

Political System In The Republic Of Macedonia And EU - NATO Membership Challenges

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Abstract

The basic functioning of institutions in a country depends on the forms of governance. This is defined on the Constitution of the respective state as the highest legal act. It also depends on the practice functioning of the fundamental institutions in a political system. Macedonia has set parliamentary democracy as a form of governance. However, the functioning of the legal system displays different features, because we are dealing with a multiethnic State, the status of candidate country for membership in EU, and NATO – at the same time, faced with the terms of meeting the criteria for euro – Atlantic membership. Although Macedonia is determined to have representative democracy as a form of governance, institutions are functioning with very special specifications. They constantly create new practices, such as frequent elections and early parliamentary Self-dissolution of parliament which was aimed at overcoming the political crisis. There was also an annulment of the decision of the assembly and practices of the practical operation of institutions. However, this makes parliamentary life in Macedonia to be specific from other democratic standards. Specific issue involving the constitutional and legal position of the communities, at various times, has been regulated in different forms. Furthermore, it is more advanced after the signing of the Ohrid Framework Agreement in 2001. At the same time, it presents a challenge in itself and provides an act of harmonized internal legislation to the European Union. This is with genuine parliamentarian debates because the harmonization of legislation requires the implementation of the same laws. Also, it does not just adopt them without been harmonized with the reality in the country.

Keywords: Governance, political system, Republic of Macedonia, EU, NATO

Introduction

Based on the form of governance, the way of the fundamental constitutional and political institution functioning, we came across many organizational practices of the relevant institutions. Also, we encountered different approaches towards the integration process e.g. membership to the EU and NATO.

Therefore, the essence of the integrating process of the countries that are still in the transition process is to promote the efficiency and the transparency of the functioning of democracy in these countries. The fulfillment of the relevant criteria increases the safety of citizens, the trust in the policy institutions in the country, and it creates an option for the citizens to become a real carrier of the full sovereignty. Consequently, it also creates mechanisms that guarantee their freedom and rights.

Constitutional Regulation of the Republic of Macedonia

Macedonia was regarded as a state on the first meeting of the Anti-Fascist Assembly of the National Liberation of Macedonia held on August 2nd 1944 in the Monastery Prohor Pchinski. This meeting was based on the adopted acts and their legal-constitutional character which presents the genesis of the constitutional order and development of the Republic of Macedonia (Klimovski et al., 2009). In the séance held on January 25th 1991, the Macedonian Parliament proclaimed the Independence Declaration of the Socialist Republic of Macedonia. Article 1 of this Declaration says: “*With this declaration, the sovereignty of the Socialist Republic of Macedonia is being stated in accordance with the constitutional provisions for independence and territorial integrity of the Macedonian state, as well as the right of the Macedonian people for self-determination, including the right to secession.*” Therefore, the functioning of the legal system will be based on some laws. These laws are in the constitution of the Socialist Republic of Macedonia, based on the provisions of the above mentioned Declaration. On the other hand, based on the Constitution of the Socialist Federation of Yugoslavia, the federation laws will be implemented only if they are not contrary to the Socialist Macedonian Constitution and its laws. Furthermore, they would also be implemented if they are not contrary to the Independence Declaration which was adopted by the Parliament. With this Declaration, the adoption of the new Constitution was determined.

With a Parliament Decision on June 7th 1991, the term “Socialist” was erased. On September 8th 1991, a referendum was held for an independent Macedonia. In September 17th 1991, the Macedonian Parliament adopted a Declaration about the referendum of September 8th. Here, Article 1 says: “*The Parliament of the Republic of Macedonia states that the citizens of the Republic of Macedonia in the referendum held on September 8th 1991,*

have self-convinced the plebiscitary citizenship and the sovereignty of the Republic of Macedonia. They expressed their will and voted for the Republic of Macedonia to be constituted as an independent Macedonia, with the right to enter the union of Yugoslavia as the next sovereign state. By this democratic way, the citizens of Macedonia have written a new page in the Macedonian history for the finalization of the independence and sovereignty of the Republic of Macedonia" (Official Gazette of the Republic of Macedonia, No.4, 1991).

On November 17th 1991, the Macedonian Parliament has adopted the Macedonian Constitution as the highest legal act. They did this by placing a new social-politic system and a new politic and economic strategy on the function of the independent state of Macedonia. Also, they accomplished it by defining the competencies and the scope of the relevant institutions.

The development of the Macedonian Constitution from 1946 to 1991 can be divided into three stages (Klimovski et al., 2003). The first stage starts on December 31st 1946 when the first Constitution was adopted. However, this lasted until the adoption of the second Constitution on April 12th 1963. The second Constitution lasted until 1974 with few changes made in 1972. Finally, the third stage starts after the adoption of the 1974 Constitution (more precisely from February 5th 1974) and lasts until the confirmation of the present Constitution, until 17th of November 1991. The third stage is characterized with the definition of the state as a social-political community. This stage is also characterized with amendments to Constitutional changes. Subsequently, this Constitution has its novelties which characterizes the whole phase of the Constitutional development until the fallout of Yugoslavia and the fall of the socialism as a social formation (Kadriu, 2006). However, the working class were considered as advanced, while the government was still concentrating on the party's state structure. This Constitution meant a better living condition for the Albanians, because it foresees more rights for them. According to this Constitution, amplification of the human rights and freedoms was to be seen. Furthermore, this Constitution was amended in 1981, 1986, 1989, 1990, and in 1991 with the amendments LXXXII to LXXXV.

The Parliament is the highest and self-administrated organ of the state. The parliament delegates are elected with a mandate of four years. Government organization varies from state to state, depending on the implementation of the unity of the state power principle or the power separation principle. However, the theory gives three types of governmental organization systems which is constructed based on the principle of separation of government: parliamentary, presidential, and a combined governance system (hybrid). Therefore, there is no way for a general right to exist, as well as one legal system for all the countries (Sadikaj, 2010). The

Macedonian Constitution of 1991 sanctioned the parliamentary democracy as a form of state governance. This is usually based on the principle of separation of state power. The parliamentary democracy as a form and the most developed and spread model of governance allows institutional construction, their mandate, and their legitimacy to govern the country (Abdullai, 2010). Additionally, there is no clear organizational model of the government in the political practice. Hence, the most known form of this organization or a parliamentary regime, is the theoretical concept that was modeled in appropriate historical, national, and political conditions. So, in science, the difference between the British, French, and German parliamentary regime was accepted (Gjorgjevik, 1979). According to the above mentioned author's statement, the existence of the Parliament or an institution is not enough to have an appropriate government system. The functioning of the government characterizes the relationship between the holders of the state power, named by the Constitution. Thus, it also includes their relationship between their functioning in practice. In chapter III of the Macedonian Constitution, the government organization was defined.

"The Macedonian Parliament is the representative body of the citizens and the legislative carrier in Macedonia. Its function and organization are regulated with the Procedural rules." (Constitution of the Republic of Macedonia, 1991)

Furthermore, the Constitution determines the Parliament as the highest legislative institution in the country. It also sets other basic institutions of the legal system. The legal system depends on the content and the society type (society structure, economic and political regulation, the system of social values etc.) (Chokreski, 2001). From the governance system point of view, Macedonia implemented the combined parliamentary-presidential system according to the models of the South-Eastern European countries, particularly based on the Croatian and Slovenian governing system (Bajrami, 2010). Therefore, this combined system can be seen by the fact that the Parliament presents the highest legislative institution which also elects the Government. On the other hand, the state president is being elected by the citizens and not by the parliament like other countries that have a pure parliamentary system.

Basic Institutions of the Political System in Macedonia

The Parliament: Its Role in the Process of the EU/NATO Membership

The basic political institutions in Macedonia are: the Parliament, the Government, State President, and the Constitutional court. The governance system in Macedonia is divided into the legislative, executive, and the judicial system. The principle of governance division is part of the basic values of the constitutional regulation of Macedonia. The theory of

governance division, more precisely, involves the division of functions that has a big historical and political importance (Gjorgjevik, 1981). This divides the function within the main political institutions and provides balance and control between the authorities. The parliament functions, in most of the countries, are specified within the Constitution based on the enumeration principle which involves numbering the issues that falls under its competency (Bajrami, 2011). The Parliament competencies are being realized in a way and in a procedure which is determined with the Macedonian Constitution, Law, and Rule (Official Gazette of the Republic of Macedonia No.104, 2009). Accordingly, beside the Constitution are the working bodies and parliamentary procedures such as: the Law on the Assembly of the Republic of Macedonia and the Rules of procedure of the Assembly of the Republic of Macedonia. The organization and the function of the Macedonian Assembly and the procedure of the working bodies of the Assembly were determined with the Rules of procedure of the Assembly. The Assembly as a political notion is linked to the representation and to the rule of the people (Gusheva, 2009). In the Macedonian Assembly, 123 members of the Parliament were being elected. 120 MP are elected based on the proportional model whereby the Macedonian territory is divided into six election units determined with the Electoral code. In each of the unit, 20 MPs are being elected. Also, three MPs were being elected based on the model of the Diaspora majority. The election of the members of the parliament is done within 90 days of the last mandate of the current Assembly. However, those who understand the representation of the state are aware that the elementary rule to create the state is political pluralism and the free and just elections (Maliqi, 2014). -The right to elect a member of the parliament is given to every Macedonian citizen who is at the age of 18. They must be capable and must not have serve jail for any criminal offence. The mandate of the MPs is four years and the same is verified by the Assembly. Hence, this starts working from the moment the constitution was established. The Assembly of the Republic of Macedonia carries a numerous competencies that can be classified in few groups. Therefore, some of these functions include: the legislative function, the elective function, and the political control over the government and other organs that carry out public functions. Thus, it also answers to the Assembly.

The internal organization of the Assembly is based on the principle of Assembly procedure, working groups, and the deputy positions. The Macedonian Assembly is unicameral. The Macedonian Assembly was in constant session. However, its rest begins from August 1 and ends in August 31st (Article 5, Rule of the Assembly of the Republic of Macedonia 2008). The Assembly works in sessions. The Assembly sessions were convoked by the President of the Assembly. The President of the Assembly can convoke a

session by the request of the State President, Prime-Minister, and at least 20 deputies (Article 67). Based on the Constitution, the Assembly can determine whether the majority of the total number of the deputies is taking place in the session. The Assembly decides with the majority of votes of the present deputies, at least with 1/3 of the total number of the deputies. Furthermore, the Parliament sessions were public. The Parliament can decide whether to work closely for public sessions which were based on the conditions determined by the Constitution and the Rule of the Assembly. In the case of the absence of the President of the Parliament or any obstacle, the Parliament session is being led by any of the vice presidents. If the vice presidents of the parliament were not present as well, then the Parliament is led by the deputy elected by the Parliament. The President of the Parliament with his/hers vice presidents and the parliamentary group coordinators review the issues regarding the work of the Parliament. They plan the course of the Parliamentary sessions, follow the work of the working bodies, and gave initiatives regarding their work. In addition, they follow the work of the service of the Parliament and other issues. The Parliament votes publicly on all the sessions, and is being realized through the use of the voting tools or by raising a hand. The voting can be fulfilled through individual statements of the deputies as well. The Parliament can decide by secret voting only if a public official is being discharged. This is usually done by the proposition of the President of the Assembly or any other deputy. Hence, their request should be supported by ten deputies. The Assembly services act on a double mission: provide help to the deputies through their mandate, and also to the governing authorities in running the institution (Bufi, 2010). The Assembly also has parliamentary groups. The parliamentary group consists of at least five deputies who are part of one or more political parties (Article 33). A deputy has the right to be part of only one parliamentary group. However, the parliamentary group provides a way to join the deputies of one or more parties who share the same opinion for more issues (Shkarik et al., 2007). The parliamentary group has one coordinator and one or more substitutes. In the case of the parliamentary group composition change, coordinator or the substitutes, the President of the Assembly has to be informed on who informs the deputies. The number for forming the parliamentary group varies from country to country. In this case, the parliamentary group in the Albanian Assembly can be formed with at least seven deputies, not with five like in Macedonia. Article 15, paragraph 2 of the Rule of Assembly of the Republic of Albania (adopted with the Assembly decision nr. 166 on 16.12.2004), in regards to the parliamentary group formation determines: *“For the formation of a parliamentary group, a minimum of seven deputies is needed. Each deputy can be part of only one parliamentary group. A deputy that leaves the group can join other parliamentary group only after*

six month from the day of leave." Consequently, the way of forming a parliamentary group also varies in the Assembly of the Republic of Kosovo. This is because 5% of the deputies in the Assembly or at least six deputies are needed in the formation of the parliamentary group. This issue is determined by the Rule of the Assembly of the Republic of Kosovo adopted on April 29th 2010. Therefore, article 20, paragraph 3 of the rule says: "*For the formation of the parliamentary group, 5% of the Assembly deputies or at least six deputies are needed. In cases when the number of the deputies, members of a group falls to a minimum, the group does not exist anymore*". Beside the electoral and controlling function, the Assembly has a legislative function. Thus, this means it adopts laws. In order to accomplish this function, the process of adoption and change of the most important acts (the Constitution and Laws) is absolutely needed to be under the permanent control of the citizens as the subject of freedom (Jovanovik, 1991). The legislative function, which is the primary most important function of the Assembly, implies that the Assembly adopts the laws that regulate all social relations in the country. The Assembly of Macedonia adopts and changes the Constitution, laws, national spatial plan of the Republic, the state budget, and also ratifies international agreements. Therefore, the right to propose law adoption was given to every deputy of the Assembly, the Government, and at least 10.000 voters. The laws are being issued by the Assembly, but the ideas for new laws came from different sources in the community (Justicia No.1 2013). The procedure of law adoption starts with a proposition for a law adoption. The whole process of the adoption of law is determined with the Rule of the Assembly. The law proposal is being directed to the president of the Assembly by the authorized proposer. The authorized proposer, within three days, directs the law proposal to the deputies. After then, the legislative procedure starts. The procedure for the adoption of law passes through three phases which is in harmony with the Rule of procedure of the Assembly: first, second, and third reading. Thus, this is a new practice which was not foreseen with the old Rule of the Assembly.

The deputies enjoy immunity. It's a word coming from the Latin words "*immunitas*" and "*inmunitas*", from the old word *munus*. Thus, this means office, duty, or service, which was widely used by the Latin's to demonstrate exclusion from an activity, tax, or public service (Bufi, 2010, pp. 263). Consequently, the loss of such function can happen with a resignation or if convicted for a criminal offense which is punishable by imprisonment for at least five years. This represents termination of the mandate under the Constitution. The mandate of the deputy ends also if the deputy is missing the Assembly for more than six months, as well as conducting other criminal offense or other acts that make him not fit to exercise its function as a deputy. In these cases, the taking of the mandate is

confirmed with the majority of 2/3 of the total deputy number. Deputy's mandate is verified by the Assembly, which starts to run from the constitutive meeting of the Assembly. The new elected Assembly holds a constitutive session no later than 20 days after the elections. If the constitutional meeting is not convened by the President of the past composition of the Assembly, then on the 21st day from the elections, the deputies themselves constitutes the Assembly. The deputies have rights and duties. They have to take part in the Assembly meetings and participate in its work and decision-making process.

The Presidents and members of the working groups and their substitutes were elected from the Assembly deputies with a proposition from the Committee on Election and Appointment Issues. Hence, this is based on the lists proposed by the parliamentary groups. The Committee proposition secures proportional representation of the parliamentary groups deputies and the independent deputies. Every proposition contains as much as the candidates elected in the working groups. The proposition for their election is being directed to the President of the Assembly, who presents the proposition to the deputies ten days before the start of the session. The committees are working bodies of the assembly, which carry certain functions from the circle of its scope (Bajrami, 2007). Also, the assembly establishes permanent and temporal working bodies.

The Government

The Macedonian Government is the highest executive organ. Its idea has to do with the center of our society (Blondel, 1982). The government has often been defined as the headquarters of the executive power, as a space where all the relevant solutions are being brought for all (Della Porta, 2006). As the carrier of the executive power, the government is an organ that works within its competencies in an independent way. Thus, this is done according to the constitution, laws, and ratified international agreements based on the principles of transparency, efficiency, and the protection of the citizens' rights and freedom. The government is a state collegial organ which consists of a bigger number of ministers which as a rule, takes place at the top of the concerned resorts of the state administration (Shkarik et al., 2007). The main duty of the government is the execution of the laws and other adopted acts by the Assembly. The second form of the state activity is the executive activity (Stavileci, Batalli & Sadushi, 2012). Therefore, the legislative activity is the first form which the state exercises, which is then followed by the executive and judicial activity. The Government plans the implementation policy of the laws and other acts of the assembly, and is responsible for their implementation (The Constitution of the Republic of Macedonia, 1991,

Article 91, Al.1). Also, the Government consists of its President, Government deputies, the ministers, and the deputy ministers.

In 2010, after the amendment of the Law on Organization and Operation of the State Administration, a change in the organization of the Macedonian Government was made. Also, for the first time, a united Ministry of Informatics Society and a Ministry of Administration was established. This change is no doubt in accordance with the reforms made in the administration which are being followed by other countries as well. Thus, this is with the aim of achieving a better efficiency of its work. The scope of the administrative organs is in fact based and regulated in accordance with the general legal norms (the law). However, their target is the care and concretization of the general legal norms by solving specific issues of different parties/subjects (Ismaili, 2004). The state administration organs are formed for the fields and resorts which are important for performing the state functions for an efficient realization of the rights and duties of the citizens and legal entities (Pollozhani et al., 2010). The Government of the Republic of Macedonia also establishes public enterprises, which has different committees. However, the Government sessions are being called and lead by the President of the Government. The President calls the session based on his initiative or based on the request of 1/3 of the government members. Alternatively, he does this based on the request of some of the partner ministers of the government coalition.

The only characteristic of the power division, which was applied continually from 1991, has been the inclusion of the Albanian parties in all the governments (Friedrich Ebert Stiftung, 2008). Subsequently, from 1991, the Albanian parties were been represented in the government. There exist some forms of government control by the assembly, which are: parliamentary interpellations, parliamentary inquiry committees, deputy questions, government confidence vote, the government dismissal, and approval of the budget.

The Integration to the EU and NATO

The tendency of every country in a transition period is its integration to the Euro-Atlantic structures. Macedonia has to be determined in the political and constitutional aspect in order to follow the path of the democratic development of the western democratic countries. This is based on the fact that only the integration into the structures of the EU and NATO can provide a strong future for Macedonia (SEEU, CPRA, pp.15). This path and these challenges are followed by Macedonia as well, as long it is determined to be integrated into the EU. The process of integration in the EU and NATO is a process of interactions within the state, global, and EU reforms. Hence, this was accomplished through appropriate procedures for

the realization of the political, economic, and legal criteria (Kambovski, 2005). With no doubt, we have to point the reforms in the state public administration, which would have helped in the development and democratization of a more successful society and market economy. However, the following can be secured only with the development of the democratic administration, namely: basic motives for the reforms enforcement in the Macedonian public administration, further development of the democratic society, and the support of the market economy development, i.e. the stability and continuity of the state (Grizo & Davitkovski, 2001). In order to accomplish these reforms, few basic legal preconditions of the constituted executive power in Macedonia have to be fulfilled. Thus, this is with the adoption of the laws which will determine the position and role of the executive power in the political system. This political system has to be the fastest, being counted as a complementary part of the activities related to the EU integration process. The several remarks by the European Commission in the progress reports of the EU integration, focused firstly on the judicial independence, the position of the human rights and freedom, and the war against crime. Also, it raises the essential question: is there a need for a constitution of the legal democratic state? Furthermore, it is sufficient to set the formal contours of democratic society –free elections, parliamentary procedures, the achievement of the governance legitimacy, and the right of the principle of majority of electoral division (Kambovski, 2014).

The state administration should be based on these principles of its functionality: competencies, transparency, the rule of law, efficiency, stability, ethics, equal treatment of the users, and responsibility. The administrative officers carry a disciplinary responsibility against their decision makers or against some collective people they work for (Grizo et al., 2008). The administration answers to the representative body. Thus, such responsibility has the holder of the public functions. The application of the EU means accepting higher responsibilities; including the progress of the relations between the region countries. This is because the regional cooperation is a condition for the further EU integration. Consequently, it is of special importance to highlight the fact that in November 2005, the European Commission has published its stand for the Macedonian candidacy for EU membership. In this stand, the status of a candidate for EU membership has to be highlighted. This was published by the messenger of the EU for expansion of the EU, Olli Rehn. He stated that the opinion is objective as a result of the economic and political progress of the Republic of Macedonia. After we have made the analysis based on the positive and negative aspects, we the citizens have come to a conclusion that we prefer the status of a candidate for the Republic of Macedonia.

Conclusion

The Republic of Macedonia, in order to have an efficient democratic functionality, has to accomplish the idea of full membership to the EU and NATO. Also, the basic legal institutions which are the Assembly, the Government, and the judicial system, have to enforce their actions in a more efficient way. They have to follow the path of other countries with more developed democracy. Consequently, the continued harmonization of the state legislation with one of the EU is inevitable. The investment in creating an efficient administration, politically responsible, controlled, professionalized, and computerized would help in the creation of continued reform conditions in more segments. This is accomplished by strengthening the war against negative phenomenon, corruption, and crime. The purpose of the reforms has to be directed to ensure the efficiency of the executive power. Through this way, it influences the growth of the responsibilities in accomplishing public services for the citizens, i.e. it accelerates the administration procedures in order to accomplish their rights. The strengthening of partnership with the international community will help Macedonia in its internal reforming path, as well as in the steps, acts, and challenges regarding the EU and NATO integration. Thus, the main political institutions should be engaged in decentralization issue more especially.

Consequently, the state institutions activity has to be transparent always by communicating and informing the public concerning every issue and flow in the country. Efforts should be made constantly to raise the citizen's awareness to participate in new initiatives and project accomplishment. This is carried out so that the citizen should be closer to the government and relevant institutions. However, this is based on the fact that the state sovereignty comes from the citizens themselves. Special importance is needed in the judicial system, in the local self-administration sphere, and in the private and public sector. In addition, the role of the Non-Governmental Organizations should be more transparent in the public services. Tolerance engagement, mutual understanding, inter-ethnic relations, citizen equality, and advancement of the female's role in the public life are also needed.

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