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The Contribution of the Constitutional Court to the Consolidation of the Constitutional State of the Republic of Kosovo: Theoretical Aspects and Analysis of Jurisprudence in the First Decade

Julinda Elezi

Abstract

This scientific paper examines the contribution and significance of the Constitutional Court in the consolidation of the constitutional state of the Republic of Kosovo. The establishment of the Constitutional Court of the Republic of Kosovo marked an important step towards strengthening the rule of law and the effective protection of constitutional freedoms and rights. The protection of fundamental human rights and freedoms constitutes one of the main foundations upon which the constitutional order of the Republic of Kosovo is built. The Constitution of the Republic of Kosovo guarantees these rights and freedoms, while their protection represents an important element of the functioning of the constitutional state.

In this context, the paper deals with the jurisprudence of the Constitutional Court during the first decade of its operation, focusing on some of the most significant decisions that have influenced the development of constitutional practice in the Republic of Kosovo.

For the realization of this paper, the method of legal analysis has been employed, through the examination of relevant literature and the analysis of the decisions of the Constitutional Court. In particular, the analysis focuses on some of the most important cases addressed in the jurisprudence of the Constitutional Court during the first decade of its operation, which reflect its role in the interpretation of constitutional norms and in the protection of fundamental rights and freedoms.

Keywords: Constitutional court, constitutional review, constitutional state, constitutional jurisprudence, constitutional consolidation.

Introduction

The constitutional system constitutes one of the main foundations upon which the modern state is built and functions. Through the Constitution, the fundamental principles of state organization, the manner of exercising power, and the relations between public institutions are determined. In this framework, particular importance is attached to the principle of the rule of law, the separation and control of powers, as well as the guarantee of fundamental rights and freedoms of the individual. The Constitution, in addition to representing the fundamental legal act of the state, also plays an important role in the process of state formation and democratic development, by determining the principles and rules upon which the state is organized and functions. For this reason, the functioning of a constitutional system is not merely linked to the formal existence of the Constitution, but also to the implementation and respect of its principles in practice (Bajrami, 2014).

In this context, constitutional review represents an important mechanism for ensuring the supremacy of the Constitution and the respect of the principles upon which the constitutional order is based. Constitutional courts have a particular role in this process, as through the exercise of constitutional review they contribute to the protection of the Constitution, fundamental rights and freedoms, as well as to the maintenance of the balance between powers. In this way, constitutional review also serves as a mechanism to ensure that the decision-making of public bodies, particularly of the legislative power, is in accordance with constitutional requirements (Morina, 2017).

During the first decade of the operation of the Constitutional Court of the Republic of Kosovo, its jurisprudence has developed through decisions that have addressed various issues of constitutional significance. The Court's decisions reflect the manner of interpreting and applying constitutional norms in concrete cases, including issues related to the functioning of institutions and the exercise of their competences. In this regard, the analysis of the Court's decisions enables the examination of the development of constitutional practice and its role during this period. To this end, the paper focuses on four selected cases from the jurisprudence of the Constitutional Court during the first decade of its operation, namely the RTK Case, the Jahjaga Case, the AKP Case, and the VLAN Case, which constitute part of the main decisions of the Constitutional Court (Hasani & Brahimi, 2020).

The Constitutional System and Constitutional Review in The Republic of Kosovo

Historical Background of the Constitution of Kosovo

The constitutional history of Kosovo is closely linked to the political, legal, and territorial developments through which the country has passed. During the Ottoman Empire period, Kosovo presented itself as an administrative unit with particular characteristics. In 1864, the Vilayet of Kosovo was constituted, which had a specific administrative and legal organization. Until 1912, Albanians were divided into four main vilayets: the Vilayet of Kosovo, the Vilayet of Shkodra, the Vilayet of Manastir, and the Vilayet of Janina (Bajrami, 2014, pp. 31–32). The Constitution can be understood as an agreement between the people and the state, through which the fundamental rules for the organization of the state and its functioning on the basis of the rule of law are determined. Respect for these determinations is an obligation both for public authority and for individuals and social groups (Susuri, 2019, p. 246). After 1945, Kosovo was included in the constitutional system of Yugoslavia and passed through several stages in the development of its legal-political position. An important moment was the Constitution of 1974, which recognized Kosovo a more advanced constitutional position and broader competences. Within this system, Kosovo had its own institutions, including the Assembly, the Executive Council, and the Constitutional Court (Bajrami, 2014, pp. 40–41). The importance of the Constitution for the contemporary state and society is multifaceted. It can hardly be reflected in an abstract manner, but its importance can be observed through the historical account of its emergence and development, as well as through the role it plays in periods of transformation and development of the state, particularly of the modern legal state. The existence of the Constitution and its development reflect the directions of development and transformation of a society, of constitutional law, of the political system, and of the political views of a country (Salihu, 2002, pp. 45–46). A significant turning point in Kosovo's constitutional position occurred during the 1980s. The constitutional interventions of 1989 affected the exercise of competences and the status of Kosovo within the then constitutional system. During the 1990s, various political and institutional efforts were developed to determine Kosovo's status and to realize the demand for self-determination. In this period, constitutional acts were adopted and political processes were developed that aimed at strengthening Kosovo's political and legal position (Bajrami, 2014, pp. 48–49, 52–53). In 1990, a constitutional act was adopted that aimed to determine Kosovo's position and its further institutional

development. Subsequently, the political developments of the 1990s and the processes that followed created a new stage in the determination of Kosovo's status. The referendum and institutional processes of this period constituted part of the efforts to realize the demand for self-determination and independence (Bajrami, 2014, pp. 60–61). These historical and constitutional developments constitute an important part of Kosovo's journey towards the determination of its status and the creation of the foundation for building its constitutional system.

The Constitution of the Republic of Kosovo: Structure and Fundamental Principles

The Constitution constitutes the fundamental legal act of a state and holds the highest position in the hierarchy of legal norms. In the narrow sense, constitutional law relates to the legal norms that determine the limitation of state power and its mutual control, while in the broad sense it encompasses the entirety of constitutional principles, values, and norms that determine the relations between state authority and citizens. In this framework, constitutional law regulates issues related to the organization of state power, the functioning of institutions, and the protection of fundamental rights and freedoms of the individual (Morina, 2017, pp. 11–12). In the material sense, constitutional norms relate to their content and function, regardless of the form in which they have been adopted. They determine the manner of formation and organization of constitutional bodies, regulate the exercise of powers, and guarantee the freedoms and rights of citizens. In this sense, the Constitution does not represent merely a formal document, but a body of principles and rules that determine the manner of organization and functioning of the state, as well as the relations between power and the individual (Morina, 2017, pp. 12–13).

In the case of the Republic of Kosovo, the Constitution represents the fundamental legal-political act upon which the constitutional system of the country is built and functions. It is the result of an important political and legal process and reflects the aim of building an independent, sovereign, and democratic state, based on the separation and mutual control of powers and on the principle of the rule of law. In this framework, the Constitution of the Republic of Kosovo aims to establish the foundations of a constitutional democracy and to guarantee the functioning of state institutions in accordance with the fundamental constitutional principles (Bajrami, 2014). The content of the Constitution is thus related to the determination of the foundations of state organization, the relations between institutions,

and the guarantee of fundamental rights and freedoms. Through these determinations, a legal framework is created within which public power is exercised and citizens' rights are protected (Morina, 2017, pp. 11–12).

The Constitutional Court and Constitutional Review

Constitutional review constitutes one of the fundamental mechanisms for guaranteeing the supremacy of the Constitution and its respect by state bodies. Through this review, it is ensured that legal acts and the activities of public authorities are in accordance with the Constitution. In this sense, constitutional review is closely linked to the principle of the rule of law, as the Constitution determines the limits within which state power must be exercised (Omari, 2004, p. 185). Constitutional review of laws represents a particular form of legal review, through which the compatibility of a law with the Constitution is assessed. This review can be carried out by a specialized constitutional body, which has the duty to examine whether a legal norm is in accordance with the constitutional norm. In this way, constitutional review serves as a guarantee for the respect of the hierarchy of legal norms and the supremacy of the Constitution (Sadushi, 2004, p. 45). In the Republic of Kosovo, the Constitutional Court represents the central institution for exercising constitutional review. Its competences relate to examining the compatibility of laws and other legal acts with the Constitution, as well as other matters determined within the constitutional jurisdiction. Through these competences, the Constitutional Court contributes to guaranteeing the constitutional order and to respecting the Constitution as the highest legal act (Bajrami, 2014, pp. 336–337).

Constitutional review can be presented in various forms, while one of the main distinctions relates to the moment of its exercise. In this framework, a distinction is made between prior review and subsequent review, as well as between abstract review and concrete review. These forms of review aim at the same fundamental goal: ensuring the compatibility of legal norms with the Constitution and protecting the constitutional order (Sadushi, 2004, p. 45).

Consequently, constitutional review and the activity of the Constitutional Court have direct importance for the functioning of the constitutional state. Through this mechanism, the protection of the Constitution is ensured and the compatibility of legal acts with it is controlled. Thus, the Constitutional Court constitutes one of the main institutional guarantees of respect for the constitutional order and of the limitation of power within the framework determined by the Constitution (Bajrami, 2014, pp. 336–337).

The Constitutional Court as Guarantor of The Constitutional State in The Republic of Kosovo

Kosovo's constitutional judiciary prior to independence followed the path of Kosovo's development, initially as part of the former Yugoslavia and subsequently as an entity with a fully reduced constitutional subjectivity during the time of Milošević's regime in Serbia, starting from 1986 until 2000. In fact, the period under his rule represents the time when constitutional judiciary was discussed, as a consequence of the complete and violent intervention of Kosovo in the Serbian constitutional system.

In addition to this circumstance, there is another reason why the need to address constitutional judiciary arises within the treatment of Kosovo's general political and constitutional history: throughout most of its history, Kosovo has not had a constitutional and territorial identity, let alone a separate constitutional judiciary. Even at the Yugoslav level, there was no great tradition in constitutional judiciary. Even when constitutional judiciary was introduced into the Yugoslav constitutional system, Kosovo gained the right to be part of it only one year later, in 1972. In this year, the Constitutional Court of the SAP of Kosovo (CCSAPK) was established (Hasani & Brahimi, 2021, p. 301). The Constitutional Court is a state body that has specific responsibilities regarding the exercise of judicial function, compared to other types of courts. Its authorizations are determined by the Constitution of the Republic of Kosovo and the Law on the Constitutional Court of the Republic of Kosovo. The Constitutional Court, in accordance with paragraph 1 of Article 112 of the Constitution of the Republic of Kosovo, is the final authority in the Republic of Kosovo for the interpretation of the Constitution and the compatibility of laws with the Constitution. The Constitutional Court is also the state body that exercises control over the legislative and executive power of Kosovo.

In addition, the Constitutional Court of the Republic of Kosovo, always in accordance with established procedures, is the authority that decides on the compatibility of the President's decrees and the Prime Minister's decrees, Government regulations, and municipal statutes with the Constitution. Likewise, the Constitutional Court of the Republic of Kosovo is the authority that decides on the compatibility of proposed referendums, declarations of states of emergency and actions taken during states of emergency, and proposed constitutional amendments with the Constitution. Finally, the Constitutional Court of the Republic of Kosovo is the authority that decides on whether the Constitution has been violated during the

election of the Assembly, whether the responsibilities of municipalities have been violated through laws or Government acts, and whether the fundamental rights and freedoms of citizens guaranteed by the Constitution have been violated (Hajdari, 2013, p. 33).

Regarding the composition of the Court, it consists of nine (9) judges. They are required to be jurists and persons of high moral character, as well as to have no less than ten (10) years of relevant professional experience. Likewise, the Constitution of the Republic of Kosovo requires that the composition of the Constitutional Court respect the principles of gender equality and representation of minority communities. Regarding the appointment of new judges of the Constitutional Court, the Constitution of the Republic of Kosovo has clearly resolved the dilemma of their term of office (Hajdari, 2013, p. 37). The term of judges lasts nine (9) years, without the possibility of reappointment. The impossibility of reappointment constitutes a widespread standard in most European countries. This standard was first established in the traditional democracies of Europe, at the time of the construction of their constitutional courts after the Second World War. It was implemented through express constitutional provisions. This was subsequently transferred to other European countries (Hasani et al., 2023, p. 603).

Regarding status, three of the most important aspects that are essential determinants of the status of judges of the Constitutional Court of the Republic of Kosovo will be mentioned. They are: incompatibility, immunities, and dismissal. These aspects are essential for maintaining the objective independence and integrity of the constitutional judge (Hasani et al., 2023, p. 607).

Regarding the competences of the Constitutional Court, competence means the right and duty of the court to resolve a judicial matter or other matter. In the specific case, competence means the legal, respectively constitutional authorization of the Constitutional Court of the Republic of Kosovo to resolve a matter that is part of its responsibilities. The matters that the Constitutional Court is authorized to resolve are of two types:

1. Of judicial character; and
2. Of administrative character.

For the resolution of cases, depending on their type, the Constitutional Court holds judicial and administrative hearings (Hajdari, 2013, p. 49). The decisions of the Constitutional Court are binding on the judiciary and all persons and institutions

of the Republic of Kosovo. Likewise, the decisions of the Constitutional Court are unappealable before a national instance, meaning within the Republic of Kosovo (Bajrami & Muçaj, 2018, p. 474). Regarding the nature of the Constitutional Court's decisions, the procedures conducted in constitutional courts are concluded with decisions, the legal effect of which is determined by procedural acceptance and the examination of the merits of the referred request. The legal effects of the Constitutional Court's decisions considerably depend on several factors, which are the type or types of constitutional procedures, the nature of the constitutional dispute subject to examination before the Constitutional Court, the types of subjects participating in the constitutional review process, the nature of the legal norms challenged on constitutional grounds, as well as the content of the Constitutional Court's decision itself. Referring to the report of the Venice Commission (Council of Europe) on the legal effects of Constitutional Court decisions drawn up by German constitutionalist Helmut Steinberger, three types of constitutional decisions can be distinguished: constitutional decisions that produce the effect of res judicata, decisions with erga omnes legal effect, as well as constitutional decisions that have the force of a source of law (Morina, 2017, pp. 137–138). Thus, the final decision of the Constitutional Court is the result of all the procedural stages through which the constitutional process passes until the moment it takes effect and is capable of producing legal effects (Omari & Anastasi, 2017, p. 421).

It is worth noting that the Constitutional Court of the Republic of Kosovo has the broadest possible jurisdiction, compared to sister courts in the Balkans. It is very close to the German system of constitutional judiciary. This means, in a word, that it has jurisdiction over all actions of all public authorities in the country, including the judiciary (Hasani et al., 2023, p. 618).

The Jurisprudence of The Constitutional Court and Its Contribution to The Consolidation of The Constitutional State

As mentioned above, the Constitutional Court has an important role in protecting the constitutional order, and this role can be observed through its jurisprudence. In this chapter, four important cases of the Constitutional Court's jurisprudence will be analyzed: the RTK Case, the Jahjaga Case, the AKP Case, and the VLAN Case. This analysis aims to demonstrate the Court's contribution to the consolidation of the constitutional state.

The RTK Case

The RTK Case, known as Case KI 11/09 (Tomë Krasniqi v. RTK and others), constitutes the first decision issued by the Constitutional Court of the Republic of Kosovo, on 16 October 2009. The case concerned the request for the imposition of an interim measure relating to the payment of 3.5 euros per month, which was collected by the Kosovo Energy Corporation (KEK) on behalf of Radio Television of Kosovo (RTK). This amount was paid by electricity consumers together with their electricity bills, while the collection had been made from 2003 until 16 October 2009.

The request was submitted by Mr. Tomë Krasniqi, a citizen and pensioner of Kosovo, on 2 September 2009. The applicant requested the Court to impose an interim measure to stop the payment of 3.5 euros on behalf of RTK's service. The Court assessed that the request for an interim measure did not constitute actio popularis, but related to the protection of the public interest of the citizens of Kosovo. In this framework, the Court imposed the interim measure, which stopped the further collection of the 3.5 euro amount. The decision of 16 October 2009 did not address the merits of the case, but only the interim measure requested by the applicant. However, this decision had an impact on the further development of the case. The Court suspended the further implementation of Article 20.1 of Law No. 02/L-47 on Radiotelevision of Kosovo and recommended to the Assembly of Kosovo to review the nature of this provision by December 2009. Following this recommendation, the Assembly of Kosovo reviewed the provision during 2010. As a result of this development, the case became subject to review, and the Court ultimately removed the case from the list and closed it with final effect. The RTK Case thus represents one of the early decisions of the Constitutional Court, through which a matter with an impact on the public interest and on the implementation of a legal provision relating to the financing of RTK was addressed (Hasani & Brahimi, 2021, pp. 793–794).

The Constitutional Court, in Case KI 11/09, assessed that the request was not merely related to the personal interest of the applicant, but also to the public interest of the citizens of Kosovo. For this reason, the Court imposed an interim measure against the further implementation of Article 20.1 of the Law on RTK and recommended that the Assembly of the Republic of Kosovo review this provision (Constitutional Court of the Republic of Kosovo, 2009).

The Jahjaga Case

The position of President Atifete Jahjaga was contested again before the Constitutional Court, this time through the preventive review of the constitutionality of certain proposed constitutional amendments. Within the framework of a political agreement among the main political leaders in Kosovo, the formation of a Commission for the Reform of Presidential Elections was foreseen, which would draft constitutional amendments and relevant legislation with the aim that the President of Kosovo would in the future be directly elected by the people. The agreement also stipulated that direct presidential elections would be held no later than six months after the entry into force of these amendments.

From the content of the agreement, it appeared that through a political pact, it was intended to change the manner of electing the President and, consequently, to terminate early the constitutional term of President Atifete Jahjaga. However, her term did not derive from the political agreement of the leaders, but from the Constitution and the constitutional oath to respect the constitutional and legal order in Kosovo. For this reason, the case before the Constitutional Court related to the attempt to change through constitutional amendments the position and term of the head of state. In the framework of implementing the political agreement, on 15 April 2011, the heads of parliamentary groups in the Assembly of Kosovo submitted a proposal for the formation of two commissions: a commission for amending the Constitution and a commission for amending the Law on General Elections in Kosovo. This action constituted a concrete step towards realizing the political agreement for reforming the manner of electing the President of the Republic of Kosovo. On 22 April 2011, the Assembly of the Republic of Kosovo, with 76 votes in favor, 4 abstentions, and 6 votes against, approved Decision No. 04-V-12 for the formation of the Commission for amending the Constitution of the Republic of Kosovo. On 20 March 2012, the Chairman of the Commission submitted to the Assembly the proposed constitutional amendments, accompanied by the signatures of 31 deputies. On 23 March 2012, the President of the Assembly forwarded these amendments to the President of the Constitutional Court, requesting their assessment on whether they diminished any right or freedom set forth in Chapter II of the Constitution.

One of the proposed amendments was Amendment 10, titled "Announcement of the First Presidential Elections." This amendment provided for the holding of presidential elections within six months of the entry into force of the constitutional amendments and relevant laws, and stipulated that the term of the President elected by

the Assembly would continue until the election and swearing-in of the new President. It also provided for the right of former presidents to be elected and re-elected once more as President of the Republic of Kosovo. According to the Constitutional Court's assessment, the amendment presented constitutional problems, particularly because it would affect the term of the then President, Atifete Jahjaga, who had been elected and had taken the oath constitutionally. The Court made it clear that the mere transition from indirect election to direct election of the President by the people did not constitute a constitutional problem. On the contrary, such a change in the manner of electing the President would represent an expansion of the democratic rights of citizens. The constitutional problem lay in the consequences that the amendment would have on the existing term of the President. In its assessment, the Court emphasized that Atifete Jahjaga had been elected President of the Republic of Kosovo on 7 April 2011 and on that same day had taken the constitutional oath. With the commencement of her duties, she had assumed the role of representative of the Republic of Kosovo and guarantor of the democratic functioning of Kosovo's institutions, in accordance with the constitutional status of the President. According to the Court, shortening her term would deprive the citizen of Kosovo of having a legitimate representative and a guarantor of the democratic functioning of institutions for the period determined by the five-year constitutional term. The Court assessed that the essence of the constitutional term of the President consisted not only of the competences determined in the Constitution, but also of the President's status as a legitimate representative and guarantor of the democratic functioning of institutions, as well as of the five-year duration of the term. In this framework, the presidential term also had a political character and included the passive right to be elected, which belonged to citizens, including President Atifete Jahjaga. Another important element of the Court's assessment related to the right to effective legal remedies. The Court found that the shortening of the term through a constitutional amendment would deprive the President of the exercise of effective legal remedies, a right guaranteed by the Constitution. In addition, the Court took into account the violation of other rights related to legal security and the right to property. For these reasons, the Court declared Amendment 10 unconstitutional, together with seven other proposed amendments.

In conclusion, the Constitutional Court determined that the early termination of existing constitutional terms, through constitutional amendments or other means, was not in accordance with the Constitution. The termination of a constitutional term can only be done through the means determined by the Constitution.

The Court's decision in the Jahjaga Case thus represents an important intervention in the protection of the constitutional order, establishing limits on the use of constitutional amendment for the achievement of political goals and guaranteeing the continuation of the constitutional term of the President of the Republic of Kosovo (Hasani & Brahimi, 2021, pp. 800–802).

The AKP Case

The AKP Case concerned the constitutional review of Decision ASC-09-089 of the Special Chamber of the Supreme Court of Kosovo, of 4 February 2010. AKP claimed that this decision had violated several provisions of the Constitution and of the European Convention on Human Rights. The case related to the legal status of AKP and its right to represent the interests of workers in privatization matters before the Special Chamber.

The main constitutional problem related to the position of the Special Chamber that AKP did not have the status of a legal person and that the law establishing it was not a genuine law of the Assembly of Kosovo, but an internal regulation. These positions were in conflict with the new legal-constitutional order of Kosovo and with the authority of the institutions created after the declaration of independence. After the declaration of independence, the Assembly of Kosovo had adopted Law No. 03/L-067 on the Establishment of the Kosovo Privatization Agency, which also provided for the termination of the legal effects of UNMIK Regulation 2002/12. The Constitutional Court, examining Decision ASC-09-089, found that it was in contradiction with several constitutional norms and values.

The Court also emphasized that the Special Chamber, as an integral part of the Supreme Court of Kosovo, was an inseparable part of the legal-constitutional order of Kosovo and had the duty to ensure the uniform application of law in the territory of Kosovo. For this reason, it could not treat the laws adopted by the Assembly of Kosovo as internal regulations without legal value, nor AKP as a factual entity without legal status. In this sense, the AKP Case represents an important intervention of the Constitutional Court in the protection of the new constitutional order and of the authority of the institutions of the Republic of Kosovo (Hasani & Brahimi, 2021, pp. 802–804).

The VLAN Case

The VLAN Case relates to two judgments of the Constitutional Court issued in the context of the general elections of 8 June 2014 and the political stalemate that

followed these elections. The elections were assessed positively by foreign observers, while one of their features was the participation of local Serbs in the north of Kosovo for the first time since the end of the war. Kosovo had a proportional electoral system with open lists and, in this framework, the majority was considered to be the party or coalition that had won the largest number of seats in the Assembly.

After the elections, LVV, LDK, AAK, and NISMA formed a post-election coalition, known as VLAN, and claimed that they constituted the parliamentary majority and that they should lead the formation of new institutions. This led to the blocking of the formation of the Assembly and subsequently of the Government, creating a political stalemate that lasted more than five months. The opposition linked the right to form institutions with the number of deputies it controlled in the Assembly, while the Constitutional Court faced the question of whether the majority formed after the elections could change the result expressed by the citizens in the elections. The Court, in two judgments, determined that the right to propose the candidate for President of the Assembly and the mandate-holder for the formation of the Government belonged to the relative winner of the elections. According to this interpretation, coalitions formed after the elections could not overturn the electoral result at the stage of constituting new institutions. The Court made a distinction between the electoral result and the majority formed later in the Assembly, emphasizing that the latter constituted a political matter and could not be used to change the constitutional rules of the initial formation of institutions. The blocking of the formation of the Assembly began on 17 July 2014, when the opposition opposed the proposed manner of its constitution and claimed that it had a larger number of deputies. According to the interpretation presented in the material, this position did not take into account the constitutional and procedural rules that determined the manner of inauguration and initial constitution of the Assembly. The swearing-in of deputies represented the fundamental individual act for the activation of their mandates and for the creation of a functional representative body.

In this framework, the Court assessed that post-election coalitions and majorities formed later had no impact on the formal act of inaugurating the legislature. The right to propose the candidate for President of the Assembly and the mandate-holder for the formation of the Government related to the electoral result and to the relative winner, while securing the necessary votes for their election remained a matter of political relations in the Assembly. The political stalemate was resolved on 19 November 2014, when PDK, as the winner of the largest number of seats in the 8 June elections, entered into a coalition agreement with LDK. The

subsequent experience of the 2017 and 2019 elections showed that institutions were formed following the constitutional path determined by the Constitutional Court's judgments.

The VLAN Case thus represents an important intervention of the Constitutional Court in the protection of the electoral result and the will of the citizens, as well as in the determination of constitutional rules for the formation of institutions after elections. Through this case, the distinction between the electoral result and the political majorities formed after it was clarified, emphasizing the importance of respecting constitutional procedures in the formation of power bodies (Hasani & Brahimi, 2021, pp. 805–810).

The Constitutional Court, in Judgment KO119/14, examined the constitutionality of the Assembly's decision for the election of the President of the Assembly on 17 July 2014. The Court assessed that the procedure followed for the election of the President of the Assembly was not in accordance with the Constitution and required that the process of constituting the Assembly continue in accordance with constitutional requirements. This judgment constituted one of the Court's main decisions in resolving the institutional stalemate after the 2014 elections (Constitutional Court of the Republic of Kosovo, 2014).

Conclusion

The analysis developed in this paper shows that the Constitutional Court has played an important role in the development and consolidation of the constitutional state in the Republic of Kosovo. From the examination of the constitutional basis and the role of constitutional review, it follows that the Court constitutes an important mechanism for guaranteeing the supremacy of the Constitution and for respecting the constitutional limits of the exercise of public power.

This role becomes clearer through the analysis of the Court's jurisprudence. The cases examined in this paper show that the Court has faced various issues that have directly affected the functioning of constitutional institutions. In the RTK Case, the Court's intervention through an interim measure related to stopping the collection of the public broadcaster's fee and to obligating the Assembly to review the matter. In the Jahjaga Case, the Court established limits on constitutional changes that would affect the existing term of the President. In the AKP Case, it emphasized the importance of the new constitutional order and of the laws adopted after the declaration of independence. While in the VLAN Case, the Court clarified the constitutional rules related to the constitution of institutions after elections and to the respect of the

electoral result. These cases show that the Court's contribution does not lie merely in the formal review of the compatibility of acts with the Constitution. Through its decisions, it has influenced the clarification of constitutional rules and the determination of the limits of action of public institutions. In this sense, the Court's jurisprudence has served as an important element in the functioning of the constitutional order and in the consolidation of the principles of the constitutional state.

In conclusion, the analysis of the four selected cases supports the conclusion that the Constitutional Court has contributed to the consolidation of the constitutional state of the Republic of Kosovo through the interpretation and application of constitutional norms, the protection of the constitutional order, and the determination of constitutional limits of institutional action. Thus, its jurisprudence represents an important part of the development of constitutional practice in the first decade of the Court's operation.

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