

Factors that influence the realization of the constitutional – legal protection

Safet Emruli

University of Tetovo, Macedonia

Abstract

The constitutional justice system represents the main actor of the establishment and the harmonious functioning of true democracy, because it implies the spirit of the constitution, where the rules of democracy, rule of law and the protection of the rights and freedoms of the citizens are envisaged, is respected and implemented in real life. The constitutional justice, in fact, represents the key segment that guarantees the vitality and efficiency of the judicial order. As such, it emerged as a result of the needs of the democratic life and not by being predetermined by any kind of a legal-constitutional provision.

Keywords: legal protection, democracy, Macedonia, Albania.

Introduction

The existence and function of the rule-of-law state is based on the principle of the rule of law. The constitution represents the fundamental act of the rule of law and the presumption of the realization of constitutionality. It is a fact that this basic document, which guarantees the citizens' rights and freedoms and which foresees and determines the organization of the state power, exists in the Republic of Macedonia and in the Republic of Albania as states that will be an object of study in our work. In such circumstances, it should be noted that the lawmakers' freedom in the normative law-making field can only be achieved within the framework of certain constitutional principles. This freedom of the lawmaker is determined by the fundamental values proclaiming and safeguarding the constitution, i.e. by the constitutional principles. This freedom of the legislator and the framework for the realization of individual constitutional rights are determined by the fundamental values proclaimed and protected by the concerned constitution, whereas in a portion of exercising power constitutional constraints are created in those relations that are directly regulated by the constitution itself. Taken together, these defining principles, such as legislative activity, ways of realizing individual constitutional rights, and constitutional constraints in the exercise of political power, create the core of what is called legal certainty. Legal security, at the same time, constitutes the essence of the principle of the rule of law (Costa, Zolo, 2010). The two countries that are subject to our study sanction the same constitutional values in their constitutions on which the rule of law is based.

Based on the above-mentioned, the question as to what kind of constitutions there are in the countries under study is raised. Other questions include the way of their implementation and the existence of any serious issues that might hinder or limit the application of constitutionality in the mentioned countries.

The Constitution of the Republic of Macedonia and of the Republic of Albania (as

well as the constitutions of the countries of Southeast Europe), have certain common features, which in a way, are said to represent a kind of constitutional system of these countries that contain “copies” of their common “goals” related to their common path towards the Euro-Atlantic integration. In fact, these constitutions guarantee nearly all the freedoms and rights that are applicable in developed democracies of the west. However, the economic grounds, i.e. the material conditions for realizing those rights and freedoms are quite inadequate. These constitutions guarantee the free market economy, private property, civic security, etc. Since the beginning of political pluralism, after the collapse of communism, these postulates have not been put in practice so that the citizens of almost all former communist countries could see and enjoy. In such circumstances, the constitutions of the two countries being studied, as well as of the overwhelming majority of the former communist countries, seem to be a result of “illusory desires” for building societies according to the model of western democracies, because of the fact that the means to change the current situation are very limited. In such circumstances, it is obvious that there have been problems in the realization of constitutionality and its protection. In addition to the material (economic) conditions, the legal culture of these countries has also played a major role in stalling the realization of constitutionality according to western standards. The influencing factors in the realization of judicial-constitutional protection include exactly the circumstances in which the principle of the rule of law and the functioning of the rule of law is realized. These circumstances are numerous and, each state has its own specifications, which affect the realization of the function of protecting the constitutional justice. Such specifications are directly determined by political, economic, and social circumstances. However, some factors may be considered as common to these countries: the real power of the state, the stagnation in the path of Euro-Atlantic integrations, political and security instability, the mismatch between the real and the normative, and the level of independence and professionalism of the Constitutional Court in decision-making processes. We will specifically dwell on each of these factors influencing the realization of judicial-constitutional protection in the following sections of this paper.

The real power of the state as a factor that influences the judicial-constitutional control

It should be emphasized that with the democratic changes that occurred after the '90s, the basic preconditions for establishing the rule of law in the Republic of Macedonia and the Republic of Albania were created, according to the system of European parliamentary democracies. As mentioned above, in these countries we had to deal with a mentality emerging from the monist system, with small states, with underdeveloped economies, with problems of national and social nature, and with a legal culture that was unaware of the values of Western constitutionalism. All these factors have also had an impact on the development of the constitutional justice of these countries because we have been dealing with the establishment of a new system, distinct from the previous one, with new regulation principles, new values and with a new organization of the state power (Vesela Mukoska- Cingo,

2002). One of the key assumptions of successful functioning and realization of the role of the Constitutional Court is the existence of developed democratic relations in a society, alongside with a developed public opinion, informed citizens, developed communication in the political system, especially between the government and the citizens. In the early years, there was difficulty in creating a powerful institution, either because of the lack of experience in the area of constitutional justice or because of the pressure of those who did not accept such an institution. It has not been easy for the Constitutional Court of the Republic of Albania to play this role, given the political sensitivity of the transition era, the constant political concerns of the Assembly, and the highly politicized nature of most of the issues that it has had to decide upon (Sadushi, 2012, 108-109).

This does not in any way mean that subjective factors were not present in the poor performance of some of the constitutional courts that are being studied here, as the case may be with the Constitutional Court of the Republic of Albania mentioned above. In a few words, states that emerged from communism proved to be very weak in the first years of the consolidation of their transition democracies as a result of the aforementioned factors, while politics remained the determining factor in the practical realization of their constitutions and values in these countries. The constitutions of these countries, as stated by Ruti Tietl, have had a special social function - those and the new laws have been instruments of socio-political change and part of that change as well, which alters the role and the importance of the constitution altogether in these countries, compared to other Western countries.¹

Stagnation in the euro-integrative path as a factor that influences the judicial-constitutional control

It should be noted that the goal of two countries discussed here, the Republic of Macedonia and the Republic of Albania, is gaining full membership in the European Union. However, in the harmonization and adaptation of the country's legislation with that of the European Union, the Constitutional Court has also played a significant role. The development and the role of the constitutional justice should be at a proper level for creating the premises for harmonizing the country's legislation with that of the European Union, particularly regarding the role of the Constitutional Court in establishing a practice identical to that of the European Union, namely the unification of the implementation of the European Convention on Human Rights and the unification with the practice of the European Court of Justice. Both of these countries apply the European standards for human rights.² In former communist

¹ "In societies in transition, the law has been placed between the past and the future, between retrospective and perspective." This implies that in societies in transition, justice depends on the concrete context and as such it is partial. Justice, in simple words, is created from transition and is its constitutive part. Compare: Ruti Teitel, "Transitional Rule of Law". In Adam Czarnota, Martin Krygier and Wojciech Sadurski (eds.), *Rethinking the Rule of Law after Communism* (CEU Press: Budapest, 2005) p. 279.

² The Constitution of the Republic of Kosovo. Article 53 (The Interpretation of Provisions on Human Rights): "Fundamental rights and freedoms guaranteed with this constitution are interpreted in harmony with legal decisions of the European Court of Human Rights".

countries, constitutional courts have played an extraordinary role in their integration into European structures. The case of the Constitutional Court of Hungary, as well as of other courts in the countries of the former communist block, is mentioned as an example of how the emphasized judicial activism of the Hungarian Constitutional Court has paved the European integrative way for this country.³

The Republic of Macedonia is still in the position of being a candidate country for membership in the European Union, in accordance with the Stabilization and Association Agreement signed on 9 April 2001,⁴ while struggling for the last fifteen years for meeting the conditions and developing the reciprocal economic and political relations. In the following paragraphs, we will try to provide our estimations as to whether the Republic of Macedonia, namely its 1991 constitution, supplemented by constitutional amendments, has been able to accept the new reality, or how much its provisions are in harmony with the normative acts that precede the accession to the European integrations. Of course, we will especially consider the role played by the Constitutional Court of the Republic of Macedonia in this very important process for the country, where we will see how much, in its practice so far, the Constitutional Court has accepted the acts of the European Union, and has based its decisions upon them, and whether it has shown any resistance in accepting other external legal resources apart from the national ones, maintained a constant stance with regard to its justifications, or has evolved in those attitudes and other issues which we think will be in the interest of this paper. We will also give special attention to the approach of the Constitutional Court towards the European Convention on Human Rights, and the issue of how much it has based its own decisions on those of the above-mentioned court as well as how much it is prepared to accept the practice of the European Court of Justice.

One of the challenges which Macedonia has been facing in the process of the European Integration has been its own highest legal act - the constitution, which constitutes the

³ Hungarian case in Laszlo Solyom's monograph, *Constitutional Judiciary in a New Democracy* (University of Michigan Press: Michigan, 2000); Compare also: Radoslav Prochazka, *Mission Accomplished. On Founding Constitutional Adjudication in Central Europe* (CEU Press: Budapest, 2002), only the sections dealing with Hungary. Indeed, the arguments by this author do not differ at all from those by the former President of the Hungarian Constitutional Court, Laszlo Solyom, cited above in this footnote as the author of the book. As regards the analysis of the experiences from all other former communist countries and the role of the constitutional courts during the transition period, including the comparison with the developed countries, see Herman Schwartz, *The Struggle for Constitutional Justice in Post-Communist Europe*, pp. 1 – 21 and 226-248; Levent Gonenc, *Prospects for Constitutionalism in Post-Communist Countries*, especially Chapters 1 (“Conceptual Framework”) and 3 (“Constitution-Making”), pp. 3-25 and 103-208; Jean – Pierre Massias, *Droit constitutionnel des Etats d’Europe de l’ Est*, pp. 13- 63. There have been other authors, however, who have been against relying only on the constitutional courts. In their opinion, such an attitude paralyzes other bodies – it delegitimizes and de-factorizes them and eventually, it hinders considerably the functioning of the overall constitutional system. Compare: Wojciech Sadurski, “Post communist Constitutional Courts in Search of Political Legitimacy”. In Working Paper Of The Law Department Of The European University Institute (Series/Report No. 11/2001, EUI LAW); Wojciech Sadurski, ‘Legitimacy and Reasons of Constitutional Justice after Communism’. In Wojciech Sadurski (ed), *Constitutional Justice, East and West: Democratic Legitimacy and Constitutional Courts in Post-Communist Europe in a Comparative Perspective*. pp. 163-186.

⁴ The Stabilization and Association Agreement came into force on April 1 2004.

basis of political and economic order, namely the 1991 Constitution of the Republic of Macedonia, with its respective amendments.

One of the issues that is being opened up during the EU integration process is the question of when constitutional changes must take place - before or after becoming part of the named European Union structures.

We should also point out another fact which states that legal solutions and actions in the countries of former Yugoslav Federation are taken as the basis of the practice of developments in Macedonia. This is due to their common past and identical or similar features they used to share at the time. Slovenia and Croatia are mainly taken as a role model in such cases.⁵

However, we should point out that as regards the normative solutions in the process of accession to the European Union, there is not a unified model for constitutional changes. That is why European institutions assess and evaluate each country separately.

Countries themselves should assess the need of intervention, in order for them to point out problems within their own national constitutions and present solutions based on their national context. What the European institutions are seeking is the accession of candidate countries without any problems, the elimination of potential constitutional issues, the provision of legal grounds for efficient implementation of EU laws and obstacle-free observation of the rights and freedoms of their own citizens.

The experiences of other countries are indispensable to making a fair decision, given the general social-political circumstances. This is to ensure stability within the state itself, as a precondition for integration into the great European family.

Changes of the Constitution of the Republic of Macedonia in the process of accession to the European Union are inevitable. They should be understood as a comprehensive process that will involve all relevant actors in order to approve relevant amendments with high political legitimacy.

Major changes must also be made to the Constitutional Court of the Republic of Macedonia, ranging from the way judges are elected, to the extension of competencies. The monopoly of the Republican Assembly in the election of constitutional judges must be abandoned, and the possibility of other branches of power being included in their election should be promoted. The Constitutional Court should be given the competence of interpretation of the Constitution of the Republic of Macedonia. Without recognizing this right to the Constitutional Court, Macedonia's European integration will develop much more difficultly and slowly, with lots of disputes and conflicts in the field of justice. The constitutional courts of the member states of the European Union and the Court of Justice have the right of interpretation of the Constitution when it comes to the interpretation of the founding acts of the European

⁵ We can notice the similar normative solutions provided by the Constitution of the Republic of Macedonia to those of the Constitution of the Republic of Croatia, starting with the contents and the division of this highest judicial act up to the identical provisions that exist in both institutions. The Provision of Article 2 Paragraph 1 of the Constitution of the Republic of Croatia says "The sovereignty of the Republic of Croatia is inalienable, indivisible and non-transferable". Similarly, the Provision of Article 2 Paragraph 1 of the Constitution of the Republic of Macedonia says "The sovereignty of the Republic of Macedonia is inalienable, indivisible and non-transferable".

Union. It is an imperative to make changes and additions to the material and formal sources of constitutional law in the Republic of Macedonia. Among the material resources, the jurisprudence of the European Court of Human Rights and the Court of Justice of the European Union, as well as the general principles of the European law created by the Court of Justice in Luxembourg, must be accepted (Shkariq, 2008, 59).

When preparing constitutional changes for the purpose of joining the European Union, the constitutional provisions governing the procedure for amending the Constitution in Part VIII must be taken into account. In relation to the amendments, the Constitution contains only three articles, which stipulate that the changes are made by constitutional amendments and the authorized proposers for the changes are determined. The amendment procedure has also been determined in Article 131, for the adoption of a decision to amend the Constitution, the definition of the draft project, the adoption of a decision for amendments and the announcement of amendments.⁶ For the full membership in the European Union, changes to the Constitution of the Republic of Macedonia need to be made. It is necessary to amend the provisions relating to sovereignty, citizenship, the organization of state power and the procedures for the accession of the Republic of Macedonia to the European Union. Constitutional bases for transferring the sovereignty over the bodies of the European Union should be established, the issue of European citizenship should be regulated, and procedures for membership in the European Union should be determined.

Political and security instability as a factor that influences the judicial-constitutional control

It should be noted that the lack of political stability and security, obviously, plays a major role in the development of the constitutional justice. It becomes a serious obstacle to the development of relations in the general sense, but also an obstacle to the development and advancement of the functioning of the constitutional courts.⁷ In both cases, political and security instability has made the constitutional provisions

⁶ Article 129 of the Constitution of the Republic of Macedonia implies: "The Constitution of the Republic of Macedonia can be amended and supplemented by constitutional amendments." Article 130 implies: "A proposal to initiate a change in the Constitution in the Republic of Macedonia may be made by the President of the Republic, by the Government, by at least 30 Representatives, or by 150,000 citizens."

Article 131 implies: "The decision to initiate a change in the Constitution is made by the Assembly by a two-thirds majority vote of the total number of Representatives. The draft amendment to the Constitution is confirmed by the Assembly by a majority vote of the total number of Representatives and then submitted to public debate. The decision to change the Constitution is made by the Assembly by a two-thirds majority vote of the total number of Representatives. The change in the Constitution is declared by the Assembly."

⁷ "Time has proven that the decisions of the Constitutional Court, which have caused the biggest controversies, have been used subsequently by politics, as a means to justify its attitudes in analogous matters. Thus, despite the hot debate on the Albanian political scene, caused by the decisions of the Constitutional Court in 2002, which interpreted the procedures of dismissal of the judges of the Constitutional Court, of the judges of the High Court and of the General Prosecutor, the parliamentary majority used this as a counter-argument to justify the dismissal process of the General Prosecutor several years later." (Sadushi, 2008, 111-112).

on the rule of law and democracy and the observance of human and minority rights suffer significantly and lag behind all acceptable standards in the modern era.

The discrepancy between the real and the normative as a factor that influences the judicial-constitutional control

The great desire to speed up the process of assigning norms to social relations is done with the thought and the hope that in this way some problems that arise in society will be avoided or eliminated more easily, regardless of the social reality in which we live. This normation is done by adopting and prescribing everything *ad literam* from Western developed countries, without any proper analysis and adaptation to the order and mentality of the country. This creates the conviction that problem solving is done only through their normation. On the other hand, a great array of norms and institutions is created, wanting to show reality in a better way. In this way, the norm becomes a goal in itself, and its non-realization usually creates another norm thus giving way to the emergence of the illusion that there is some sort of development of social relations in the society itself.

Only by increasing the standards and enabling better conditions, there will be circumstances to concretely implement constitutionality and judicial-constitutional protection.

The independence and autonomy of the court as a factor that influences the judicial-constitutional control

The question of the independence of the constitutional justice in legal literature and written acts, whether national or international, has been dealt with much less than the independence of the ordinary judiciary.⁸ To guarantee the independence of the courts today there is a large number of acts both at the domestic and international level. In European law, the right to court independence has been guaranteed by the Convention on the Protection of Fundamental Human Rights.⁹ Apart from the Convention, another important document in the EU on court independence is Recommendation (94)12 of the Committee of Ministers on the independence, efficiency and role of judges.¹⁰ Another equally important document on court independence is the European Charter on the Statute of Judges, adopted by the European Council in 1998.¹¹

We should also mention Opinion No. 1 of the Consultative Council of European Judges (CCJE) on standards concerning the independence of the judiciary and the irremovability of judges.¹²

⁸ Ordinary courts; regular courts; courts of law

⁹ Macedonia ratified the European Convention on Human Rights in 1997 and it was published in the Official Gazette of the Republic of Macedonia, no. 11/97.

¹⁰ Recommendation (94)12 of the Committee of Ministers on the Independence, Efficiency and Role of Judges (adopted by the Committee of Ministers on 13 October 1994 at the 516 meeting of the Ministers' Deputies).

¹¹ European Charter on the Statute of Judges, DAJ/DOC (98)23, Strasbourg, 8-10 July 1998.

¹² Opinion No. 1 (2001) of the Consultative Council of European Judges (CCJE) to the attention of the Committee of Ministers on standards concerning the independence of the judiciary and the ir-

Other opinions of the CCJE dealing with fair trial within reasonable time frame¹³, the role of the court council being at the service of the citizens¹⁴ and the opinion on qualitative judicial decisions¹⁵ are also very important to the discussed matter.

Unlike the guarantees for independent judiciary, which are considerable in amount, the Venice Commission is the only one to have been dealing with providing guarantees for the independence of the constitutional justice.¹⁶

In building the guarantees for the independence of the constitutional justice, the practice of the European Court on Human Rights is also greatly beneficial, but it is obvious that because of its nature it does not address this issue in a systematic way. The ECHR's working practice shows that the guarantees for independent judiciary, contained in Article 6, line 1 of the ECHR, will be adequately applied in the procedures before Constitutional Courts of the contracting states. The Constitutional Courts of the member states of the Council of Europe in this context are in a specific position, because the guarantees of the Convention on the independence in their functioning will be applied to the constitutional courts as well. Despite the small number of acts which regulate constitutional justice, it is understandable that due to its specific nature, role and function, the guarantees on independence judiciary cannot fully be applied in constitutional justice.¹⁷

Speaking of the independence of the constitutional justice, we should bear in mind that the notion of "constitutional justice" should be perceived in its broad sense.¹⁸

The principle of the independence of the Constitutional Court originates in the first place from the position held by this supreme authority and from the competencies which it has been provided with by the highest act itself - the Constitution. Without

removability of judges, CCJE (2001) OP NA 1, Strasbourg, 23 November 2001.

¹³ Opinion No. 6 (2004) of the Consultative Council of European Judges (CCJE) to the attention of the Committee of Ministers on fair trial within a reasonable time and judge's role in trials taking into account alternative means of dispute settlement (adopted by the CCJE at 5th meeting, Strasbourg, 22-24 November 2004), CCJE (2004) OP No.6, Strasbourg, 24 November 2004.

¹⁴ Opinion No. 10 (2007) of the Consultative Council of European Judges (CCJE) to the attention of the Committee of Ministers of Council of Europe on the Council for the Judiciary at the service of society (adopted by the CCJE at 8th meeting, Strasbourg, 21-23 November 2007), CCJE (2004) OP No.10, Strasbourg, 23 November 2007.

¹⁵ Opinion No. 11 (2008) of the Consultative Council of European Judges (CCJE) to the attention of the Committee of Ministers of Council of Europe on the Council for the Judiciary on the quality of judicial decisions (adopted by the CCJE at 11th meeting, Strasbourg, 12-14 November 2008), CCJE (2008) OP No.11, Strasbourg, 14 November 2008.

¹⁶ Venice Commission Vademecum on Constitutional justice, CDL-JU (2007)012, 11 May 2007, The Composition of Constitutional Courts, Science and technique of democracy No.20, European commission for Democracy through Law (Venice Commission), CDL-STD (1997)020, Council of Europe Publishing, December 1997.

¹⁷ Commission for Democracy Through Law (Venice Commission), Draft report on the Independence of the Judicial System: part I: the Independence of Judges (revised) on the basis of comments by Guido Neppi Modona, Angelika Nussberger, Hjortur Torfason, Valery Zorkin, Study No.494/2008, CDL (2010)006, Strasbourg, 5 March 2010, Point 11, 4.

¹⁸ For instance, in the so called mixed systems of constitutionality control, all ordinary courts are authorized not to apply the law if it contradicts the constitution, even though the constitutional court or the high court (or a specialized unit of that court) has the authorizations on controlling constitutionality.

enjoying full organizational, administrative and financial independence, the Constitutional Court cannot fulfill the duties assigned to it by the Constitution itself. On the other hand, it is the Constitutional Court judges themselves who, in the scope of their duty, must apply only the Constitution and be independent from any influence that can be exercised to them by any state institution, person or organization.

There is no doubt that the principle of independence of the Constitutional Court represents one of the fundamental principles of the Constitutional Court.¹⁹

This principle must be foreseen and guaranteed by the Constitution or by laws of the respective countries. Such principle is foreseen by the Constitution of the Republic of Macedonia and the Republic of Albania. But the implementation of this fundamental principle of the work of the Constitutional Court in real life does not imply its automatic implementation in the work of the Constitutional Court. I think that tackling this issue in our paper will be just a modest contribution in terms of analyzing its implementation in reality in the countries we are dealing with. The topic of independence of the work of the Constitutional Court will be dealt with not only from the aspect of theoretical and normative approaches that exist today but also from the practical viewpoint, by analyzing various factors that we value as important in the realization of this principle of the Constitutional Court.

This topic, which is very important for the work of the Constitutional Court, will not be approached solely from the aspect of normative regulation or the possibilities of intervention by the government, be it by the legislator or the executive, but also from the aspect of other social factors that can influence it, most importantly by the impact of political parties (whether in power or opposition), the media (whether domestic or foreign), the civil sector, the various social groups, etc. Only a Constitutional Court with uncontested authority before the public will be able to play its role on protecting the constitutional legal order.

The decisions of the Court usually carry strong commandments of the rule of law, and the development of democracy, as a consequence. It should be acknowledged that judgments of special value also play a role in the development of justice because of their influence. If a bad opinion is created on the work of the Constitutional Court, then it loses its authority as a violator of the Constitution and the law. In the last few years, in the Republic of Macedonia, the role and the position of the CCRM has been understood in different ways, depending on the verdicts that have occurred, which in certain cases have been subject to the attack of political and national opinion. All this has had an impact on the perception of the role and the position it enjoys.

There is a strong reason for urgent debate on the Constitutional Court of the Republic of Macedonia: uninterrupted and aggressive attacks by the executive and legislative powers are very frequent. We should emphasize that the reason does not lie in the deficiencies of normative regulation of the position and functioning of the CCRM, so we should not resort to finding them. We have always been worried because of the lack of knowledge by the political elites in country, in understanding the position of the Constitutional Court within the system of power in the Republic of Macedonia. Many arguments can be mentioned, but the main argument that must be raised is the contestation of the legitimacy and independence of the Constitutional Court by

¹⁹ As regards the working principles of the Constitutional Court see in (Sadushi, 2008, 329-349).

the legislative and executive power. If the legitimacy of the legislative and executive power is not at all disputable, the CCRM legitimacy has often been disputed. This statement should only be taken as a conclusion and there is no need to argue against it; the politicians do not accept the role of the Constitutional Court as an independent body, having the power against the legislative and executive power from the viewpoint of the implementation of the Constitution and the laws. The main reason for such attitudes towards the CCRM should be sought in the mentality and the prejudices of the legislative and executive power that the Constitutional Court limits their right to action. Today, powerful campaigns are coordinated against the Constitutional Court. Within this negative campaign against the CCRM, we may notice that: a) the Constitutional Court works for the other option (the political opponents) and b) a part of the judges are incompetent to exercise the function of the constitutional judge.²⁰ Challenging decisions, various reactions, party allegations – this is how the work of CCRM has been assessed and qualified in the past years. As the opposition welcomes the decisions of constitutional judges, parties in power attack and accuse those who are obliged to assess the constitutionality of laws and other by-laws for political affiliation.²¹

References

- Fenwick, H. Phillipson, G. and Masterman, R. (2007) (eds.), *Judicial Reasoning under the UK Human Rights Act* Cambridge University Press.
- Kadriu, O. (2006). "Rregullimi kushtetues i Maqedonisë", Skopje.
- Klimovski, S. (1997). "Ustaven i politički sistem", Prosvetno delo, Skopje.
- Kulić, D. (1982). "Ustavno sudstvo u svetu", Beograd-Zaječar.
- Kelsen, H. (2002). *Pure Theory of Law*. The Lawbook Exchange LTD: Clark, New Jersey.
- Kelsen, H. (1945). *General Theory of Law and State*. Harvard University Press: Cambridge.
- Loloçi, K. (2002). "Kushtetuta dhe nevoja për një mentalitet të ri", "Horizont", Tiranë.
- Mukovska- Çingo, V. (2002). "Ustavno sudstvo", (Teorija i praktika), Skopje.
- Omari, L. Anastasi, A. (2010). "E drejta Kushtetuese", Shtëpia Botuese "ABC", Tiranë.
- Pollozhani, B. (2006). "Një shqyrtim komparativ kushtetues- juridik për mbrojtjen e kushtetutshmërisë dhe ligjshmërisë", Universitas, Viti V, Nr.8, Tetovo.
- Sadushi, S. (2004). "Kontrolli Kushtetues", Shtëpia Botuese Botimpex, Tiranë.
- Saliu, K. (1998). "E drejta Kushtetuese", (Libri I), Pristina.
- Samardzic, S. (2001). (ed.), *Norma i Odluka*. Karl Smit i Njegovi Kritičari "Filip Visnjic": Beograd.
- Sadurski, W. (2010) (ed.), *Constitutional Justice, East and West. Democratic Legitimacy and Constitutional Courts in Post-Communist Europe in a Comparative Perspective*. Kluwer Law Publisher: The Hague, 2010.
- Shkariç, S. (2002). "Sporedbeno i makedonsko ustavno pravo", Matica, Skopje.
- Shkariç, S. (1994). "Ustavno pravo" (prva kniga), Skopje.
- Shkariç, S. (1995). "Ustavno pravo" (vtora kniga), Union –Trade, Skopje.
- Traja, K. (2000). "Drejtësia Kushtetuese", Shtëpia Botuese "Luarasi", Tiranë.

²⁰ With regard to the assaults against the Constitutional Court see Prof.dr. Milan Netkov, "Marginalii za položbata i za funkcioniranjeto na Ustavniot Sud denes i ovde", at the Europaeum Forum 10 "Ustavniot Sud na Republika Makedonija – status, dilemi i prespektivi, Fakulteti of Law " Justiniani I" Skopje, April 2010, pp. 19-21.

²¹ <http://www.vecer.com.mk/?ItemID=95970F382634314FA9F8F8FE4628CAE> (Retrieved on 12.09.2017)