling commission and makes a decision on the issue. The commission report is presented by the chair of the commission or the reporting member. At the hearing in which the outcome of the survey commission participates, the subject is involved directly in the subject matter of the survey.

Following the presentation of the results of the polling commission, the reporting member opens the parliamentary debate about him. Usually, the report of the survey commission is accompanied by concrete findings on the omissions and responsibilities of the government and the measures to be taken in this regard. Upon conclusion of the parliamentary debate, regarding the report of the polling commission, the Assembly by the vote decides on its approval or dismissal. In the event of approval and conclusion, fact on the responsibility of the government or the concrete ministries, the Assembly may initiate the procedure of voting of vote of confidence towards the government as a whole or to certain ministers. After voting the report, the commission finishes its work and it dissolves.

Institute of Government Voting

The government's no-confidence institute represents the main parliamentary scrutiny institution, which puts the political responsibility of the government into parliament. This is the most powerful instrument available to parliament and the means by which it exercises control over the government and the instrument with which it directly addresses the question of government's political control. Unlike other parliamentary scrutiny instruments (MPs' questions, interpellations, parliamentary polling commissions), which are only government political control instruments, the government's vote of confidence is a mechanism that directly governs the government's political responsibility. The consequences of using this institute may be the unpublished government confidence, which in fact means its decline, namely the dismissal. The first case of government no confidence vote was marked in 1784, when the English government was voted in the Lower House. From that time it can be said that political control of government by parliament begins. The government's vote of confidence poses a permanent threat to the government by which parliament can take the vote of confidence in the election and get the mandate before the expiration of the term for which it has been elected. As a permanent threat of vote, the government

must always be careful to maintain the support of the parliamentary majority and to be protected from parliamentary re-election and new coalitions, which they can trust with a parliamentary majority.

The effectiveness of voting the vote of confidence of the government is directly dependent on the position and model of the government as well as with the political reports within the parliament. This instrument exists and functions only in countries with a parliamentary model of governance. In presidential systems, there is no question of obtaining a vote of confidence of the government because here the government is tied to the president rather than to the parliament. Government confidence is an efficient mechanism especially in parliamentary systems, where the so-called "coalition government" operates and where there is no stable parliamentary majority. In these systems, the government is constantly threatened by the opposition, which seeks the opportunity to secure a parliamentary majority to vote in the vote of confidence of the government and by means of parliamentary means to "overthrow the government." Undoubtedly, these cases arise in the event of a government's political accountability and in the case of government crises resulting in the secession of governmental coalitions. If these circumstances arise, then the opposition, pushing for the issue of government confidence, proves its decline and strengthened its influence in parliament. In countries where the so-called "government of the cabinet" operates, the possibility of voting on the vote of confidence of the government is limited to two main reasons: first, the government as a rule is one-party and acts in the form of a cabinet; second, the government always enjoys protection from parliamentary majority. Such a situation is encountered in England, where the government through bipartisanship is always one-party and protected by a stable parliamentary majority. The effects of using the vote of confidence are direct. They may have the downfall of the government on a parliamentary path. In this case, the principle of separation of powers may be questioned and the balance, balance and balance between the legislature and the executive should be jeopardized. In order to maintain this balance, some states, such as England, as a safeguard for the government from the vote of confidence, foretell its indirect influence on the dissolution of parliament.

Government dismissal

Government dismissal is the ultimate instrument of government's political accountability, through which parliament assumes government mandate as a result of no-confidence vote. So, in the case of no-confidence vote, in a parliamentary procedure, the government according to the power of law is considered dismissed. Removal, in the legal sense, is a kind of sanction that the parliament takes on the government, as a result of the program's inactivity, which has previously gained confidence in parliament. Government dismissal, as an instrument, is different in mixed and presidential parliamentary systems. In typical parliamentary systems, parliament is the only body that has the right to discharge the government. The most popular cases in parliamentary practice when it comes to the dismissal of the government are: the vote of no confidence of the prime minister or government altogether by the parliament, the individual or collective resignation of the government, the dissolution of parliament, etc. In the event of a vote of government mistrust, in most parliamentary states, the prime minister declares the government's resignation and the government continues to function as a government resignation until the election of the new government.

In countries with a mixed parliamentary-presidential system, the government's dismissal due to the executive system falls into the hands of the president and parliament. Both of these bodies may require the dismissal of the prime minister and the government as a whole on the basis of constitutional powers. Since the president in these states is also the chief of the executive, he can at any time seek the resignation of the prime minister and the government as a whole. The same right has the parliament, which exercises parliamentary control and can vote in the government's mistrust. As noted earlier, a typical example of this control is the Republic of France V, which, with its Constitution of 1958, sanctioned the typical system of the parliamentary and presidential government. The dismissal of the government in the presidential systems is the exclusive right of the president who, without consulting parliament, can dismiss the prime minister and government ministers.

Conclusions

Parliamentary control is one of the essential elements of constitutional democracies. By establishing the principles of effective parliamentary control, new democracies embody representative democracy and enable the establishment of constitutional lines of power control. Parliamentary scrutiny is based on the principle of separation of powers, the establishment of reciprocal balance between powers and mechanisms of mutual control that enable a functioning constitutional democracy.

Parliamentary scrutiny poses a special challenge to the new and transitional democracy states, which in the efforts to consolidate democracy face the fierce struggle of political parties for power and the opposition's tendency to exercise control over power. Such a process is particularly important in the Republic of Kosovo, which in its transition has faced political crises that have emerged in the first phase of parliamentary and consolidation of the rule of law.

Building an efficient parliamentary control system helps build the institution of political accountability and accountability for the quality of governance. It affects governance not to be conceived as power, but as a public service to citizens. Indeed, gaining parliamentary elections and creating parliamentary majority means gaining political mandate from citizens for good governance and efficient public policy exercise. A good government will not consider winning elections as power and political monopoly, but as taking the responsibility of voters to govern in their best interests and public interest.

It is rarely thought that parliamentary control of the government is a tool in the hands of the opposition to prevent the government from carrying out its political program. There are three essential segments of parliamentary control over the executive. The first critical aspect, namely oversight and criticism of the work of the government, in order to understand that it is in the permanent monitoring of the opposition, and which abuse or misuse with the government will be made transparent to the public and to the general public. The second, the competitive and alternative aspect that will enable the opposition to compete in politics by offering its best governing program which would enable a parliamentary alternation process in the upcoming electoral cycle. The third segment is sanctioned and implies the right of the opposition to unleash the government through a vote of confidence and impose new elections to restore its rule.

Not only rarely in Kosovo's parliamentary practice, parliamentary control is conceived

as a means of day-to-day politics and political cleavage of political tensions through unbridled rage and attack. In places of regular political engagement for the permanent control of government, parliamentary scrutiny is transformed into tools of political struggle for power and the emergence of constitutional and political crises that would enable early and extraordinary elections. Therefore, for the European perspective of Kosovo, special importance is the effective and constitutional functioning of the parliamentary control mechanisms, in the function of good governance, genuine parliamentary competition and the building of a sustainable democracy based on the constitutional principle that will be balanced.

Parliamentary control over the government is a competency guaranteed by the Constitution of the Republic of Kosovo. Regardless of constitutional competencies, the Kosovo Assembly cannot yet find forms and wills for their exercise, with particular emphasis on the oversight role over executive power. Despite the constitutional provisions, there is a lack of effective parliamentary oversight over the countries executive. Questioning sessions as a form of oversight are used quite often, while the cabinet continues to ignore them. Hesitating cabinet ministers to answer MPs' parliamentary questions, their reluctance to attend plenary sessions when addressing issues arising from their field of activity, not responding to parliamentary committee invitations to report to meetings to the total ignorance of hearings.

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