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The Constitutional Architecture of Checks and Balances in the Governance of Kosovo's Security Sector

Abstract

This article critically examines the constitutional definition of the security sector in Kosovo, highlighting it as a paradigmatic example of liberal democracy. It focuses on the essential principles of separation, control, and balance of powers within the security apparatus. The article argues that security, whether national or public, is a primary state duty enforced through law enforcement and the legitimate use of force. It underscores the risks of power exploitation by influential interest groups in the absence of proper constitutional regulation, especially in post-conflict societies. The integration of violence mechanisms into a legitimate defence system, as prescribed by the constitution, is imperative for upholding the core mandate of safeguarding the state and ensuring comprehensive human security. The article stresses that mere compliance with constitutional norms is insufficient; effective regulation must prevent any single branch from consolidating power. It examines Kosovo's extensive constitutional oversight of its security sector, detailing the delineation of power-sharing between the executive and legislative branches and within the executive itself to prevent monopolisation of control, thus fostering accountability and transparency in security operations.

Keywords: Kosovo, security sector, constitutional definition, the balance of powers, legitimate use of force, legislative oversight, accountability.

1. INTRODUCTION

The security sector in Kosovo, comprising the police, military, and intelligence services, is pivotal for maintaining stability and upholding the rule of law. Effective governance within this sector is crucial for the consolidation of democracy and the protection of human rights.

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Since Kosovo declared independence in 2008, the new state has faced the complex challenge of establishing robust security institutions within a constitutional framework designed to prevent the abuse of power and uphold democratic principles (Bajrami, 2019)."

The theoretical underpinnings of Kosovo's approach to governance in the security sector are deeply rooted in the broader doctrine of separation of powers and checks and balances. These principles, integral to modern constitutional design, aim to ensure that no single branch of government dominates or misuses its power. This concept finds its origins in Montesquieu's seminal work *The Spirit of the Laws* (1748), which argued that dividing governmental powers among distinct branches was essential to protect liberty and prevent tyranny (Montesquieu, 1748). James Madison further developed this theory, stressing the need for each branch to have sufficient power to check the others, thereby maintaining a balance that prevents any one branch from becoming too powerful (Hamilton, Madison, & Jay, 1788; Gerber, 2011). This theoretical framework has been crucial in shaping Kosovo's constitutional design.

This theoretical foundation was first reflected in two critical documents that preceded Kosovo's Constitution. The *Comprehensive Proposal for the Kosovo Status Settlement* (CSP), presented by President Martti Ahtisaari in 2007, outlined key principles for the protection of rights and the establishment of democratic institutions (Ahtisaari, 2007). Complementing this was the *Constitutional Framework for Provisional Self-Government in Kosovo* (UNMIK Regulation No. 2001/9), which provided an initial governance structure under the United Nations administration and laid the groundwork for Kosovo's transition to full sovereignty (UNMIK, 2001).

The 2008 Constitution of Kosovo enshrines fundamental principles by establishing a system of checks and balances suited to its unique context. It delineates the roles and responsibilities of the President, Prime Minister, and Parliament in the governance and oversight of the security sector. As Commander-in-Chief of the armed forces, the President wields considerable authority, but this power is subject to oversight by both the legislative branch, particularly in matters of security-related legislation and the judiciary. Moreover, the Constitutional Court can review the President's actions for potential violations of the Constitution, but only if the process is initiated by authorised parties, rather than by the Court on its own authority. The Prime Minister, in turn, is responsible for the administration and implementation of security policies, ensuring that all executive actions comply with legal standards and democratic principles (Constitution of the Republic of Kosovo, 2008).

The Parliament of Kosovo plays a crucial role in overseeing the security sector, including approving budgets, enacting laws, and conducting inquiries to scrutinise security policies. Committees such as the Committee on Security and Defence ensure that security agencies operate transparently and are accountable (Demjaha & Peci, 2016). In addition to the Committee on Security and Defence, the Assembly of Kosovo also has a special committee dedicated to overseeing the Kosovo Intelligence Agency. The judiciary, particularly the Constitutional Court, acts as a guardian of the Constitution, reviewing and challenging executive and legislative decisions to protect citizens' rights and uphold the rule of law.

Kosovo has also established independent institutions like the Ombudsperson and the General Auditor to investigate complaints, conduct audits, and provide recommendations to enhance governance and accountability. These bodies are essential for addressing issues such as political interference, corruption, and human rights abuses within the security sector.

Although the constitutional framework is robust, ensuring the practical implemen-

tation of effective checks and balances remains a challenge. Political interference, resource limitations, and public awareness issues can undermine oversight mechanisms. Reports have indicated instances where political influence has compromised the independence of security institutions, raising concerns about their impartiality (Deda, 2017).

This article addresses the following **research question**: To what extent does the constitutional framework of Kosovo effectively ensure checks and balances in the governance of the security sector, and what are the primary obstacles to its practical implementation?

The central **hypothesis** of this study is that while Kosovo's Constitution provides a formally adequate structure for democratic oversight in the security sector, political interference and institutional weaknesses have hindered its effective realisation.

Methodologically, this paper employs a qualitative, normative-legal approach grounded in constitutional interpretation, institutional analysis, and the examination of oversight mechanisms in emerging democracies. Kosovo is presented as a case study, with a particular focus on the normative dimension of its security governance framework. The research draws upon primary legal sources – including constitutional provisions, legislation, and secondary laws – as well as policy reports and scholarly literature.

This study seeks to provide a foundational understanding of the constitutional architecture of checks and balances within Kosovo's security sector. By analysing the interaction between theoretical doctrines and institutional practices, the paper critically assesses both the strengths and limitations of the current system. Ultimately, it offers recommendations aimed at strengthening democratic governance and safeguarding human rights.

2. THEORETICAL AND HISTORICAL OVERVIEW

Since 2008, Kosovo has been on a transformative journey towards solidifying its independence, a path deeply intertwined with efforts to rebuild its democratic institutions, particularly within the security sector. This journey is not just a story of governance but one of resilience, shaped by historical challenges, international involvement, and a gradual transition to local control.

The aftermath of the Kosovo War left the region in disarray, and the adoption of UN Security Council Resolution 1244 in 1999 marked the beginning of a new chapter. Under the international administration of UNMIK, Kosovo faced the daunting task of reconstructing its security infrastructure. The war had decimated existing structures, necessitating the dismantling of the old Yugoslav system and the creation of new institutions (Bryden & Hänggi, 2004). These efforts were further complicated by the lingering effects of the Milosevic regime's repression, which had deeply eroded institutional capacity and public trust in security institutions (ICG, 2004).

As Kosovo struggled to rebuild, international actors played a pivotal role. The deployment of an international presence, authorised by Resolution 1244, was essential in maintaining security and overseeing governance (United Nations Security Council, 1999). NATO took the lead in security operations and capacity-building, ensuring that fragile peace was maintained while laying the groundwork for future governance (Qosaj-Mustafa & Farnsworth, 2009).

Kosovo's approach to security sector development was comprehensive, aiming at restructuring forces and addressing post-war challenges unique to the region. This included reintegrating former combatants into civilian life and tackling issues like landmine clear-

ance, all of which laid the foundation for establishing democratic governance and promoting human rights (Bryden & Hänggi, 2004). However, the road to local ownership and effective governance was not without its hurdles. In the early stages, international authorities retained significant control over Kosovo's security institutions, limiting local decision-making and delaying the establishment of robust local governance structures (Qehaja, 2017).

The evolution of Kosovo's security sector can be seen as unfolding in three distinct phases. The first phase, from 1999 to 2005, was characterised by the establishment of foundational institutions like the Kosovo Police Service and the Kosovo Protection Corps, both created under the watchful eye of UNMIK with minimal local involvement. The second phase, from 2005 to 2008, saw a gradual transfer of governance competencies to local institutions as Kosovo prepared for its eventual independence (Constitution of the Republic of Kosovo, 2008). Finally, the post-2008 period marked a significant shift, with Kosovo consolidating its security architecture under its governance framework. The Kosovo Security Force emerged as the primary local security actor, symbolising the country's newfound autonomy (European Union External Action, 2022).

Throughout this process, ethnic tensions between Albanian and Serbian communities remained a central challenge. These tensions, rooted in historical grievances exacerbated by the war, posed a significant threat to regional stability (Rogel, 2003). Horowitz states that theoretical perspectives on ethnic conflict emphasise the importance of inclusive security institutions and policies that address these historical grievances and promote reconciliation (Horowitz, 1985). Kosovo's efforts to foster multi-ethnic cooperation, particularly within its security forces, were therefore not just a necessity but a cornerstone of its strategy to maintain peace and societal cohesion.

Kosovo's aspirations for European integration have further shaped its security sector policies. As the country seeks to align with EU standards, it has undertaken a range of reforms aimed at harmonising its legislative framework, enhancing institutional capacities, and strengthening international cooperation (Radaelli, 2003). These efforts are not merely about meeting benchmarks; they are about embedding Kosovo within a broader European framework of governance, rule of law, and security (European Commission, 2022). The passage of laws by the Assembly of Kosovo is, in most cases, subject to external reviews, such as those of the Venice Commission, as well as alignment with the *acquis communautaire*. The influence of international actors, particularly the United Nations, NATO, and the European Union, has been instrumental in shaping Kosovo's security sector. These organisations have provided the technical assistance, financial support, and oversight needed to build the capacity and legitimacy of Kosovo's security institutions. Yet, this international involvement also raises important questions about sovereignty and local ownership. As Kosovo continues to develop its security sector, it faces the ongoing challenge of balancing the need for external support with the imperative of building sustainable local capacities. This delicate balance will be crucial as Kosovo moves forward, navigating the complexities of post-conflict state-building and institutional reform.

3. KOSOVO CONSTITUTIONAL DESIGN

Kosovo's Constitution is among the youngest ones and represents the joint venture of different international actors, representing different constitutional doctrines of constitutionalism, while trying to accommodate political and constitutional solutions that fit the socio-political

context of society. So, the Constitution of Kosovo was rather international in authorship and ownership than local (Beha, 2023; Marko, 2008; Tunheim, 2009). It is based on the Ahtisaari Plan (Ahtisari, 2007) and the Ahtisaari Plan is based on the Doctrine of Sharing Power introduced by A. Lijphart (1969) aiming for Consociational Democracy where deep legacies of political, and racial or any kind of them can be softened and accommodate different interests and settling conflict and manage diversities in divided societies in the democratic frame. In Kosovo's context, the constitutional arrangements had to address both deep ethnic cleavages and political tensions among the Albanian political elite competing to govern in after war Kosovo (Beha, 2023). Thus, Kosovo is a typical model of the consociational constitution that meets all criteria envisaged by the doctrine mentioned above (Selimi, 2019; Baliqi, 2012; Kabashi, 2018).

The Kosovo Constitution includes distinctive provisions that set it apart from other democratic systems (Doli & Korenica, 2013). It delineates four distinct divisions of power: between international and local Kosovo authorities, among the branches of government (legislative, executive, and judiciary), between central and local governments, and among ethnic communities. This framework ensures a balance of power and supports effective governance through decentralisation and shared authority. Furthermore, the Constitution has demonstrated its resilience by balancing human and community rights with national security, while simultaneously safeguarding Kosovo's sovereignty (Kabashi, 2018). Notably, the Constitution of Kosovo stands out as a rare case globally, as it contains two dedicated chapters addressing fundamental rights. Chapter 2 outlines the fundamental freedoms and rights of individuals, while Chapter 3 focuses on the collective rights of communities and their members. This dual approach reflects Kosovo's commitment to protecting both individual and collective rights within a diverse society.

The values and principles underpinning Kosovo's constitutional orders, such as freedom, peace, democracy, equality, respect for human rights and freedoms, the rule of law, and the separation of powers, have established a liberal democracy that stands competitive with modern democracies. A distinctive feature of Kosovo's Constitution is its detailed regulation of the security sector, grounded in the separation of powers and a system of checks and balances between the legislative, executive, and judicial branches. Furthermore, the Constitution devotes an entire chapter to the regulation of key security institutions, including the Kosovo Security Force, the Police, the Intelligence Agency, the Aviation Agency, the National Security Council, and the State of Emergency. (Constitution, 2008, chapter XII).

4. LEGISLATIVE OVERSIGHT AND POLICY CONTROL

Under Article 65, the Assembly plays a crucial role in overseeing security policies and budgets. It ratifies international treaties and can amend the constitution, reflecting its legislative authority over matters crucial to national security. This legislative oversight is pivotal in maintaining transparency and accountability within the security sector. However, it is crucial to explicitly include the mandate of the Assembly to receive and approve the National Security Strategy. Currently, it is unclear whether the government sends the drafted strategy from the National Security Council to the Assembly or just approves it within the government. Even though the strategy is a joint product of the President, Government, and Assembly represented in the National Security Council, it contradicts the principles of checks and balances to oversee a policy that does not originate from the Assembly. Therefore, changes would

improve the principles of checks and balances in this regard.

There are no specific provisions regarding the Assembly Committees that oversee the security sector institutions (Committee on Security and Defence Affairs and Oversight Committee for the Intelligence Agency). Generally, their organisation and functions, as well as oversight hearings and the overall procedure of parliamentary control, are regulated by Parliamentary rules (Regulations, 2022). These committees are essential in scrutinising the operations and activities of the security institutions, ensuring that they function within the bounds of the law and adhere to democratic principles. In the specific law governing the Kosovo Intelligence Agency (KIA), there is also a dedicated chapter that regulates the issue of parliamentary oversight and control of this Agency (Law No. 03/L-063). By conducting hearings, requesting reports, and summoning officials for questioning, these committees play a significant role in upholding the accountability of the security sector.

One very important provision is the power of the President to exercise a suspensive veto over laws “when he/she considers [them] to be harmful to the legitimate interests of the Republic of Kosovo or one or more Communities” (Constitution, 2008, Article 84.6). This veto power allows the President to delay the enactment of legislation that may negatively impact national interests or specific communities, providing an additional layer of scrutiny and ensuring that the concerns of all stakeholders are considered. The President can return the law to the Assembly for further review and revision, promoting a thorough legislative process.

In addition, the President is one of the legitimate actors who can propose constitutional amendments and may refer to constitutional questions, including judicial review of laws, decisions, and regulations of the Government and Assembly that are suspected of violating the constitution. This role underscores the President’s responsibility to uphold the constitutional order and ensure that all branches of government act within their legal constraints. By proposing amendments, the President can initiate necessary changes to the Constitution, reflecting the evolving needs and values of society.

On the other hand, reflecting the principle of checks and balances, the Government and Assembly can question the President’s decree for declaring a state of emergency and actions taken during that time (Kos. Const, 2008, Article 113.3). This mechanism ensures that the extraordinary powers exercised by the President during emergencies are subject to oversight and can be challenged if deemed excessive or unjustified. It maintains a balance of power and prevents the potential abuse of emergency powers, safeguarding democratic governance even in times of crisis.

In Kosovo’s constitution, unlike presidents in a parliamentary system, the President is among the authorities entitled to propose amendments to the Constitution (Article 84.80) and introduce draft laws to the Assembly related to his scope of authority (Article 69). While the President is the Commander in Chief and, during a state of emergency, the head of the National Security Council, he can propose laws regarding national security. As the head of state and leader of foreign affairs, he can also introduce laws that pertain to national security. Additionally, as the representative of the unity of the people and the guarantor of the democratic functions of the institutions, he can introduce a wide range of laws that fulfil his mandates. Certainly, the final authority to legislate rests with the Assembly, while the President will sign the laws in the end, ignore them, or send them back to the Assembly for review. The Assembly can overrule the President’s veto with an absolute majority. This system ensures proportional sharing and balanced distribution of power.

The President's ability to propose legislation, particularly concerning national security, foreign affairs, and other critical areas, is a significant aspect of his role. This authority allows the President to address urgent and essential matters promptly, ensuring that the country's legislative framework can adapt to changing circumstances and challenges. By working closely with the Assembly, the President helps to shape policies that reflect both the executive's strategic vision and the legislative branch's democratic oversight.

The significant power rests with the Assembly in the president's impeachment procedure, which goes from the initial process to the final procedure through the Assembly. So, when the Assembly is in doubt that the president violated the constitution, committed a heavy crime or is not healthily capable will initiate the process and send the case to the Constitutional Court, and if the last one confirms the violation, the Assembly, with 2/3 of the Assembly members, can dismiss him.¹

In summary, the interplay between the Assembly and the President in legislative oversight and policy control exemplifies the robust system of checks and balances enshrined in Kosovo's constitution. It ensures that no single branch of government can dominate the legislative process, promoting a cooperative and balanced approach to governance that upholds the principles of democracy, accountability, and the rule of law.

5. EXECUTIVE LEADERSHIP AND THE DYNAMICS OF SHARED POWERS: BALANCING AUTHORITY AND OVERSIGHT

The President, as stipulated in Article 83, serves as the head of state and Commander-in-Chief of the Kosovo Security Force (KSF). This dual role underscores the President's significant influence over national security and in the state of emergency response. In Article 94, the Prime Minister complements this role by chairing the Kosovo Security Council during peacetime, which advises on security matters and coordinates responses during crises. Security Council during peacetime acts as a coordinating and advisory body to the president and prime minister, while during a state of emergency, the Security Council takes the executive role and is chaired by the President (Constitution, 2008, Article 127, LAW NO. 03/L-0050) The main provisions that reflect the checks and balances doctrine are those dealing with appointments of the security sector leadership, which, in the case of Kosovo is more applied to the executive rather than the legislative, which has no significant role and should have. So, the Constitution stipulates that the president appoints the Commander of the Kosovo Security Force upon recommendation of the Government, and with the Prime Minister jointly appoints the Director, Deputy Director and General Inspector of the Kosovo Intelligence Agency, President also has the authority to declare the State of Emergency in consultation with the Prime Minister including right to request meetings of the Kosovo Security Council and chairs them during a State of Emergency (Kos. Cons. article 84, LAW NO. 03/L-050). The Director of

¹ There are two situations that require a different number of members of the Assembly for initiations. When there is an assumption of serious violations, the qualified number is 30 out of 120 members of the Assembly (Kos. Const. Article 113.6. When the assumption is that the President committed heavy violation, the qualified number is 40 out of 120 members. The differences between 'heavy' and 'serious' violations were interpreted by the former head of the Constitutional Court, Prof. Enver Hasani in "Commentary of the Kosovo Constitution. pp. 423-424 and 588-589, Accessible at http://jus.igjk.rks-gov.net/487/1/Komentari_Kushtetuta_11_Shqip.pdf

Intelligence, while accountable to the Prime Minister, simultaneously serves as the principal advisor to both the President and the Prime Minister (Law No. 03/L-063) and should provide them with the same intelligence (Kos. Cons. Article 129.4, Law No. 03/L-063). In addition to serving as the Commander-in-Chief of the Armed Forces, the President holds the ultimate authority to approve promotions, appointments, transfers, dismissals, and discharges of individuals to the rank of General. These decisions are made based on the joint recommendation of the Commander of the Kosovo Security Force and the respective Minister, in consultation with the Prime Minister (Law No. 08/L-158). The Army structure determination is a derivative of joint consensus (Prime Minister with President) that should be ratified by the Assembly (Law No. 06/L-123, Art. 17).

One notable example of power-sharing, control, and balance is the process of appointing the leadership of the intelligence agency. The joint appointment of key officials necessitates a consensus between the President and the Prime Minister. Moreover, consultation with the government as a collective body, as stipulated in Article 129.3 of the Kosovo Constitution, is a *conditio sine qua non* for both the appointment and discharge of these officials. Additionally, it is important to note that although the Director of the Intelligence Agency is administratively under the authority of the Prime Minister (Law No. 03/L-063), they are required to provide the same information to both the President and the Prime Minister. This constitutional arrangement offers strong guarantees for more professional and impartial leadership, as the dismissal of the Director is not the decision of a single authority but rather requires the signatures of both the President and the Prime Minister. In practice, this is not so applicable, considering that until now only the first director² achieved a full mandate (Sinjali.com, 2021). In Kosovo's political system, where both the President and the Prime Minister are elected by the Parliament, there is a potential risk of politicisation, particularly if the President belongs to the second-largest party in the ruling coalition or holds a politically weak position. This dynamic can lead to the possibility of politically motivated appointments, which may result in intelligence products being skewed in favour of the Prime Minister. The same danger is if both belong to the same political party that has a Parliamentary majority³ In this regard, to get more checks and balances and to protect the intelligence community from dictated intelligence products, the Constitution should involve the Assembly, at least through the Oversight Committee for Intelligence Agency in the election and dismissal process, by conditioning with the Committee's consent.

In terms of policymaking, close cooperation between the President and the Prime Minister is constitutionally mandated, rather than merely a political preference. While the consensus-based presidential election, typically involving the majority political parties, requires political coordination, the Constitution stipulates that intelligence agency proposals

² Bashkim Smakaj, the first Director of the Kosovo Intelligence Agency, played a pivotal role in establishing and leading the agency throughout his full five-year mandate with distinction. His leadership was instrumental in shaping the agency's early foundations and operations. However, despite his notable contributions, he was unable to complete his second mandate due to political changes in the offices of the Prime Minister and President, ultimately being advised to resign in 2015 as a result of these shifts.

³ According to Article 88 of the Constitution, the President is prohibited from holding political or other public functions. However, except for President Jahjaga, who was not affiliated with any political party and previously served as a high-ranking police officer, all other Presidents have come from political parties represented in the Assembly, often as a result of political coalition negotiations.

and the Prime Minister's foreign policy decisions must be made in consultation with the President. To safeguard this shared authority, both the President and Prime Minister have the right to challenge laws, decrees, and regulations before the Constitutional Court.

However, potential conflicts may arise concerning foreign affairs, as the Constitution grants the President the authority to lead the country's foreign policy (Kosovo Constitution, Article 84.10). At the same time, the Government is responsible for proposing and implementing both domestic and foreign policy, albeit in consultation with the President. This creates room for both parties to assert authority, potentially leading to disputes over who holds the final decision-making power. If the President and Prime Minister do not align on the same foreign policy doctrine – as is presently evident in Kosovo – such divergences have the potential to trigger institutional crises and undermine the national interest.

Particularly, we noticed a serious gap for a possible opportunity to abuse the constitutional powers to declare an emergency or an extraordinary state of emergency. The Constitution stipulates that the President of the Republic of Kosovo may declare a State of Emergency under specific circumstances: when emergency defence measures are required, when there is an internal threat to the constitutional order or public security, or in response to a natural disaster impacting all or part of the territory (Article 131).

For emergency defence measures addressing threats to territorial integrity and sovereignty from external sources, the President's decree requires a two-thirds majority vote from the members of Parliament. In contrast, when responding to threats to constitutional order and public safety, a sufficient majority of present members can approve the decree, with an absolute majority of 61 members needed. This means that a simple majority of 31 present members can approve a state of emergency.

Given that the President is elected with the support of the governing majority, this situation raises the possibility of a concentration of power. In such a scenario, a small group of Members of Parliament, led by the Prime Minister and supported by the President, may exert disproportionate influence, shaping political outcomes to serve their own interests. This dynamic could undermine democratic principles by marginalising broader parliamentary participation and consolidating authority within a narrow political elite, potentially weakening checks and balances and threatening the integrity of institutional processes.

Conversely, when facing threats from foreign actors, the need for a larger majority complicates decision-making and could delay necessary actions. To address these concerns, constitutional changes should be considered: simplifying the procedure for declaring a state of emergency in response to foreign threats while making it more stringent for internal threats. This approach would help prevent potential abuses of power, which may be more prevalent in newer democracies like Kosovo than in established Western democracies.

Another gap that could be exploited or hinder the effective constitutional declaration of a state of emergency is the provision requiring the Assembly's consent within forty-eight (48) hours. If consent is not granted, the President's decree becomes void. However, the Constitution does not address what happens if the Assembly members are unable to convene to provide this consent. To address this issue, there is a need for an amendment that grants the President the authority to declare a state of emergency and initiate protective measures for the country, while still requiring subsequent formal consent from the Assembly whenever possible. This would ensure timely action in crisis situations while maintaining a framework for legislative oversight. These changes can be implemented with confidence, as the Constitution empowers the Assembly, the Government, and even the Ombudsperson to refer any

declaration of a State of Emergency and the actions taken during such a state to the Constitutional Court for review. This mechanism ensures that the President's authority is subject to constitutional oversight, thereby mitigating concerns about potential abuses of power (Kosovo Constitution, Article 113.3.3).

6. CONCLUSION

In conclusion, the study underscores the criticality of an effective constitutional framework of checks and balances in Kosovo's security sector, especially pertinent in its delicate post-conflict context. The analysis highlights the necessity of a robust separation and balance of powers to prevent power exploitation and ensure comprehensive human security. By detailing Kosovo's journey towards independence, the interplay between international and local governance, and the role of different branches in policy oversight, the paper elucidates the strengths and vulnerabilities inherent in the current system. Key recommendations for constitutional amendments and enhanced legislative oversight aim to bolster democratic principles and efficacy in governance. These insights are invaluable for reinforcing the protection of human rights and the consolidation of democracy in Kosovo, ensuring that the balance of power and accountability mechanisms are robust and resilient.

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Ustavna arhitektura sustava provjera i ravnoteža u upravljanju sigurnosnim sektorom Kosova

U članku se kritički ispituje ustavna definicija sigurnosnog sektora na Kosovu te se kao paradigmatički primjer navodi liberalna demokracija. Fokus je na osnovnim principima odvajanja, kontrole i ravnoteže vlasti u sigurnosnom aparatu. Tvrdi se da je sigurnost, nacionalna ili javna, primarna dužnost države koja se provodi primjenom zakona i legitimnom upotrebom sile. Istaknut je rizik od nastanka situacije u kojoj utjecajne interesne skupine iskorištavaju moć u nedostatku odgovarajuće ustavne regulative, posebno u postkonfliktnim društvima. Integracija mehanizama nasilja u legitiman obrambeni sustav, kako to propisuje ustav, ključna je za očuvanje osnovnog mandata zaštite države i osiguranje sveobuhvatne sigurnosti ljudi. U članku se ističe da samo poštovanje ustavnih normi nije dovoljno; učinkovitom regulacijom mora se spriječiti konsolidacija moći bilo koje grane vlasti. Istražena je opsežna ustavna nadzorna uloga Kosova nad sigurnosnim sektorom, uz detaljan opis podjele moći između izvršne i zakonodavne vlasti, kao i u samoj izvršnoj vlasti kako bi se spriječila monopolizacija kontrole, čime se potiču odgovornost i transparentnost u sigurnosnim operacijama.

Ključne riječi: Kosovo, sigurnosni sektor, ustavna definicija, ravnoteža vlasti, legitimna upotreba sile, zakonodavni nadzor, odgovornost.

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