



The Unity of the People as the President's Constitutional Attribute and the Preconditions for its Representation

Murat JASHARI¹, Florent MUÇAJ²

Abstract: The unity of the people is a constitutional attribute that in most of the constitutions of the world has been given to the president, as the head of state. In order for the unity of the people to exist, and then to be represented by the president: a number of criteria or preconditions must be met. The paper addresses some aspects and preconditions that must be met by the president in representing the unity of the people. In principle, the unity of the people as the constitutional attribute of the president cannot be represented if it does not exist; therefore, the fulfillment of certain preconditions such as the legitimacy, personality, leadership and political impartiality of the president greatly strengthen the unity of the people and cultivate its representation.

Keywords: President; unity of the people; legitimacy; leadership; political impartiality.

1. Introduction

The unity of the people is one of the concepts that are difficult to define in constitutional theory, especially in the sense that this constitutional attribute in most democratic countries belongs to the president. Neither constitutional theory nor sanctioning in various constitutions of the world has given a definite definition of what we mean by the unity of the people, especially in the context of representation by the president, although most constitutions recognize the unity of the people as a concept. According to the Cambridge Dictionary, the word unity is defined as “the state of being joined together or in agreement.” In a linguistic interpretation, the

¹ Professor, PhD, Constitutional-Administrative Department, Faculty of Law, University of Pristina, Kosovo. Address: Agim Ramadani, Republic of Kosovo, Pristina 10000. Tel: +381 (0) 38 229 063/220 484, E-mail: murat.jashari@uni-pr.edu.

² Assistant Professor, PhD candidate, Constitutional-Administrative Department, Faculty of Law, University of Pristina, Kosovo, Corresponding author. Address: Agim Ramadani, Republic of Kosovo, Pristina 10000. Tel: +381 (0) 38 229 063/220 484, Corresponding author: florent.mucaj@uni-pr.edu.

constitutional attribute of the president in representing the unity of the people implies his obligation to keep the people united or to represent the majority of the people. According to Chwaszcza (2009, p. 452), in liberal theory, the unity of the people is mainly understood as the dominance of a certain political culture and political interdependence among the citizens. According to Rousseau (as cited in Chwaszcza, 2009, p. 460), the question of the unity of the people must be addressed within the prism of civic legitimacy and consensus, and these two elements are proportionate to the unity of the people according to the liberal theory.

The constitutional attribute of the representation of the unity of the people has a particular weight because its improper representation impinges on the interests of the sovereign in every way. As a result, the reason why this constitutional attribute is exercised by president is related to the special constitutional position of the president within the constitutional system. In line with the representation of the unity of the people, in the performance of his duty, the Republican president must act in the right proportion to the public good of the whole state and beyond any close party or personal line. Because of the attribute of the unity of the people, the function of the president as head of state is a function that requires neutral integrity, because, above all, the materialization of decisions within the function of the president must represent the public good or state before electoral interests or party. (Hasani & Cukalovic, 2013, p. 338) Thus, among other things, unity is symbolized by the president who must be completely independent of other powers, without undermining the unity and sovereignty of the state continuously. (Khalil, 2013, p. 49) However, as we shall see below, the non-representation of party interests by the president is only a dimension of the unity of the people.

In general terms, the representation of the people's unity should not be seen in the close prism, in the sense that the president of the country represents only a homogeneous society or majority established in a given place because it is difficult to conclude that there is a place with a complete homogeneity. The president, as head of state, may reflect on representing the people's unity by acting in the general good, not ignoring other constitutional values or provisions, or exercising his powers in such a way as to reflect the credibility of the public and citizens.

The unity of the people, as the attribute of the president, in the constitutional science has been part of the debate between Carl Schmitt and Hans Kelsen, a debate developed in the 30s of the last century, for the role of the president within the framework of the Weimar Constitution. (Coutinho, Torre & Smith, 2014, p. 89)

Although in a non-detailed manner, a qualified majority of constitutions mention the unity of the people, as a constitutional attribute of the head of state (president). In this regard, there are constitutional considerations and different ways of attributing this competence to the president. It should, therefore, be taken into account the fact that the constitutions of most democratic countries attribute the unity of the people and its representation to the president and not to other organs. Historically, the unity of the people as a constitutional category for the first time is mentioned in the French Constitution of 1793. (Marrani, 2006, p. 16)

As an exception, there are also certain states which in their constitutions do not mention the unity of the people as attributes to the president or any other body, although in the practice and history of those states there are numerous cases when presidents have represented the unity of the people. For example, despite the fact that the US president enjoys great power, according to the Article II of the United States Constitution, the representation of the unity of the people is not given to him as a constitutional attribute. However, in the practical aspect, there have been some situations mentioned in the constitutional theory, where the authors state that the US president reflects the representation of the unity of the people even though the same is not recognized as a constitutional attribute in this state. Nevertheless, almost two-thirds of the constitutions of different countries in the world determine that the president is the representative of the unity of the people.

2. Preconditions for the Existence of the Representation of the Unity of the People by the President

In the context of elaborating this thesis, the issue is limited only to the representation of the unity of the people by the president. From the constitutional practice and the concept of the unity of the people, regarding the position of the president in his representation, there are some basic preconditions that the president must fulfil to represent and improve the unity of the people. These preconditions seem to be of particular importance for the following reasons:

- Firstly, if the president meets these preconditions, he will be worthy to represent the unity of the people.
- Secondly, through these preconditions, the president will have greater chances to represent and cultivate the unity of the people during his mandate.

- Thirdly, the lack of any of these preconditions weakens the representation of the unity of the people.

The main preconditions affecting the president to represent the unity of the people are the legitimacy, figure and leadership, and political impartiality.

3. The Legitimacy of the President as a Precondition for Representing the Unity of the People

One of the most important preconditions a president must possess is his popular legitimacy in representing the unity of the people.

In the context of this, when the legitimacy of the president comes directly from the people, the opportunities for him to cultivate and represent the unity of the people are great.

In the context of legitimacy as a criterion, the president elected by people implies without exception all the systems like presidential, semi-presidential and parliamentary ones. According to Novák (2014, p. 4), in constitutional practice, some systems make exceptions, as they have established the indirect election of the president. Thus, starting from the principle of “how much power, how much legitimacy”, the way of electing the president also has a great influence on what are the powers of the head of state in a constitutional system with a special emphasis on representing the unity of the people. (Elgie, 2012, p. 503) The main advantage of the president's direct election is that this election is more powerful and legitimate mandate, as it originates directly from the people.

The main principle that makes the elected president by people more powerful and legitimate is that every citizen should have the right to vote or elect the president in his country. According to Janda (1999, p. 3), the president is directly elected by each citizen and candidates who are or are not worthy of this post are evaluated by citizens themselves, in this context, each citizen's vote is calculated equally with the vote of each other citizen. The weight of the direct citizen vote makes the president more powerful in the context of performing his functions and representing the unity of the people. That how important is the election of the president directly by the people as well as the evaluation of each vote cast by citizens, is the case of the annulment of the 2016 presidential elections in Austria. The annulment of the election had taken place after a case referred to the Constitutional Court, where votes cast by postal voting were unlawfully assessed. (Constitutional Court of Austria, Case W I 6/2016-

125) This case proves that the legitimacy of electing the president, especially directly, is measured by every citizen's vote. Given these premises, it seems that the president elected by the people has a stronger legitimacy – expectations are great for him to be a worthy representative of the unity of the people. Expectations for the representation of the unity of the people are also present to the presidents elected by parliament, especially in cases when their election requires a broad political consensus. Among the main reasons why a president directly elected by people can be a worthy representative of the unity of the people is the fact that people themselves decide who will be the representative of their unity. Therefore, people are the ones who value the most acceptable president to represent their unity during his term. There is no dilemma that the president who is directly elected by people has the strongest legitimacy; so the legitimacy given by citizens directly affects the representation of the unity of the people; in such cases, the president is more acceptable by people, since they directly elected him by their vote. Hence, the legitimacy of the president elected by parliament is indirect and does not directly depend on the popular vote. Such a fact weakens the legitimacy of the president thus a president elected by parliament may not be fully acceptable to the people. From what has been said above, it should not be implied that the president elected by parliament is not legitimate, but his legitimacy is indirect and weak because it does not depend on the people's vote. According to Mainwaring and Shugart (1997, pp. 460-465), a popular president is more stable than a parliamentary president in the constitutional system, including here the representation of the unity of the people. Also, another argument is that the president elected by popular vote is more likely to have constitutional power than a parliamentary president. (Yeh, 2010, p. 930)

Given the argument that deputies are elected by people and represent their vote, then, the more votes of deputies to have a president elected by parliament, the more legitimate and most acceptable must be. However, this does not guarantee him (the president) to be accepted by citizens, since the election of the parliamentary president does not depend on citizens.

In cases of electing a president by parliament, its legitimacy and acceptability depend mainly on political consensus. Some constitutions of democratic countries, in the case of the parliamentary election, have created such mechanisms that impose political consensus on the election of the president; such constitutions are the Constitution of the Republic of Kosovo and that of Italy, which require a qualified majority in the election of the president in the first round. In this context, political consensus strengthens the legitimacy of the election of the president by parliament.

Regarding the legitimacy as a precondition for representing the unity of the people, a specific case can be found in the Constitutional System of Serbia and that of Montenegro. In these two systems were made attempts to preserve the legitimacy of the president, a determining factor for the representation of the people's unity. The electoral system determined the obligation that presidential elections were considered valid only with the participation of more than 50% of voters, but in practice, the two countries faced the impossibility of fulfilling this criterion. Thus, in Montenegro, three presidential elections were held within six months, in December 2002, February 2003, and May 2003; in the first two elections, the turnout of voters was not reached over 50%. The political crisis was solved when this restriction was removed in the third election. Similarly, in Serbia, in September-December 2002 two presidential elections were held, due to electoral participation under 50% of voters. Thus, the condition for the electoral threshold was abolished, and in the 2004 election, although participation was 47-48%, the election was considered regular. (Krasniqi, 2012, p. 137) Through these two examples, it is shown that a certain threshold of election turnout has been set to preserve the legitimacy of the president. Although in principle a parliamentary president has less legitimacy than a popular president, and despite the constitutional sanction that a political consensus must be reached on the election of the president, in certain cases, this consensus may be violated for various political reasons. Failure to achieve consensus in the election of the parliamentary president indirectly violates the principle of the representation of the unity of the people and directly the legitimacy of the people as well. Typical examples reflecting this argument are the Republic of Kosovo and that of Albania. After the 2008 amendments, the Constitution of the Republic of Albania has determined that the president is elected in the first, second or third vote when a candidate receives no less than three-fifths of the votes of all members of the Assembly. In the fourth and fifth voting, the candidate that receives more than half of the votes of all the members of the Assembly is elected president. The constitution has also ruled that if a candidate does not provide the required majority after the fifth ballot, or if no new candidacy appears after the fourth ballot, the Assembly is dissolved. According to the Constitution of Albania (Article 87, paragraphs 5 and 6), the subsequent Assembly elects the President of the Republic with a majority of all its members. So, in this case, we see that the Constitution of the Republic of Albania focuses on a political consensus that would guarantee the president's legitimacy and the unity of the people. If such a consensus cannot be established in the first three rounds, then the requirement for the consensus falls, because the fourth and fifth rounds require only half of the votes of all the members of the Assembly. Thus, the

President of Albania may be elected with a majority of votes, as much as is needed for the election of the government. This fact implies the weakening of the principle of unity of the people. In this regard, there is regress in the Republic of Albania because, before the year 2008, the Constitution of Albania determined that the president is elected after five rounds by receiving the required majority, which meant that a consensus among the political forces was necessary for the election of the president. The lack of this consensus resulted in a crisis in the election of former President Bamir Topi in 2007, and after that, the constitutional changes alleviated the criteria of the majority required for the election of the president. In the current practice of electing the President of Albania, after the adoption of the 1998 Constitution, only the election of former President Alfred Moisiu had a full consensus. Similarly, the Constitution of the Republic of Kosovo (Article 86, paragraphs 4 and 5) determines that the election of the President is done by a two-thirds (2/3) majority of all deputies of the Assembly. If a two-thirds (2/3) majority is not reached by any candidate in the first two ballots, a third ballot takes place between the two candidates who received the highest number of votes in the second ballot; the candidate who receives the majority of all deputies of the Assembly shall be elected as President of the Republic of Kosovo. If none of the candidates (Article 86, paragraph 6) has received the required majority in the third ballot, the Assembly shall dissolve.

As in the case of Albania, the Constitution of Kosovo requires the achievement of a consensus for the election of the president, but this is not necessarily because if this consensus cannot be achieved, then the election of the president can be done even with the majority of all deputies of the Assembly. Such a solution automatically weakens the legitimacy of the President of the Republic, as the main precondition for representing the unity of the people. Another fact that could violate the legitimacy of the people, in the prism of comparing the two above mentioned systems, is the “threat” that in case of not choosing the president of the country, the Assembly shall dissolve. Such a constitutional sanction could affect deputies in the last round to elect the president who would probably not meet the criteria for a decent representation of the unity of the people. Thus, the president would be elected not for the purpose of representing the unity of the people in a worthy way but for the assembly not to be dissolved and go to snap elections; always on the assumption that the election of the president does not depend on citizens' vote but by the deputies.

4. “The Figure” and President's Leadership as Influential Factors in Representing the Unity of the People

In this case, the “figure” of the president implies the personality of the president, through which he manifests leadership. Hence, in addition to legitimacy as a precondition for a president to represent and cultivate the unity of the people, the same should have a high personality that would make it acceptable to the people, an acceptability that would enable a worthy representation of the unity of the people. In this regard, it is also mentioned the fact that the president must have a very powerful leadership, and with different means, he should try to elevate his figure as president and seek people's support.

The figure and president's leadership as preconditions for representing the unity of the people are very important for the reflection that a president may have in representing the unity of the people. A negative case in this regard, we could mention the current President of the United States, Donald Trump. Though he had legitimacy, according to Schneier (2017, *Queens Chronicle*, March 9), in many protests and reactions from various circles that had been conducted in his direction, the people massively opposed his figure, stating that the new president does not represent the American people. Regarding this, Arel (2016, *Patheos*, November 10) explains the meaning of the phrase “Trump is not my president.” According to him (2016), “Not My President” is not a claim that Trump did not win; it is not an attempt to invalidate the fact that he is the president. Although he is the president of the United States of America, he (2016) adds that “his presidency, his government, is our enemy. We will fight them every step of the way as they fight to remove the rights of our citizens.” President Donald Trump is not properly perceived as president, so his personality is “disputed” to the majority of the people even though he was elected president, actually undermining the unity of the people and his representation. Here, above all, comes into consideration the president's personality (figure). The president needs to know the art of communication with the public to strengthen his figure. In this way, he raises his personality and acceptance to the people. In a natural disaster that occurred in the United States, President John Kennedy went on national television and said “Ladies and gentlemen. Success has a thousand fathers and failure is an orphan. I failed. Blame me.” According to Fox (2012, *The Washington Post*, November 6), Kennedy gained popularity because “people don't expect perfection from leaders, they expect honesty.”

Harrington (2012, *Think in New Directions*, November 6) adds that presidents should have the ability to build consensus, the ability to create collaborative teams, encourage dynamic conflict resolution, be able to communicate a clear and inspiring vision to his administration and communicate the message of motivation that gives confidence to a fatigued nation. The context of leadership and unifying figure of the president are seen especially in the case of constitutional and political crises. Fox (2012, *The Washington Post*, November 6) adds that after twenty days into his presidency, George H. W. Bush met with federal workers and said, "I'm coming to you as president and offer my hand in partnership. I promise to lead and to serve beside you as we work together to carry out the will of the American people." Hence, this is an indication of president's way of working, and an important element of president's leadership.

An important element of leadership, which has proven to increase the support and power of the president, is his communication with citizens. Greenstein (2005, p. 221) states that "the technology of contemporary mass communication makes the president a constant presence in the nation and world," but such a practice has been missing up to the present day. The most conspicuous exceptions are Franklin D. Roosevelt, John F. Kennedy, and Ronald Reagan; they were very effective in their public communications. This element has a great influence on the representation of the unity of the people. As previously mentioned, the president's personality traits are key elements in representing the unity of the people. A president finds it difficult to represent people's unity if he does not have the key features of a well-formed figure and leadership skills to attract the audience. The unifying figure of the president is also made possible by the constitutional conditions of his election. In this context, it is worth mentioning the Italian President, who is a very stable personality and acceptable to the citizens; this belief comes from his age and the role in solving the crisis. Likewise, the leadership and "figure" of the president is important even when the president becomes a mediator in resolving conflicts between state organs and public authorities, thus demonstrating his neutral power, representing unity and people as well as preserving the Constitution. (Vida & Vida, 2012, pp. 28-29) Among other things, the president's leadership is seen as a need for stable governance, representation of unity and his public responsibility. (Katyal, 2006, p. 2343).

As stated above, usually, if the country's president is directly elected by people, the "figure" and his leadership are seen through another prism, because people have chosen for president the person who possesses the right figure for representing their

unity. On the contrary, when the president is elected by parliament, the people's representatives (MPs) must be very careful, thus, for representing the unity of the people, they should choose a president who is effective and acceptable to the audience.

5. The President's Political Impartiality as a Precondition for Representing the Unity of the People

One of the preconditions for representing the unity of the people by the president is his impartiality and neutrality on the political scene, within a certain constitutional system. No matter if the president is “political figure” or not, he directly affects the representation of the unity of the people, especially the political one. The president's political neutrality highly depends on how the president is elected. So, if the president is elected by people, he will be a step away from being a political figure compared to the elected president by parliament. According to Krasniqi (2012, p. 138), in the context of impartiality, all former communist countries, such as Albania, Romania, Bulgaria, and others, had applied the president's election directly from the people; this also happened in the countries of the former Yugoslavia after its dissolution. Therefore, in many countries was applied the formula that the president should be neutral in representing the unity of the people. So the president's impartiality is seen as a key element for the fair representation of the unity of the people.

Many constitutions that have attributed to the president the representation of the unity of the people, in addition to this sanction, have banned the president from holding any other party activity. According to the Constitution of Albania (Article 89), the President of the Republic may not hold any other public position and may not be a member of a party. Similarly, according to the Constitution of Croatia (Article 96), the President of the Republic shall not, except for party-related duties, perform any other public or professional duty. Even the Constitution of Bulgaria has made such a sanction. The President and the Vice President may not be National Representatives, or carry out any other state, public or economic activities, or participate in the leadership of any political party. (Constitution of Bulgaria, Article 95, paragraph 2) The Constitution of Macedonia (Article 83) says that “the duty of the President of the Republic is incompatible with the performance of any other public office, profession or appointment in a political party.”

It is worth noting that this issue is not present in all countries. This issue is more present in countries that do not function as pure parliamentary systems, where the President may be a member of a political party (as is the case of the US). Another case where the president may be part of the party's membership is also South Korea, but the president must be careful and should reflect political impartiality in representing the unity of the people; this standard was created by the Constitutional Court of South Korea, in the case of President Roh Moo-Hyun. Among other things, in this case, the Constitutional Court emphasizes that “the President should restrain and limit himself or herself in light of the significance of the office of the presidency” because his actions may reflect on the general public. (Constitutional Court of Korea, Impeachment of the President (Roh Moo-Hyun Case))

According to the Constitution of Kosovo (Article 88, paragraphs 1 and 2), the President shall not exercise any other public function, and after election, the President cannot exercise any political party functions. Even in the practice of the Constitutional Court of the Republic of Kosovo, there is a case when the court decided that the President of the country had committed a serious violation of the Constitution because President Sejdiu served as head of state while continuing to occupy the post head of the Democratic League of Kosovo. The Judgment of the Constitutional Court of the Republic of Kosovo in Case KI47/10 assessed that President Sejdiu violated the principle of representing the unity of the people by holding the office of President of the Republic and at the same time holding the office of Chairman/President of the Democratic League of Kosovo. Bearing in mind the considerable powers granted to the President under the Constitution is it reasonable for the public to assume that their President, “representing the unity of the people” and not a sectional or party political interest, will represent them all. Every citizen of the Republic is entitled to be assured of the impartiality, integrity and independence of their President. (Constitutional Court of Kosovo, Judgment Case No.KI 47/10) So, the president's political impartiality is of vital importance for representing the unity of the people on his part. (Qerimi & Qorrolli, 2017 p. 63) In many cases, the president must be a unifying factor of the political parties because their programs, orientation, and policies may have opposing views. Apart from influencing political parties, the political impartiality of the president also has an impact on building trust in people. If the president is politically involved in a political party, then he cannot be neutral in his political decisions and efforts because of certain political parties. Therefore, he cannot properly represent the unity of the people, especially in the political aspect.

It is worth mentioning that for representing the unity of the people, the country's president should not have a political past. Although formally the president resigns from his party's posts on the occasion of his election as president of the country, such a past will necessarily have the effect of not reflecting a political impartiality; this element would probably prevent a fair representation of the unity of the people.

However, there are constitutions in which the president has the attribute of representing the unity of the people, but besides this, it is not sanctioned that the president should be a person who does not hold a political office. Krasniqi (2012, p. 140) adds that such cases can be found in the Constitutional System of the Republic of Montenegro, Poland, Romania, Serbia, Slovakia, and Slovenia. This normative has resulted in practical cases when a certain figure passes from prime minister to president and vice versa. Such a case is that of Montenegro, where Milo Djukanovic has governed Montenegro either as prime minister or president or vice-versa, a fact that violates the representation of the unity of the people. In this regard, the constitutional practice of these countries should not be seen as a normal practice for a fair representation of the unity of the people by a president. The president should be a neutral and impartial person to represent the unity of the people. Therefore, the lack of this element would lead a priori in opposite directions representation of the unity of the people by the president of the country.

6. Conclusion

As can be seen from the above analysis, the unity of the people is more a competence or guarantee of the president, which is exercised by him through the actions that the president performs within his constitutional framework. Except for some countries, almost in most of the constitutions of the world is proclaimed that the president represents the unity of the people. In fact, in each of the constitutions of different countries of the world, there is no explanation of how it can be represented and what conditions should be fulfilled for the fair representation of the unity of the people by president. Even the constitutional legal doctrine is not so rich in clarifying how the unity of the people can be represented. From the above analysis, it emerges that the unity of the people is more a constitutional attribute rather than a simple constitutional competence of the president. However, some preconditions must be fulfilled by the president for a worthy representation of the unity of the people. The first precondition directly related to the representation of the unity of the people is the legitimacy gained by the president. Therefore, the stronger the legitimacy, the

greater are the expectations for representing the unity of the people by the president. In this regard, these expectations are more powerful to the president who is directly elected by people than the one elected by parliament. The president's political impartiality is another standard that strengthens the representation of the unity of the people by the president. An unbiased political president out of the political scene has a greater expectation to be a worthy representative of the unity of the people, that is why most constitutions sanction the need for the president to resign from other public and political positions because the same means violate the unity of the people.

7. References

- Arel, D. (2016, November 10). *What does it mean to say that Donald Trump is "not my president"*. Available at <http://www.patheos.com/blogs/danthropology/2016/11/what-does-it-mean-to-say-that-donald-trump-is-not-my-president/>.
- Chwaszcza, Ch. (2009). The unity of the people, and immigration in liberal Theory. *Citizenship Studies* Vol. 13, No. 5
- Coutinho, P.L., Toree., L.M., & Smith, D. S. (Eds.). (2014). *Judicial Activism – An Interdisciplinary Approach to the American and European Experiences; Ius Gentium: Comparative Perspectives on Law and Justice*. Springer International Publishing, Switzerland.
- Elgie, R. (2012). The President of Ireland in comparative perspective. *Irish Political Studies*, Vol. 27, No. 4.
- Fox, T. (2012, November 2). *What makes a president a great leader?* The Washington Post. Available at https://www.washingtonpost.com/national/on-leadership/what-makes-a-president-a-great-leader/2012/11/06/2f0ef12c-2825-11e2-96b6-8e6a7524553f_story.html?utm_term=.517da56c9dc3.
- Greenstein, F. (2005). *Presidents, their styles and their leadership*. Working Papers – Center for Public Leadership, United States.
- Harrington, M. (2012, November 6). *Leadership:13; Leadership Skills the Next U.S. President Has To Have*. Available at <http://www.newdirectionsconsulting.com/leadership-engagement/leadership-13-leadership-skills-the-next-u-s-president-should-have/>.
- Hasani, E., & Cukalovic, I. (2013). *Commentary: Constitution of the Republic of Kosovo*. Prishtinë, Giz.
- Janda, K. (1991). *Presidential election in Russia and the United States: Is majority Popular Vote Desirable*, Conference on political Analysis Moscow.
- Katyal, K. N. (2006). Internal Separation of Powers: Checking Today's Most Dangerous Branch from Within. *The Yale Law Journal*.

Khalil, A. (2013). Beyond the written constitution: Constitutional crisis of, and the institutional deadlock in, the Palestinian political system as entrenched in the basic law. *International Journal of Constitutional Law*, 11(1).

Krasniqi, A. (2012). *Southeast Europe in the Post-Communist Period*. University of Tirana. Tirane.

Marrani, D. (2006). *Principle of indivisibility of the French Republic and the People's Right to Self-Determination: The "New Caledonia Test"*, Vol. 2.

Novák, M. (2014). *Major differences between the Presidential and Parliamentary republics*. Prague, Metropolitan University Prague, o.p.s.

Qerimi, Q., & Qorrolli, V. (2017). A Constitutional Tradition in the Making: The Presidents' Cases and the Role of Kosovo's Constitutional Court in the Process of Democratic Consolidation. *ICL Journal*, 7(1).

Schneier, D. (2017, March 9). *Pres. Trump does not represent us: ralliers*. Queens Chronicle. Available at http://www.qchron.com/editions/queenswide/pres-trump-does-not-represent-us-ralliers/article_c333a78f-f4c1-5670-9e0a-bd10f03d2fdd.html.

Scott, M. & Shugart, S.M. (1997). *Juan Linz, Presidentialism, and Democracy: A 10 Critical Appraisal*. Vol. 29, No. 4.

Vida, I., & Vida, C.I. (2012). Appeal at the Constitutional Court of Romania on the President of Romania's modality to exercise the powers established by law. *Juridical Current*, Vol.15, Issue 3.

Yeh, J. R. (2010). Presidential politics and the judicial facilitation of dialogue between political actors in new Asian democracies. Comparing the South Korean and Taiwanese experiences. *International Journal of Constitutional Law*, 8 (4).

Other documents

Constitution of the Republic of Kosovo.

Constitution of the Republic of Albania.

Constitution of the Republic of Croatia.

Constitution of the Republic of Bulgaria.

Constitution of the United State of America.

Constitutional Court of Austria, Case W I 6/2016-125 1 July 2016, Freyung 8, A-1010 Vienna, pp.171-172. Available at https://www.vfgh.gv.at/downloads/VfGH_W-I-1-2016_EN.pdf.

Constitutional Court of Korea, Impeachment of the President (Roh Moo-hyun), Case NO.: 2004 Hun-Na1, KCCR, Mar 14, 2004, Paragraph 4 (C) Available at <http://english.court.go.kr/cckhome/eng/decisions/social/socialList.do#none>.

Constitutional Court of Kosovo, Judgment Case No.KI 47/10, NaimRrustemi and 31 other Deputies of the Assembly of the Republic of Kosovo Vs. His Excellency, FatmirSejdiu, President of the Republic of Kosovo, Available at http://www.gjk-ks.org/repository/docs/ki_47_10_eng_1.pdf.

<http://dictionary.cambridge.org/dictionary/english/unity?q=unity+> access date: 16.03.2017.