

## Parliamentary Control Functions (Kosovo case)

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### Abstract:

*One of the main functions of parliament, in democratic society, is parliamentary supervision of government.*

*The control function determines, political activity of parliament, and includes a numerous instruments from those that, doubts the responsibility of government, to those of, simply informational manner.*

*Main functions of parliamentary control are:*

- *To determine and prevent abuses, arbitrary or illegal behaviour of government and public organizations.*
- *Protection of, citizen freedom and rights, is on epicentre of this function.*
- *Demanding the explanation from the government for the manner of using the public funds, in order to improve the efficiency on public expenses, and prevention of financial abuses in administrative field.*
- *To efficiently supervise, the forecasted politics from government from government.*
- *To obtain, transparency of governmental activity, and to improve belief of citizens toward legal state system.*
- *Constitutional dispositions are those that determine values that have to be used by parliaments, in order to perform the control function, as are: parliamentary issues, interpellations, motions, debates, investigations, information, reporting's, etc.*

*The ways of how these values should be used varies from parliament to another:*

*Those are implemented upon demanded procedures of parliament regulations.*

*The common attribute of them, is that, parliamentary control function, gets implemented from parliament commissions, and also from parliament as whole, in its sessions. The aims of parliamentary control consist on importance of implementation of this function, toward government. In parliamentary political systems, the government gives accounts to parliament, and parliament can initiate the vote of confidence for the whole government, throughout the complete mandate of the same.*

*Legality of work process is obtained through this control, as for legal services functioning, and the complete system, as well.*

**Key words:** Parliamentary Control, Parliamentary issues, Interpellation, Responsibility

## **1. Introduction**

One of the basic features of parliamentary system is to represent the right of Parliament to exercise a constant control on the Government, to ask questions, to interpellate, to establish permanent committees to monitor the activity of the government, to form committees to try raising the responsibility over the Ministers of the governmental cabinet and the similar. This is called a parliamentary control, where the parliament exercises its oversight and this goes through plenary sessions held by its committees and this often leads to governmental responsibility in the Parliament. Its effect does not end with the act of accountability, but it has a preventive effect, because that stimulates entities over which control is exercised to a careful and conscious way onto performing of the tasks arising from their work.

Parliamentary control has to do with the legality and the regularity of the legislative activities. The word control has a larger meaning in its concept, but when used in terms of constitutional law and parliamentary examination it incorporates several elements, including:

- The informative element – the recording of factual situation;

- The evaluation element - the results of activity of the entity have to be evaluated and must be a subject to parliamentary control;
- To undertake appropriate measures – eventual sanctions depending on the findings.

The main functions of parliamentary control are:

- To detect and prevent abuses, arbitrary behaviour or illegal and unconstitutional of the government and other public institutions. The protection of the rights and freedoms of citizens is at the centre of this functioning institution.
- To require from the government full accountability for how it uses the public funds in order to improve the efficiency of public spending and not to grant financial abuses in the administration activity.
- To oversee the effective implementation of the planned policies by the government.
- To make the transparency of government activities and strengthen the trust of citizens towards the rule of law.

## **2. The supervisory role of the Parliament**

The third role of the parliament, which is mainly exercised in countries with a parliamentary system of government or Parliament, is most upright exercise of political control over the executive power, first and foremost, to the government. In this system of government, the parliament "elects and dismisses the government".

The Political control on the work of the government by the parliament in these systems, based on the fact that the government is an executive body elected by parliament. Regarding to its work, it is accountable to parliament that at all times mandates the government, thus, at any time it may raise the issue of confidence vote in the whole government, or its designated members.

The government which is formed and operates under supervision of parliament, on the parliamentary theory is known under the name of "parliamentary government". The instruments of parliamentary control on the government work are different. One of the most efficient instruments to use its power is the right of parliament to approve the budget. Without the financial assets, the government is not able to exercise its power, therefore not voting the budget in parliament, in essence, is the same as "shutdown the government ". All other means which rattle parliament against government control, can be divided into two groups: the first group includes tools and instruments with which parliament gets informed of government work and in the second group includes the instruments of parliamentary control including the question of the parliamentary control over the government.<sup>1</sup>

The means by which Parliament gets informed on the work of the government are standing or temporary. Permanent control on the work of government is maintained in such a way that certain governmental units or its ministries submit regular report to parliament for their work in the specified periods of time. Meanwhile, as a temporary means of parliamentary control of government they are amongst the institutions to which the parliament by the government seeks parliamentary notice and review specific issues of government work.

In this regard there are known three institutes of parliamentary control: 1. The questions made by the MPs; 2. Parliamentary interpellation and 3. The Committees of parliamentary polls. When it comes to the political responsibility of the government to the parliament, it is provided by means of the institute of impeachment and dismissal of the government.

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<sup>1</sup> Ibidem.

### **3. The audit means of regular parliamentary control**

The regular means through which the Parliament exercises control over the activity of the government, as was noted above are: the right of Parliament to approve the budget and the presentation of periodic reports to the government in parliament.

#### **3.1. Budget approval**

By adopting the budget, the Parliament exercises its political control over the government and its work. Given that, the amount of direct budget determines the volume of work of the government and the material opportunities to implement its program. Thus, in the parliamentary practice the governments adopt their program by acting in full compliance of budget capacities. Furthermore, not voting the budget by parliament often is the source of crises and conflicts among the government and the parliament. There are several occasions that come into the situation by not voting the budget "the government falls," which as a sign of disapproval of the requested budget it brings to the collective resignation. By adopting the budget, the parliament exercises its political control over the government and its work. As a rule, in practice of the work of the government, the budget usually gets approved at the end of the following year. This enables the government that with beginning of next year, it can start with the new budget.<sup>2</sup> In parliamentary practice, the failure of voting the budget by the parliament is accompanied by different consequences, it often results to a collective resignation of the government, which in this case is an expression of dissatisfaction as an act against the high level of the budget.

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<sup>2</sup> During the year, the government often requires amendments to the budget through rebalancing it and makes additional tools that allow funds authorized by the parliament to support financially these requests that arrive as a result of the additional expenditures, and as a result it comes to adding supplemental funding inquired by the state administration.

Through the supervision of spending public money, the Assembly should ensure good and transparent governance, an effective and accountable implementation of the budget which has previously been approved. The process of surveillance of public finances in the Kosovo Assembly systematically has been made by the Budget and Finance Committee. The Assembly Committee on Budget and Finance is a permanent commission composed of 12 members. Its members come from all political parties represented in Parliament, and it reflects the composition of the General Assembly, the majority party in charge of heading of the Commission.<sup>3</sup> This is one of the most important Commissions in the Parliament because it has the authority to review the annual budget of all budget organizations and is the only committee that has the authority to make recommendations to the Assembly on the national budget. Moreover, the Commission is authorized to supervise the manner how it was and how the budget is spent. Therefore, the Commission has a dual responsibility: first it is mandated to deal with all the budget issues, and the second one, it is responsible for reviewing the budgetary expenses. The majority of democratic countries have created special parliamentary commissions which are responsible to oversee the integrity, costs, efficiency and the management of financial effectiveness created by the Government, through the examination of financial documents and reviewing the reports of the Office of the General Auditor. Such an example has been followed by the Assembly of Kosovo, when in 2009 established the Committee on Oversight of Public Finances. The Commission is building the necessary administrative capacities to exercise its oversight role.<sup>4</sup>

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<sup>3</sup> KIPRED- Kosovo Institution for Policy Research and Development, Prishtina 2009, p.10.

<sup>4</sup> Manual - The supervisory role of the Parliamentary Commissions, Prishtina 2012, p.35.

### **3.2. Submission of periodic reports of the government in parliament**

The Submission of periodic reports to the government in parliament constitutes one of the crucial means through which the parliament surveys the work of the government, then the government is obliged to inform the Assembly about its results of work and activities through its periodic reports. The periodic reports usually include the periods of 6 months and year reports. In parliamentary practice it is well known the state institute of government on saving for the first 100 days of its work.

So during this period the government is spared from parliamentary control and the obligation to present reports on its work.<sup>5</sup>

As a rule, the Government work reports are submitted in writing and they are presented to the parliament by the Prime Minister. On the occasion of the presentation of periodic reports to the parliament on open parliamentary debates, in which members have the opportunity to ask questions and request additional information on the work of the government as a whole or certain of its ministries in particular.

## **4. The extraordinary tools of the parliamentary auditing**

Besides regular tools of parliamentary control, the parliament can exercise political examination also through extraordinary means, which are applied from case to case, each time that MPs are questioning the government's responsibility. How extraordinary means of parliamentary control are considered: parliamentary questions, parliamentary interpellations, and parliamentary polling committees, the institution of impeachment and the institution of dismissal of the government. In this paper we will treat only some of the extraordinary instruments of parliamentary control.

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<sup>5</sup> Ibidem.

#### 4.1. Parliamentary Questions

By definition, a parliamentary question is a request for information. Parliamentarians can ask questions regularly by asking the government to a more accountability. Certainly, they can obtain information through other means, for example, by informally communicating with important responsible authorities of the administration. Making parliamentary question, the government is obliged to provide a response, which is both public. The responses can be available not only to the author of the question, but to all parliamentarians. The most obvious case is that of the oral questions, which require oral replies. Also, due to these questions, parliamentarians can ask the government to clarify its position for a particular problem or to the political direction in general. <sup>6</sup> In parliamentary practice the questions can be oral or written as well.

The session of questions is usually recorded in the agenda of Parliament for questions, and it allows the parliament to get the required information publicly. In these sessions, the parliamentarians who are not part of the ruling majority can verify the capacity of the government, as well as to address questions of national interest. In some parliaments, the session of questions is a marked media event on the chronicle broadcast of parliamentary sessions in its completeness or partially. The practice of submitting parliamentary questions is first presented in England in the late seventeenth and early eighteenth century. From the history of the development of parliamentarism in England, it is marked the first parliamentary question is submitted exactly in the House of Lords in 1721. <sup>7</sup>

The Procedures of the Assembly are regulated by the parliamentary rules through submitting parliamentary

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<sup>6</sup> Ibid.

<sup>7</sup> Dr.sc.Arsim Bajrami, Parliamentary Democracy, Prishtina, 2005, p.104.



questions.<sup>8</sup> Most provisions of this regulation, for each session of the Assembly are scheduled to sixty (60) minutes of parliamentary questions. MP for a plenary session may submit no more than two questions. Each member can make a question for oral answers to a member of the Government, providing that the parliamentary a written question must be submitted in advance to the Assembly in the Office for proposals and submission, at least forty-eight hours before the meeting. The submitted MP written question is presented verbally at the meeting, at the time reserved for parliamentary questions. The oral question cannot last more than two minutes. The Member of the Government response cannot be longer than three minutes. The MP has the right to make a supplementary question in oral to a member of the Government, and which cannot last more than a minute. An oral supplementary answer given by a Member of Government cannot last more than three minutes. The deputy who has made the question, according to the Regulation of the Assembly has the right to submit the question even when the member of the Government is absent or he has not prepared a reply.

The MP parliamentary question, which is addressed to the Prime Minister, he has the right to pass it to a minister, depending on his assessment. In the case when the question has not been answered within the next two sessions, it will be published in the Journal of the Assembly and on the official website of the Parliament, and the Parliament Information Office issues a press release within 24 hours after the second session. The Rules of the Assembly determine that members may submit written questions to the Prime Minister or any other Minister, about his field of responsibility. The answers can be given within two weeks after the date of filing of the question and are recorded in the minutes of the next plenary meeting of the Assembly.

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<sup>8</sup> The regulation of the Assembly of Kosovo, under Articles 45 and 46 regulates the institution of the MP questions.

## **4.2. Parliamentary Interpellation**

Parliamentary Interpellation is one of the oldest institutions of parliamentary control of the government. The word comes from the word INTERPELLATIO - termination, assault, confrontation. For the first time it was applied in France in 1791 at the time of the Third Republic. Today most of the parliamentary states apply the institute of parliamentary interpellation.<sup>9</sup>

Therefore, the need for this institute is motivated as an imperative to prevent the arbitrary government action and its departure from parliamentary control. This institute is typical for the countries where government is functioning under the parliamentary model, where the government derives and receives a mandate from Parliament, and simultaneously undergoes through a full parliamentary control. The Parliament in these systems, as representative of the popular sovereignty through interpellation and other instruments of the parliamentary inspection visits ensures that the government will operate within legal and political frameworks and it implements policies and laws set by the parliament. The procedures to be followed in the case of open motion, relating to the parliamentary interpellation are determined by the Rules of parliamentary procedure.

In the Regulation of Parliament of the Republic of Albania it is determined that the motion is a written request addressed to the Prime Minister or any other member of the Council of Ministers to take explanations about the motives, intentions and their attitude to a certain issue. The interpellation has to be submitted to the Assembly Speaker, who shall immediately notify the member of the Council of Ministers, which addresses the demand for interpellation. The motions are usually introduced in the Assembly every Tuesday 14:00. The MP, who has submitted the interpellation has the right to explain it within no more than 7 minutes and after

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<sup>9</sup> Dr.sc. Arsim Bajrami, *The Theory and Parliamentary practice*, Prishtina 1997, p. 90.

pleading no more than 20 minutes from the member of the Council of Ministers, to whom the motion has been addressed, though he must express within no more than 15 minutes all the needed explanations no matter if he is satisfied or not with the given reply. After the closing of the deputy discussion, the minister has the right to speak and after him the deputy that has presented the motion but not more than three minutes each. A chairman of the parliamentary group or 7 members may require the development of an interpellation on urgent matters.<sup>10</sup>

While the Rules of Procedure of the Assembly of the Republic of Kosovo does not give any definition of the interpellation, but stipulates that a parliamentary group or six (6) or more deputies may submit a request for interpellation to debate an issue that relates to the work of the Government or a Ministry. According to the Regulation of the Assembly, the motion for the interpellation must be submitted in writing, and include:

- The exact wording of the question for the motion;
- The justification for the motion;
- The Name and signature of the authorized parliamentary group;
- The text of the motion proposed for voting.

Proceedings of the Assembly for consideration of a question and answer session can last up to three (3) hours. If there are more requests for interpellation by parliamentary groups, the Presidency allows each group to use the right of interpellation in one of the next meetings based on the rank of submitting of the application.<sup>11</sup> The interpellation motion has to be submitted to the President of the Assembly. The President, within two days after receipt, transmit it to Prime Minister or the minister to whom the motion has been directed. The Prime Minister or

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<sup>10</sup> The Regulation of the Assembly of the Republic of Albania, Article 96.

<sup>11</sup> The Regulation of the Assembly of the Republic of Kosovo, Prishtina 2010, Article 44.

the Minister is obliged to review the motion within seven (7) days. The interpellation will be placed on the agenda of the plenary within seven (7) days after the receipt of the response from the Government. If the Government, within the deadline, does not send a response to the motion, it will be put as the last point of discussion on the agenda of the plenary meeting of the Assembly, which is under the developing process. In the case that the Assembly is not in session it shall be as the first point on the agenda of the next first meeting of the Assembly. The parliamentary group, which proposed the motion, is given the floor at the beginning and at the end of the debate. The group at the beginning of the debate is available ten (10) minutes and at the end of the debate, five (5) more minutes. The Prime Minister or Minister, to whom the interpellation has been submitted, the present and argue the opinion of the Government regarding the issue raised in the motion. Time for discussion on Prime Minister or Minister is fifteen (15) minutes. Time allocated for interpellation shall reflect the parliamentary group representation in the Assembly. Time for discussion of the Prime Minister or the Minister is taken by the time allocated for the position. The deputies without parliamentary group can use the right of having the floor, to (2) two minutes.

The interpellation debate cannot continue at another meeting of the Assembly. The interpellation on the same issue cannot be submitted more than twice during a calendar year. Therefore, as far as the parliamentary interpellation is concerned, with the regulations of the Assembly of Kosovo, this is the procedure to be followed. The procedural rules for the use of parliamentary interpellation are quite similar in different countries. Most of the states the right to file a motion to the parliamentary interpellation shall know to a number of 5 to 10 deputies.<sup>12</sup> In some states, the right of establishment of parliamentary interpellation is also given to a parliamentary

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<sup>12</sup> Dr.sc.Arsim Bajrami, *The Constitutional System of the Republic of Kosovo*, Prishtina 2010, p. 302

group that acts within the parliament. But, in a small number of states, the motion of interpellation is an individual right and can be submitted by any deputy. Compared to past legislatures, where the parliamentary institution of interpellation is minimally used by the parliamentary political parties in the Kosovo Assembly, recently the situation is evolving. It should be noted that during the first legislature 2001- 2004 to June 2006, the Assembly of Kosovo was held only a parliamentary interpellation. In the recent years this situation has begun to change, so from 2011 there were organized a couple of parliamentary interpellations. During 2012, a total of four interpellations were convened by the opposition. The increased use of the audit of this parliamentary instrument shows an increasing demand for accountability and transparency in the Kosovo policy, but many analysts and experts in constitutional law estimate that the interpellations are being organised more for marketing reasons by the opposition political parties.

#### **4.3. Polling (investigative) parliamentary committees**

The right of Parliament to set up inquiry committees is a prerogative and a necessary tool that it is used to exercise the controlling role, as well as to fully and perfectly perform its legislative power. The main purpose of establishing of the commissions is that the investigation is known and verified as a phenomenon in depth, an event, an action with a consistent view towards the reality in order to draw conclusions on the need for approval, completion or correction of specific laws. On the other hand, through parliamentary investigation it is controlled the enforcement of laws as well, it is revealed the responsibility for the way the government functions and make appropriate recommendations to prevent and eliminate negative phenomena and improve the situation in the future.

Along with the other tools, such as questions, interpellations or motions for debate, establishing of the investigative commissions constitutes an important instrument

of control exercised by the Parliament.<sup>13</sup> The right of the investigation carried out only within the function of parliamentary control and that parliamentarians perform constitutional duties as representatives of the people for clarification or detailed investigation of the present case. This right also serves as a tool in the hands of the parliamentary minority to exercise control mainly against the executive and to seek the imposition of holding the government more accountable. As in a parliamentary system the government formed by the parliamentary majority, which have many other legal remedies, the right to control serves especially the minorities to investigate, having limited its tools, and turn them into a more powerful constitutional tool. In some parliaments, the parliamentary investigations can be carried out by one of the permanent committees.

In this case the permanent commissions take the powers of committees of inquiry. The Commissions of inquiry may make more deep investigations for a relatively short time and discover facts that may be of concern to the government. Unlike standing committees, the special investigative committees are created by a special decision of the parliament. The mission of the ad hoc committee is limited to certain issues in the resolution of the parliament, in which specifies the nature of the investigation. In most countries, the proposal to establish a special committee of inquiry can only be done by a parliamentary, without the need for co-signatures, however in most cases there must be a minimum number of deputies, which runs from 8 to 15 deputies. In Spain and Romania parliamentary groups may propose the establishment of the inquiry committee. As a rule, in the composition of parliamentary committees are the MPs who raise the issue of responsibility of the government in parliament. This committee is charged on surveying concrete facts regarding the possible responsibility of the government or a ministry and submits the

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<sup>13</sup> Ylli Bufi, *The Temple of Democracy*, Tirana 2010, p.511.

reports on the issue in parliament. In parliamentary practice, polling committees formed in cases where there are any opposing views on the issues in parliament and positions between the ruling party and the opposition parties about the responsibility of the government or its involvement in the illegitimate work. In these cases it usually results to interrupted parliamentary debate, and deliberately there is formed a Parliamentary Inquiry Commission for lighting the facts that illuminates the facts and submit a written report. After the presentation of the results of the Commission survey, by the reporting member, then it will be developed an open parliamentary debate about the issue. After the conclusion of the parliamentary debate on the report of the Inquiry Committee, the Assembly through a voting process decides to approve or disapprove it.<sup>14</sup> In case of approval, the facts about the responsibility of the government or the competent ministry, the Assembly could start its voting procedure of impeachment of the government as a whole or certain minister. After the vote of the report, the commission terminates its task and then gets dissolved.

#### **4.4. The institution of confidence vote of the Government**

The institution of confidence vote of the Government represents a leading institute of parliamentary control, which raises the political responsibility of the government in parliament. The Institution of confidence vote is a typical institution parliamentary system of government and semi-presidential.<sup>15</sup> Here is the word for an act by which the parliament shows that the government has lost its confidence. No-confidence motion against the government may be proposed or in some countries against a minister, and only if the motion is approved, the government or the minister against whom the proposed motion has been raised he or she should resign. The motion of

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<sup>14</sup> Dr.sc. Arsim Bajrami. Parliamentary Democracy, Prishtina,2005, p.111.

<sup>15</sup> Dr.sc. Arsim Bajrami, The Constitutional System of the Republic of Kosovo, Prishtina 2010, p. 305.

confidence presents a constitutional government, almost in all parliamentary countries. Most state constitutions determine the conditions of use of no-confidence vote, the procedures followed in this case, the legal consequences in itself that are produced after taking the confidence vote against the government.

The Constitution of the Republic of Kosovo in article 65, paragraph 8 provides that the Assembly elects the Government and expresses no confidence in it. On the Regulation on the Procedure of the Assembly of Kosovo it is determined that the proposal of one third (1/3), namely 40 deputies can raise the motion of no confidence vote against the Prime Minister.<sup>16</sup> The motion of no confidence should be signed by at least 1/3 (one third), namely 40 deputies, and must be accepted by the majority vote of all MPs. No-confidence vote motion must be put on the agenda, no later than five (5) days and not earlier than two (2) days from the date of its filing. If a motion of no confidence vote against the Government prevails, the Government is considered dismissed. If a motion of no confidence vote fails, a subsequent motion of no confidence can be submitted only after ninety (90) days thereafter.<sup>17</sup> In Albania, pursuant to Article 105 of the Constitution, not less than one-fifth of the deputies have the right to submit to the Assembly a no-confidence vote against the Prime Minister in office, as well as to propose a new prime minister.<sup>18</sup> The Confidence vote motion must contain the signatures of MPs and be justified. With the filing of this motion, the Speaker of the Assembly shall immediately notify the Prime Minister and call for the Conference of Presidents in order to determine the date and time for the development of the motion. The submission of the motion to the plenary session must be developed no later than 7 days from the filing of the vote and it could not occur

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<sup>16</sup> Article 31, point 1, 2, of the Regulation of the Assembly of the Republic of Kosovo, Prishtina 2010.

<sup>17</sup> Po aty, neni 31 pika 3.

<sup>18</sup> The Constitution of the Republic of Albania, article 105.



earlier than 3 days of its submission to the plenary session. The plenary session, set for the development of this motion, starts with the motion for no more than 5 minutes from his representative signatories and continues with the development of the debate on the issue.<sup>19</sup> To the end of the arisen debate the right to speak first is reserved to the representative of the signatories of the motion and it can last no more than 10 minutes. The Assembly may vote a motion of no confidence against the Prime Minister, and by voting with of more than half of all its members a new prime minister.

The President of the Republic decreed the dismissal of the incumbent Prime Minister and appoints the new Prime Minister elected no later than 10 day from the date of the vote of confidence in Parliament. According to the Regulation of the Assembly of Macedonia, the motion on vote of no-confidence of the government may represent at least 20 MPs. Under the French Constitution, the motion must be filed by at least one tenth of the deputies (58 deputies) and should be adopted only by an absolute majority, i.e. the majority of the number of Members of the Assembly, i.e. 289 votes out of 577 deputies. The observing parliamentary practices recently, it can be said that the initiative could parliamentary motion of no-confidence vote has lost its former weight or importance; now more and more we have to do with the parliamentary homogeneous majority and disciplined, as a consequence of electoral systems that provide consistency of government, but also other nowadays policy instruments.

#### **4.5. The Dismissal of government**

One of the extraordinary instruments of parliamentary control is also considered the dismissal of the government institution. So, if a motion of no-confidence vote in parliament happens, then by law the government is considered overthrown or dismissed. So, the dismissal represents a kind of sanction that

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<sup>19</sup>The regulation of the Assembly of the Republic of Albania, Article 100.

parliament takes on the government, as a result of not meeting the program, which previously has taken the vote of confidence in the parliament. This institution is distinctive as the countries with a presidential system of government, as well as those more mixed parliamentary system, but not the same in both countries. And in typical parliamentary system, the parliament is the only body that has the right to dismiss the government, i.e. in the cases of no-confidence vote to the Prime Minister or against the government as a whole voted by Parliament, in the case of scattering of the parliament etc. While in the states with presidential and parliamentarian – as a mixed system, the dismissal of the government because of the bicephalous or double-headed executive system, it falls into the hands of the president and parliament. Both these bodies may demand the dismissal of the prime minister and the government as a whole on the basis of its constitutional powers. Since it is known, the president in such a state is the chief executive and as such, it may at any time request the resignation of the prime minister and the government as a whole. The same right has the parliament, which exercises parliamentary control and may raise the no-confidence vote against the government.<sup>20</sup> The dismissal of the government in presidential systems, is the exclusive right of the president, who without consulting the parliament can dismiss the prime minister and cabinet ministers appointed.

## **5. Summary**

The parliamentary democracies nowadays are characterized by how political decision making is shared between parliament and government. Although the traditional functions of these two branches of government are formally structured in a country's constitution, the reality is more of a cross between their actions. The separation of powers realized in practice

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<sup>20</sup> Ibid. 311.

provides that the Assembly (legislature) is competent to monitor and control how the government (executive) implements the legal framework adopted by Parliament. To make it effective in implementing there are given a range of powers of control to the Assembly. So, the Parliament owns a number of mechanisms of legal control, which carries on the executive and other important central and constitutional institutions or legally established. This highlights his consolidated position as a central authority with the constitutional power, unless legislative, as well as a controller one, but this always is considered as the first light of the principle of separation of powers. So, it is concluded that the role of Parliament is not only in making laws, but also a political control and leading of the country. The parliamentary control over the government is the competence guaranteed by the Constitution of the Republic of Kosovo. Despite constitutional powers, the Assembly still cannot find ways and their will to exercise, with a particular emphasis on the oversight role over the executive power. Despite constitutional provisions, there is a lack of effective oversight of the executive of the country's parliament. Questions sessions, as a form of surveillance are being used frequently, while the cabinet continues to ignore them. The reluctance of Cabinet ministers to answer parliamentary questions, their reluctance to be present at plenary sessions where issues arising from their activity areas, do not answer to the calls by parliamentary committees to report on meetings to ignore their recommendations or views arising from the highest representative institution in the country, these are cases that clearly demonstrate the impossibility of exercising the constitutional powers of the executive oversight by the legislature.

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