

## Constitutional overhaul of the Assembly of the Republic of Macedonia

**Prof. Dr. Fatmire Lumani**

*State University of Tetovo*

### Abstract

The paper is a scientific study that aims at analyzing the overhaul of the Assembly of the Republic of Macedonia in the Albanian Constitution. Assembly of the Republic of Macedonia is a representative body of citizens and the bearer of legislative power in the Republic. It is a unicameral body. Its status and its activity is regulated by the Constitution and special laws on Parliament. The Republic of Macedonia is a unitary state, with a multiethnic society. The population is made up, by two ethnic groups, Macedonians and Albanians. In the Republic of Macedonia are included the minority of Turks, Serbs, Vlachs, Romas, Bosniaks and others.

As a result of many minorities and 2 ethnic groups, the structure of the Assembly of the Republic of Macedonia, which is unicameral, does not respond and fit into the actual reality of the country. Therefore, changes should be made to this regard. This reality requires also a federalization of the Republic of Macedonia by guaranteeing the freedom and the right of self-determination of both majority groups, in this case Macedonians and Albanians. It should be noted, that the Republic of Macedonia, is divided into six electoral districts, with unequal numbers of voters and in this sense, changes in the Electoral Code should be undertaken.

**Keywords:** *Constitutional regulation, Assembly of the Republic of Macedonia, organization.*

### Introduction

State institutions, such as the organizational unit of the state apparatus, exercise certain jobs in a state. They constitute a unique whole organizational, functional, and state organization, which is labeled, even as a state apparatus.

State authorities in the Republic of Macedonia, are divided on the basis of the character of functions that exercise, (or type of acts to draw):

- 1.1. Legislative organs;
- 1.2. Administrative organs (executive);
- 1.3. Judicial organs (courts);

In the world, as a legislative body, usually is described as a representative body, parliament, congress, convention, Soviet, majlis, the sejm, convention, etc. In the Republic of Macedonia, the legislative power is exercised by the Assembly (Parliament) of the Republic of Macedonia.

### Constitutional regulation of the Assembly of the Republic of Macedonia

Organization, functioning of the Assembly, is governed by the Constitution and by the working regulation of the Assembly. According to the Constitution of the Republic of Macedonia of 1991, the Assembly (Parliament) of the Republic of Macedonia is a representative body of citizens and the bearer of legislative power in the Republic. According to the Constitution, the Assembly of the Republic of Macedonia is a unicameral body. It consists of 120 to 140 members. The territory of the Republic of Macedonia is divided into six districts, and in each one of them there 20 deputies are selected. MPs are elected in general, direct, and free elections by secret ballot.

The law on elections of the Republic of Macedonia reserves three seats for members of the Diaspora. The parties are obliged, to candidate 30% women in their lists in electoral zones. This law does not contain any provisions on positive discrimination for ethnic minorities. This law regulates the way, and the conditions for the election of the members of parliament.

According to the Constitution, members of the Assembly of the Republic of Macedonia are elected every 4 years. The mandate starts at the constitutive session of the Assembly. According to Article 64 of the Constitution, the members of parliament represent citizens and have immunity. This means that:

- A deputy might not be called to criminal responsibility or arrested for opinions expressed or for votes cast in the Assembly;
- The deputy might not be arrested without the consent of Parliament, only in the case of criminal offense, which envisages imprisonment, at least of 5 years;
- Assembly, may decide to apply immunity on Members of Parliament, if it is necessary;
- During the mandate, the Member of Parliament is not subject to the obligation in the armed forces.

Under the Constitution, the mandate of the deputy ends if:

- Member of Parliament resigns;
- If a member punished for criminal offense is imprisoned for a period of at least 5 years;
- If the Member of Parliament is punished for criminal acts, or other punishable deed that makes it unworthy.

The members of Parliament have the right to take part in Interpellations that derive from the Latin word "*interpellazio*", which means: to be asked, attacked or protest. Interpellations are an important tool of the members of parliament to open debates about the work of holders of public functions, or for questions about the work of state bodies. Under the Constitution, the motion may be submitted for: the performance of each holder of public office, the Government, and each of its members, and to issues from work of state bodies (Article 72). The method and procedure of presenting, and the discussion, are regulated by the Rules of Procedure.

According to the Constitution (Article 67), the Parliament, elects a President and one or more vice-presidents from the Assembly of Macedonia. They are elected by a majority of votes, from a total number of deputies. The function of the President of the Assembly is incompatible with the exercise of the function or other public professions or functions in a political party. The competences of the President of the Assembly consist in:

- Representing the Assembly;
- Ensuring the implementation of Regulation of work of the Assembly;
- Promulgating elections for the members of parliament and for the President of the Republic;
- Performing other duties stipulated by the Constitution, and with, the Rules of Procedure of the Assembly.

The competences of the Assembly of the Republic of Macedonia are regulated by the Constitution, and include:

- Assembly approves and changes, the Constitution of the Republic of Macedonia. The procedure for changing the Constitution is regulated with the constitutional amendments.
- Parliament has the legislative power, because it
  - approves laws;
  - can proclaim a referendum;
- Other competences of the Assembly of the Republic of Macedonia include the Budget and

spatial planning. The budget is an act, which determines the revenue plan and outcomes in Macedonia during a budget year. It is necessary, because it covers the necessary costs for the performance of the international obligations of the competent institutions (Xhelmo, 2006, 111).

- The Assembly has also the power to:
  - Ratify international agreements;
  - Decide about war and peace;
  - Take a decision about the changing of borders of the Republic;
  - Decides, for unity, and exit from joining with other states.

### **Work and setting in the Assembly of the Republic of Macedonia**

The Assembly works in permanent sessions. Sessions are called by the President of the Assembly and they are issued by the Assembly. For the laws, which are of special importance the Assembly decides, with a majority vote of the present members.

Communities have the right to be represented on the Committee on Inter-Community Relations. It consists of 19 members: 7 members are from the ranks of the Macedonian and Albanian members of Parliament, and 1 member from the ranks of member of Parliament from the minority.

### **Conclusions**

The Republic of Macedonia is a unitary state. Assembly of the Republic of Macedonia is a unicameral body and as such, it does not reflect the civic equality. The Republic of Macedonia consists of a multiethnic society, with Albanian and Macedonian majority and the unicameral chamber of the Macedonian Assembly does not represent the reality. Even the unequal numbers of voters in the districts is another problem that damages the smaller parties and especially the Albanian majority. In my opinion, the Republic of Macedonia should be established as a federal state with two federal units and the Assembly shall consist of two chambers representing a bi-national state, with a multiethnic society and with equal rights for the Albanian and Macedonian majority.

The first chamber of the Assembly shall consist of representatives for all citizens of the federation. The second chamber should be composed from representatives of the federal units. Improvements should be made in the electoral code by establishing a unitary unit, with equal number of voters and not like now 6 electoral districts with unequal numbers of voters.

### **References**

- Kadriu, O. (2010). *Rregullimi kushtetues i Republikës së Maqedonisë*.  
Lumani, F. (2014). *E drejta kushtetuese*. Tetovo.  
Xhelmo, Z. (2006). *Hyrje në drejtësi*. Sarajevo/Prishtina.

### **Legislation**

The Constitution of the Republic of Macedonia (1991).

Ohrid Framework Agreement (2001).

Law for the Assembly of the Republic of Macedonia (2010).

Amendments X, XI, XIV, XV, XVI, XVIII, XXIX of the Constitution of the Republic of Macedonia.