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The Constitution Of The Socialist Autonomous Province Of Kosovo Of February 27, 1974 And The Functioning Of The Central And Judicial Institutions Of Kosovo According To This Constitution

27 Şubat 1974 tarihli Kosova Sosyalist Özerk Eyaleti Anayasası ve Kosova Merkez ve Yargı Kurumlarının Bu Anayasaya Göre İşleyişi

Öz

“27 Şubat 1974 tarihli Kosova Sosyalist Özerk Bölgesi Anayasası ve Bu Anayasaya Göre Kosova'nın Merkezi ve Yargı Kurumlarının İşleyişi” adlı bu çalışma, Kosova Devlet Arşivleri Ajansı ve Priştine Tarih Enstitüsü Arşivi'ndeki belgelere dayanarak hazırlanmıştır. Bu çalışmada, 21 Şubat 1974 tarihinde Yugoslavya Sosyalist Federal Cumhuriyeti Anayasası'nın ve ardından 27 Şubat 1974 tarihinde Kosova Sosyalist Özerk Eyaleti Anayasası'nın onaylanması hakkında bilgi verilmiştir. 27 Şubat 1974 tarihli Kosova Sosyalist Özerk Bölgesi Anayasası, Yugoslavya Federasyonu bünyesinde kabul edilen Kosova'nın ilk anayasasıdır.

Bu kapsamda 1974 Anayasasına göre hazırlanan yeni yasal düzene dayanarak Kosova'daki merkezi ve yargı kurumlarının işleyişi ele alınmıştır.

Anahtar Kelimeler: Kosova, Yugoslavya, Anayasa, Mahkeme.

Abstract

Paper: “The Constitution of the Socialist Autonomous Province of Kosovo of February 27, 1974 and the functioning of the central and judicial institutions of Kosovo according to this constitution”, is built on the documentary basis coming from the State Agency of Archives of Kosovo and the Archive of the Institute of History Prishtina. This paper provides data for the approval of the Constitution of the Socialist Federal Republic of Yugoslavia on February 21, 1974 and then the Constitution of the Socialist Autonomous Province of Kosovo on February 27, 1974. The Constitution of the Socialist Autonomous Province of Kosovo of February 27, 1974, is the first constitution of Kosovo, approved within the Federation of Yugoslavia..

In the framework of this paper is elaborated the functioning of central and judicial institutions in Kosovo, based on the new legal order that was made possible based on the Constitution of 1974..

Keyword: Kosovo, Yugoslavia, Constitution, Court.

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- *Kosovo on the approval of the adoption of the Constitution of the Socialist Federal Republic of Yugoslavia of February 1974*

In February 1971, the Presidency of the League of Communists of Yugoslavia, after reviewing “Conclusions on socio-economic and political issues of the Socialist Autonomous Province of Kosovo”¹ approved them².

In the approved Conclusions were presented all the results, including all sectors of life. Po ashtu aty u theksua se “It is necessary to take a further step towards the construction of the Federation as a function of the statehood and sovereignty of each republic and the autonomy of the provinces, in support of the equality of nations and nationalities”³.

Following the approval of the Conclusions, the Assembly of the Socialist Federal Republic of Yugoslavia formed the commission for constitutional changes. During the work of the Commission, there were many dissatisfactions and differences between the representatives of the Socialist Republic of Serbia and those of the Province of Kosovo. The members of the commission for constitutional changes by the Autonomous Province of Kosovo insisted that Kosovo should have equality in all functions and responsibilities within the Socialist Federal Republic of Yugoslavia.⁴

After six months of public discussion of the amendments, the Assembly of the Socialist Federal Republic of Yugoslavia on June 30, 1971, approved Amendments XX-XLII of the Constitution of the Socialist Federal Republic of Yugoslavia.⁵

The adoption of Amendments XX-XLII to the Constitution of the Socialist Republic of the Federal Republic of Yugoslavia, opened the way for the autonomous provinces of Kosovo and Vojvodina to have more rights within the representation in the authorities of the Federation of Yugoslavia.

Amendments XX-XLII of the Constitution of the Socialist Federal Republic of Yugoslavia were quite advanced, in addition to guaranteeing political power, they also guaranteed executive power.

With Amendment XX, article 4, the Autonomous Province enjoys more rights within the Federation of Yugoslavia. Thus, according to this amendment, the Provinces together with the Republics already had equal rights to decide on the affairs of the authorities of the Socialist Federal Republic of Yugoslavia.⁶

Amendments XXV-XXVII of the Constitution of the Socialist Federal Republic of Yugoslavia also include changes to the economic function within the Federation of Yugoslavia. Based on these amendments, both the Republic and the Provinces agreed on the conclusion of international treaties in which the republics, as well as the provinces, undertook obligations.⁷

With a part of the Amendments, respectively with Amendment XXXVI of the Constitution of the Socialist Republic of Yugoslavia, the Presidency of the Socialist Federal Republic of Yugoslavia was established. With the new amendment, the Presidency of the Socialist Federal Republic of Yugoslavia consisted of the Speakers of the Assemblies of the Socialist Republics

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- 1 Kosovo had the status of an Autonomous Region before the adoption and the law of the 1974 Constitution.
 - 2 Radoshi Rajoviq, *Autonomy of Kosovo*, Prishtina, 1978, p.433; Jusuf Buxhovi, *Kosovo 1945-1999*, V, Prishtina - Hosuton: Jalifat Publishing & Faik Konica, 2015, p.120.
 - 3 Rajoviq, *Autonomy...*, f.433; Buxhovi, *Kosovo...*, p.120-121.
 - 4 Buxhovi, *Kosovo...*, p.121.
 - 5 Buxhovi, *Kosovo...*, p.121.
 - 6 Buxhovi, *Kosovo...*, p.121.
 - 7 Buxhovi, *Kosovo...*, p.121.

and the Speakers of the Assemblies of the Autonomous Provinces, two members delegated by the Republics and one member delegated from the provinces.⁸

After all the constitutional changes, the Presidency of the Socialist Federal Republic of Yugoslavia would have this structure:

- The Socialist Republic of Slovenia, represented by the Speaker of the Assembly and two members;
- Socialist Republic of Croatia, representative Speaker of the Assembly and two members;
- Socialist Republic of Bosnia and Herzegovina, representative Speaker of the Assembly and two members;
- Socialist Republic of Montenegro, representative Speaker of the Assembly and two members;
- Socialist Republic of Macedonia, representative Speaker of the Assembly and two members;
- Socialist Republic of Serbia, representative Speaker of the Assembly and two members;
- Socialist Autonomous Province of Kosovo, representative Speaker of the Assembly and one member, and
- - Autonomous Socialist Province of Vojvodina, representative Speaker of the Assembly and one member.⁹

After a long discussion and understanding by all representatives of the republics and provinces, the Coordinating Commission of the Assembly of the Federal Republic of Yugoslavia, headed by Eduard Kardelin, in early 1973, launched a public discussion of the new draft Constitution of the Federal Republic of Yugoslavia.

After several months of discussion, the Commission for the Amendment of the Constitution of the Socialist Federal Republic of Yugoslavia completed its work and on February 21, 1974, the Assembly of the Federal Republic of Yugoslavia adopted its new Constitution.¹⁰

With the approval of the new Constitution of the Federal Republic of Yugoslavia on February 21, 1974, the legal way was opened for Kosovo Albanians to be promoted within the Yugoslav Federation, which guarantees the constitutive element of Kosovo in the Socialist Federal Republic of Yugoslavia..

- Approval of the Constitution of the Socialist Autonomous Province of Kosovo on February 27, 1974

With the adoption of the new Constitution of the Socialist Federal Republic of Yugoslavia on February 21, 1974, the way was opened for the Republics and Provinces within the state to ratify or approve their Constitutions.

The new Constitution of the Socialist Federal Republic of Yugoslavia, with its laws guaranteed full freedom for all peoples living within the Federation of Yugoslavia.

In addition to full freedoms for its citizens, this Constitution guaranteed freedom and independence in decision-making for the political authorities of both the Republics and the Autonomous Provinces.

8 *See more extensively:* Constitution of the Socialist Federal Republic of Yugoslavia, Amendment XXXVI; Buxhovi, *Kosovo...*, p.121.

9 This composition of the Presidency of the Socialist Federal Republic of Yugoslavia entered into ther law system after the adoption of the Constitution of February 1974.

10 Buxhovi, *Kosovo...*, p.121.

According to the new Constitution of the Socialist Federal Republic of Yugoslavia, Article 4, paragraph 1, the Autonomous Provinces were defined as autonomous, socio-political democratic self-governing communities based on the self-governing power of the working class and all employees.¹¹

After a long and troublesome work on February 27, 1974, the Assembly of the Socialist Autonomous Province of Kosovo in the meeting of all chambers approved the first Constitution of Kosovo.¹²

The new Constitution of the Socialist Autonomous Province of Kosovo, entered into the law system with Decree MA No. 011-10, Prishtina 27 February 1974 which was signed by the President of the Assembly of the Socialist Autonomous Province of Kosovo Iljaz Kurteshi.¹³

The new Constitution of the Socialist Autonomous Province of Kosovo of February 1974, which was drafted based on the new Constitution of the Socialist Federal Republic of Yugoslavia of February 1974, had a total of 402 articles and this structure: Basic principles; part one - General Provisions; second part - Social regulation, third part - Authorities of the Socialist Autonomous Province of Kosovo; part four - Amendment of the Autonomous Socialist Constitution of Kosovo and part five - Transitional and final provisions.

Also based on the new Constitution of the Socialist Autonomous Province of Kosovo, institutions were established such as: the Assembly of the Socialist Autonomous Province of Kosovo, the Presidency of the Socialist Autonomous Province of Kosovo, the Council of the Socialist Autonomous Province of Kosovo, the Executive Council of the Assembly of the Socialist Province Autonomous Republic of Kosovo.¹⁴

Based on the new Constitution of the Socialist Autonomous Province of Kosovo, administrative authorities were established such as: the Constitutional Court of Kosovo, the Supreme Court of Kosovo, the Public Prosecutor's Office, the Court Labor of Kosovo and the Social Advocate of Self-Government.¹⁵

With all its institutions and administrative authorities, Kosovo with the new Constitution of the Socialist Federal Republic of Yugoslavia of February 21, 1974 and the new Constitution of the Socialist Autonomous Province of Kosovo of February 27, 1974, guaranteed equal rights with other countries in within the Yugoslav Federation.

The approval of the Constitution of the Autonomous Socialist Province of Kosovo on February 27, 1974, was a great achievement for the Kosovo Albanians living within the Socialist Federal Republic of Yugoslavia, because Kosovo previously did not enjoy rights up to the constituent element within Yugoslavia, as its status was rounded up only in the Autonomous Region and then in the Province.

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- 11 Shih me gjerësisht: Sluzbeni glasnik i RSFJ, Nr.39, Neni 4, Alineja 1, Beograd, 21.IV.1974, f.209-272.
 - 12 Kosovo State Archives Agency (further: ASHAK): Fund: Assembly of the Socialist Autonomous Province of Kosovo, Document MA. No. 010-8, Prishtina, February 27, 1974; Archive of the Institute of History - Prishtina (further: AIHP): Constitution of the Socialist Autonomous Province of Kosovo, adopted on February 27, 1974, *Rilindja*, Prishtina 1974; *Kosovo from an encyclopedic point of view*, Tirana: Academy of Sciences of Albania, Toena, 1999, f.125; Buxhovi, *Kosovo...*, p.121.
 - 13 ASHAK, Fund: Assembly of the Socialist Autonomous Province of Kosovo, Document MA. No. 011-10, Prishtina, February 27, 1974
 - 14 AIHP, Constitution of the Socialist Autonomous Province of Kosovo, approved on February 27, 1974, Prishtina: *Rilindja*, 1974; Kurtеше Salihu, *Birth, development, position and aspects of autonomy of the Socialist Autonomous Province of Kosovo in socialist Yugoslavia*, Prishtina: Institute of textbooks and teaching aids of the Autonomous Socialist Province of Kosovo, 1984, p.79.
 - 15 AIHP: Constitution of the Socialist Autonomous Province of Kosovo, approved on 27 February 1974, *Rilindja*, Prishtina 1974; Salihu, *Lindja...*, p.79.

Thus, with the Constitution of 1974, Kosovo was raised as a constituent element of the Socialist Federal Republic of Yugoslavia, and its representatives were equal in votes in all mechanisms of the Federation of Yugoslavia.

- Functioning of the Assembly of the Socialist Autonomous Province of Kosovo according to the Constitution of the Socialist Autonomous Province of Kosovo of the year 1974

With the articles of the first Constitution of the Socialist Autonomous Province of Kosovo, the Assembly of the Province was the highest authority in Kosovo.

Article 300 of the Constitution of the Socialist Autonomous Province of Kosovo, the Assembly of the Socialist Autonomous Province of Kosovo, defines exactly how: "The Assembly of the Socialist Autonomous Province of Kosovo is a authority of social self-government and the highest authority of power within the rights and duties of the Province. The Assembly performs the tasks from its competencies on the basis and within the framework of the constitution and the law".¹⁶

Also, the Assembly of the Socialist Autonomous Province of Kosovo is the main bearer of the rights and duties of the province directly. This was provided under Article 301.¹⁷

According to the new Constitution of 1974, the Assembly of the Socialist Autonomous Province of Kosovo had three chambers: Labor Chamber, Municipal Chamber and Socio-Political Chamber. Under the new Constitution, the chambers had this delegating composition:

- The United Labor Chamber has a total of 90 delegates;
- The Chamber of Municipalities has a total of 50 delegates;
- Socio-Political Chamber which had a total of 50 delegates.¹⁸

According to the Article 303 of the Constitution of the Socialist Autonomous Province of Kosovo, the manner of electing delegates in the chambers of the Assembly was determined..

The United labor Chamber¹⁹ consisted of delegates who were elected by labor organizations and other self-governing organizations in the working community. The Chamber of Municipalities²⁰ it consisted of delegates who were elected by the Municipalities. it consisted of delegates who

16 Shih më gjerësisht: AIHP, Constitution of the Socialist Autonomous Province of Kosovo, approved on 27 February 1974, Article 300, Prishtina: Rilindja, 1974, p.160.

17 AIHP, Constitution of the Socialist Autonomous Province of Kosovo, approved on 27 February 1974, Article 301, Prishtina: Rilindja, 1974, f.160.

18 AIHP, Constitution of the Socialist Autonomous Province of Kosovo, approved on 27 February 1974, Article 302, Prishtina: Rilindja, 1974, p.163.

19 The delegates of the United Labor Chamber were elected by the delegates of the united labor chambers of the municipal assemblies throughout Kosovo. Voting in these elections was secret. Shih më gjerësisht: AIHP, Constitution of the Socialist Autonomous Province of Kosovo, approved on 27 February 1974, Article 304, Prishtina: Rilindja, 1974, p.163.

20 The delegates of the Chamber of Municipalities were elected by the delegates of the chambers of the local communities of the municipal assemblies throughout Kosovo. Voting in these elections was secret. Shih më gjerësisht: Archive of the Institute of History in Prishtina, Constitution of the Socialist Autonomous Province of Kosovo, approved on February 27, 1974, Article 306, Prishtina: Rilindja, 1974, p.165.

were elected by the Municipalities²¹ were elected by the socio-political organizations.²²

According to the new Constitution of the Socialist Autonomous Province of Kosovo, the Assembly of Kosovo, respectively according to Article 301, had these competencies:

The Assembly, as the basic bearer of the rights and duties of the Province, directly and exclusively:

1. Decides on the amendment of the Autonomous Socialist Constitution of Kosovo; Consents to amend the Constitution of the Socialist Federal Republic of Yugoslavia and the Constitution of the Socialist Republic of Serbia;
2. Defines the policy and decides on other basic issues important for the political, economic, social and cultural life, for the defense of the population and the development of the society of the Province;
3. Issue provincial laws and give authentic interpretations of provincial laws;
4. Issue the social plan, budget and final account of the Province;
5. Issue the regional plan and the development plan of the Province;
6. Examines issues in the field of foreign policy and international relations; gives its consent to the conclusion of international treaties in the cases provided for by the Constitution of the Socialist Federal Republic of Yugoslavia; ratifies the treaties concluded by the Province with the authorities and organizations of foreign states and with the authorities of international organizations within the framework of the foreign policy defined by the Socialist Federal Republic of Yugoslavia and international treaties;
7. Determines the proposal, respectively gives the consent for the regulation of the relations on which the Assembly of the RSFJ decides on the basis of the proposal, respectively the consent of the republican and provincial assemblies;
8. Defines the policy of implementation of laws and other provincial provisions and general acts of the Assembly, as well as the obligations of provincial authorities and organizations regarding the implementation of these provisions and general acts;
9. Establishes and abolishes the provincial bodies of administration and the organizations that performed the works of interest for the Province, determines the bases of their organization and their scope;
10. Establishes joint labor organizations;
11. Announces provincial referendum;
12. Decides on charging the Province with debt and on announcing provincial public loans;
13. Gives amnesty for criminal offenses defined by provincial law;
14. Organizes and exercises social supervision;
15. Exercises political control over the work of the Executive Council of the Assembly of the Socialist Autonomous Province of Kosovo and of the provincial administration authorities and holders of public and other social functions that are accountable to the Assembly and with its own goals orients the work of these authorities; and denies the provisions of the Executive Council of the Assembly and of the provincial administration bodies that are not in accordance with the law

21 The delegates of the Socio-Political Chamber were elected through a unique list of candidates. This election is done through the socio-political chamber of municipal assemblies throughout Kosovo. Voting in these elections was secret. Shih më gjerësisht: AIHP, Constitution of the Socialist Autonomous Province of Kosovo, approved on February 27, 1974, Article 307, Prishtina: Rilindja, 1974, p.165.

22 AIHP, Constitution of the Socialist Autonomous Province of Kosovo, approved on 27 February 1974, Article 303, Prishtina: Rilindja, 1974, p.163.

or other provisions and with the general act of the Assembly;

16. Examines the reports of the provincial administration authorities, jurisprudence authorities and other authorities and organizations, when this is determined by law;

17. Gives approval for the change of the territory of the Socialist Autonomous Province of Kosovo;

18. Elects and revokes the delegation of the Assembly of the Socialist Autonomous Province of Kosovo to the Chamber of Republics and Provinces of the Assembly of the Socialist Federal Republic of Yugoslavia;

19. Elects and dismisses the members of the Presidency of the Socialist Autonomous Province of Kosovo;

20. Elects and dismisses the Speaker and Vice Speaker of the Assembly, the President and members of the Executive Council of the Assembly, the President and judges of the Constitutional Court of Kosovo, the President and judges of the Supreme Court of Kosovo and other courts, who as basic provincial courts in according to the law, as well as the officials and other holders of public functions and other social functions for whom this is determined by this Constitution, by law or by another act of the Assembly;

21. Appoints and dismisses the provincial secretaries and other leaders of the provincial administration authorities and organizations that perform work of interest to the Province, the Secretary of the Assembly, the Public Prosecutor of the Province, the Provincial Social Advocate of self-government and officials and other members of the authorities of governance for which this is determined by the Constitution, laws or other act of the Assembly;

22. Issues the rules of procedure of the Assembly and decides on the organization of the work of the services of the Assembly;

23. Decides on the extension of the mandate of the delegates in the Assembly and on the extension of the mandate of the delegates in the municipal assemblies;

24. Performs other tasks specified by the Constitution.

The Assembly may issue statements, resolutions and recommendations on matters within its competence.²³

According to the new Constitution of the Socialist Autonomous Province of Kosovo, Article 334, the Assembly of Kosovo had a President and a Deputy Speaker. According to the Constitution, the Assembly of the Province had a 4-year mandate and according to Article 334, both the President and the Deputy Speaker of the Assembly had a 4-year mandate Presidency of the Socialist Autonomous Province of Kosovo according to the Constitution of 1974.²⁴

- Presidency of the Socialist Autonomous Province of Kosovo according to the Constitution of 1974

With the new Constitution of 1974, Kosovo had the Leadership of the Socialist Autonomous Province of Kosovo. This Headship was the authority that represents Kosovo, and exercises all its functions according to the Constitution and the laws that came from it.²⁵

23 AIHP, Constitution of the Socialist Autonomous Province of Kosovo, approved on February 27, 1974, Article 301, Prishtina: Rilindja, 1974, p.160-163.

24 AIHP, Constitution of the Socialist Autonomous Province of Kosovo, approved on February 27, 1974, Article 339, Prishtina: Rilindja, 1974, p.177.

25 AIHP, Constitution of the Socialist Autonomous Province of Kosovo, approved on February 27, 1974, Article 339, Prishtina, 1974, p.177.

According to Article 340, the Presidency of the Socialist Autonomous Province of Kosovo had these competencies:

1. Examines issues of importance for the political, economic, socialist and cultural life of the Province, the realization of equality of nations and nationalities, as well as issues related to the further development of socialist self-governing relations in all areas of social life, takes initiatives to consider their in the Assembly and in other provincial authorities and organizations;
2. Examines the bases for determining the personnel policy and the proposals for the election respectively for the appointment to certain functions in the federal and republican authorities;
3. Proposes the election and dismissal of the members of the Council of the Socialist Autonomous Province of Kosovo;
4. Examines general issues and other issues of cooperation of the Province with the socialist republics and with the Socialist Autonomous Province of Vojvodina.
5. Harmonizes the positions with the Presidency of the RS of Serbia and the Presidency of the SAC of Vojvodina on issues that are of general interest to the Republic as a whole;
6. Apologizes in accordance with the law.

The Presidency informs the Assembly on its work, on its own initiative and at the request of the Assembly.²⁶

Based on the competencies foreseen by the new Constitution of the Socialist Autonomous Province of Kosovo, the Presidency of the Autonomous Province of Kosovo had a series of expanded competencies than in the past.

The Presidency of the Socialist Autonomous Province of Kosovo had its chairman and 8 members. The Members²⁷ of the Presidency of the Socialist Autonomous Province of Kosovo was appointed by the Assembly of the Socialist Autonomous Province of Kosovo, who were proposed by the Provincial Conference of the League of Socialists of the Working People of Kosovo. Also according to Article 343 of the new Constitution of the Socialist Autonomous Province of Kosovo, members of the Presidency of the Autonomous Socialist Province of Kosovo by function were the Chairman of the Assembly and the Chairman of the League of Communists of Kosovo. The Chairman of the Presidency of the Socialist Autonomous Province of Kosovo was elected by its members.²⁸

With the new Constitution of 1974, Kosovo had expanded its powers. In addition to the authorities which were provided in its articles, according to Article 341, the duties of the Presidency of the Socialist Autonomous Province of Kosovo were clearly defined, in case of war or military attack on the province. Thus was established the People's Defense Council, a council which was determined to work according to a special law. Also under the new Constitution, the Presidency of the Socialist Autonomous Province of Kosovo was obliged to lead the war in the territory of

26 AIHP, Constitution of the Socialist Autonomous Province of Kosovo, approved on 27 February 1974, Article 340, Prishtina: Rilindja, 1974, p.177-178.

27 Members of the Presidency of the Socialist Autonomous Province of Kosovo were elected every four years and were not entitled to be elected more than twice. Also, in case the risk increases or the country is in a time of war, the mandate of the member of the Presidency of the Socialist Autonomous Province of Kosovo was extended until the creation of favorable circumstances for new elections. Shih më gjerësisht: AIHP, Constitution of the Socialist Autonomous Province of Kosovo, approved on 27 February 1974, Article 344, Prishtina: Rilindja, 1974, p.179.

28 AIHP, Constitution of the Socialist Autonomous Province of Kosovo, approved on 27 February 1974, Article 343, Prishtina: Rilindja, 1974, p.179.

Kosovo.²⁹

- *Council of the Socialist Autonomous Province of Kosovo according to the Constitution of 1974*

According to the new Constitution of the Socialist Autonomous Province of Kosovo approved in February 1974, another authority was the Council of the Socialist Autonomous Province of Kosovo. This authority was tasked with examining issues of socialist development and self-government. The Council of the Socialist Autonomous Province of Kosovo also reviewed general issues related to the province of Kosovo.³⁰

The Council of the Socialist Autonomous Province of Kosovo had its members, who were elected by the Assembly of the Socialist Autonomous Province of Kosovo. The members of the Provincial Council were elected as prominent employees from the sphere of socio-political field as well as the sphere of academic, public and productive life.³¹

The Council of the Socialist Autonomous Province of Kosovo informed the Assembly and the Presidency of the Socialist Autonomous Province of Kosovo about its work and activity. The work and organization of the Council was regulated by law.³²

- *Executive Council of the Assembly of the Socialist Autonomous Province of Kosovo according to the Constitution of 1974*

In the new Constitution of the Socialist Autonomous Province of Kosovo, another authority was the Executive Council of the Assembly of the Socialist Autonomous Province of Kosovo. Ky organ në bazë të Kushtetutës së re ishte organ ekzekutiv. This Constitution exercised the rights and duties defined by the Constitution and the law.³³

According to Article 350 of the Constitution of the Socialist Autonomous Province of Kosovo, the Executive Council of the Socialist Autonomous Province of Kosovo had these powers:

1. Monitors the state and implementation of the policy of the Assembly and proposes to it the definition of the policy;
2. Proposes laws and other provisions, general acts and has the right to give opinions on the proposals of laws and other provisions, general acts that are submitted to the Assembly by other authorized proposers;
3. Determines the proposal of the social plan of the Province, determines the proposals of the provincial budget and the final provincial accounts, takes care of the realization of the provincial budget and the final provincial account;
4. Issues decrees, decisions and other provisions for the implementation of laws and

29 AIHP, Constitution of the Socialist Autonomous Province of Kosovo, adopted on 27 February 1974, Article 341, Prishtina: Rilindja, 1974, p.178.

30 AIHP, Constitution of the Socialist Autonomous Province of Kosovo, adopted on 27 February 1974, Article 348, Prishtina: Rilindja, 1974, p.180.

31 AIHP, Constitution of the Socialist Autonomous Province of Kosovo, approved on February 27, 1974, Article 348, Prishtina: Rilindja, 1974, p.180.

32 AIHP, Constitution of the Socialist Autonomous Province of Kosovo, approved on February 27, 1974, Article 348, Prishtina: Rilindja, 1974, p.180.

33 AIHP, Constitution of the Socialist Autonomous Province of Kosovo, approved on February 27, 1974, Article 349, Prishtina: Rilindja, 1974, p.181.

general acts of the Assembly;

5. Takes care of the implementation of the policy and the implementation of laws and other provisions and general acts of the Assembly;

6. Takes care of the implementation of the policy in the field of public defense and the implementation of the preparations for the protection within the rights and duties defined by this Constitution and by law;

7. Harmonizes and directs the work of provincial authorities and administration to ensure the implementation of policy and implementation of laws, other provisions and general acts of the Assembly;

8. Exercises the supervision of the work of the provincial authorities of administration and abolishes their provisions that are in contradiction with the law and other provision that this Institution has issued for the implementation of the law or the general act of the Assembly;

9. Defines the general principles of internal organization of the provincial administration;

10. Forms professional services and other services for its own needs and common services for the needs of the provincial administration;

11. Appoints and dismisses officials for whom this is assigned by law;

12. Issue its own rules of procedure;

13. Performs other tasks defined by the Constitution and by law.³⁴

The members of the Executive Council of the Assembly of the Socialist Autonomous Province of Kosovo are in a certain number who are elected by the Assembly of the Socialist Autonomous Province of Kosovo. Thus, upon the proposal of the Commission for Elections and Appointments, the Assembly of the Socialist Autonomous Province of Kosovo, appoints by the members of the Executive Council of the Assembly of the Socialist Autonomous Province of Kosovo, the Secretaries of the Provincial Secretariats. Also, the Executive Council of the Assembly of the Socialist Autonomous Province of Kosovo elects the leaders of the provincial administration authorities and other provincial organizations. The Executive Council of the Assembly of the Autonomous Province of Kosovo has one or more vice-presidents of the Council and the secretary, positions that are elected by its members.³⁵

The Executive Council of the Assembly of the Socialist Autonomous Province of Kosovo, had the Chairman³⁶ and the members³⁷ of his, who were elected every four years. The Chairman

34 AIHP, Constitution of the Socialist Autonomous Province of Kosovo, approved on February 27, 1974, Article 350, Prishtina: Rilindja, 1974, p.181-182.

35 AIHP, Constitution of the Socialist Autonomous Province of Kosovo, approved on February 27, 1974, Article 351, Rilindja, Prishtina 1974, p.182.

36 Chairman of the Executive Council of the Assembly of the Socialist Autonomous Province of Kosovo, the same person may be elected more than twice. He has the same immunity as the delegates of the Assembly of the Socialist Autonomous Province of Kosovo. Also, the Chairman of the Executive Council of the Assembly of the Socialist Autonomous Province of Kosovo represents the Executive Council, and at the same time takes care of the implementation of the policies of the Executive Council of the Assembly of the Socialist Autonomous Province of Kosovo. Shih më gjerësisht: AIHP, Constitution of the Socialist Autonomous Province of Kosovo, approved on February 27, 1974, Article 352, Article 353, Article 354, Prishtina: Rilindja, 1974, f.182-183.

37 Members of the Executive Council of the Assembly of the Socialist Autonomous Province of Kosovo may be elected twice. They enjoyed many rights which were guaranteed to them by the Constitution of the Socialist Autonomous Province of Kosovo. Shih më gjerësisht: AIHP, Constitution of the Socialist Autonomous Province of Kosovo, approved on 27 February 1974, Article 352, Prishtina: Rilindja, 1974, p.182-183.

and members of the Executive Council of the Assembly of the Socialist Autonomous Province of Kosovo, were political persons who performed their duties defined by the Constitution and according to applicable laws.

The Executive Council of the Assembly of the Socialist Autonomous Province of Kosovo, performed its work within these Secretariats:

- Provincial Secretariat for Finance;
- Provincial Secretariat for Education, Culture and Science;
- Provincial Secretariat for Agriculture and Forestry;
- Provincial Secretariat for Health and Social Policy;
- Provincial Secretariat for Labor;
- Provincial Secretariat for Economy;
- Provincial Secretariat for Information;
- Provincial Secretariat for Urbanism, housing and municipal issues;
- Provincial Secretariat for Hydroeconomics;
- Provincial Secretariat for Trade and Tourism;
- Provincial Secretariat for Industry and Traffic;
- Provincial Secretariat for Jurisprudence;
- Provincial Secretariat for Legislation and Authorities;
- Provincial Secretariat for General Administration and Budget;
- Provincial Secretariat for Traffic;
- Provincial Secretariat for External Relations;
- Provincial Secretariat of Internal Affairs,
- Provincial Secretariat of National Defense, and
- Provincial Energy Secretariat.³⁸

Also within the Executive Council of the Assembly of the Socialist Autonomous Province of Kosovo, these directorates also functioned:

- Provincial Directorate of Geodesy;
- Provincial Directorate of National Goods;
- Directorate of General and Common Services;
- Provincial Directorate for Property-Legal Affairs;
- Provincial Directorate for Awards;
- Provincial Directorate of Construction;
- Provincial Directorate of Investments, and
- Provincial Directorate for Veterans Affairs.³⁹

Also based on the new Constitution of the Socialist Autonomous Province of Kosovo, a

38 Shih më gjerësisht: ASHAK, Fund: Council of People's Defense 1946-1963, Fund: Executive Council of the Socialist Autonomous Province of Kosovo, February documents 1974.

39 Shih më gjerësisht: ASHAK, Council of People's Defense 1946-1963, Fund: Executive Council of the Socialist Autonomous Province of Kosovo, February documents 1974.

special segment was the administration of the Socialist Autonomous Province of Kosovo.

Provincial Administration was regulated based on articles 362-371 of the Constitution of the Socialist Autonomous Province of Kosovo.⁴⁰

- Functioning of judicial authorities in Kosovo according to the Constitution of 1974

The approval of the Constitution of the Socialist Autonomous Province of Kosovo in 1974 paved the way for the establishment of many institutions that were an integral part of the state system in Kosovo.

Thus, according to the Constitution of the Socialist Autonomous Province of Kosovo of February 1974, the legal field was regulated, respectively the legal one. With the new constitution, the following were established: the Constitutional Court of Kosovo, the Supreme Court of Kosovo, the Public Prosecutor's Office of the Province and the Provincial Social Advocate of Self-Government.

With the approval of the new Constitution of the Socialist Autonomous Province of Kosovo, many institutions and authorities of different levels were established within the institutions of Kosovo, which functioned according to the Constitution and other legal acts.

According to Article 372 of the Constitution of the Socialist Autonomous Province of Kosovo, the Constitutional Court of Kosovo was established.⁴¹ With the new Constitution, this court had this mandate:

1. Decides on the compatibility of provincial laws with the Constitution of the Socialist Autonomous Province of Kosovo;
2. Decides on the compliance of the statutes of the municipalities with the Constitution of the Socialist Autonomous Province of Kosovo and the provincial law;
3. Decides on the compatibility of the provisions and other general acts of state authorities, labor organizations and organizations of the other self-governing communities with the Constitution of the Socialist Autonomous Province of Kosovo, provincial law and other provincial provisions, the republican law which regulates by agreement the relations for the whole territory of the Republic, as well as on whether these acts are in contradiction with the federal law for the implementation of which the authorities in the Province are responsible;
4. Decides on the compliance of the provisions of the provincial authorities issued for the implementation of the republican laws that are applied in the whole territory of the Republic with those laws;
5. Resolve conflicts over the rights and duties of the Province and municipalities in the territory of the Province, as well as conflicts between two or more municipalities in the territory of the Province, if the jurisdiction of the other court is not provided by law for the resolution of such conflicts.;
6. Performs other tasks assigned that are left to competence by this Constitution.

The Constitutional Court of Kosovo may assess the constitutionality of laws, provisions and general acts of bodies of socio-political communities and general self-governing acts that are not in

40 AIHP, Constitution of the Socialist Autonomous Province of Kosovo, approved on 27 February 1974, Article 362-371, Prishtina: Rilindja, 1974, p.185-189.

41 Shih më gjerësisht: AIHP, Constitution of the Socialist Autonomous Province of Kosovo, approved on 27 February 1974, Article 372, Prishtina: Rilindja, 1974, p.189.

force if not more than one year has passed from the fall to the beginning of the procedure.⁴²

Gjykata Kushtetuese e Kosovës, kishte kryetarin e saj dhe 6 gjykatës të cilët zgjidheshin nga ana e Kuvendit të Krahinës Socialiste Autonome të Kosovës. Kryetari⁴³ dhe anëtarët e Gjykatës Kushtetuese të Kosovës, kishin mandat 8-vjeçar. Në nenin 377 të Kushtetutës së Krahinës Socialiste Autonome të Kosovës, kryetari dhe gjykatësit e Gjykatës Kushtetuese nuk do të mund të zgjidheshin në të njëjtën detyrë.⁴⁴

Since the Constitutional Court of Kosovo was the highest legal authority in Kosovo, its decisions were binding and enforceable. Also, the decisions of the Constitutional Court were binding once its decisions were published in the Official Gazette of the Socialist Autonomous Province of Kosovo.

According to the Constitution of the Socialist Autonomous Province of Kosovo, at the Constitutional Court of Kosovo, these institutions had the right to initiate procedures for the assessment of constitutionality and legality:

1. The Assembly of the Socialist Autonomous Province of Kosovo and the Municipal Assembly;
2. Chairman of the Socialist Autonomous Province of Kosovo;
3. The Executive Council of the Assembly of the Socialist Autonomous Province of Kosovo, in addition to the assessment, constitutionality and legality of the provisions issued by the Assembly of the Socialist Autonomous Province of Kosovo;
4. The court, if the issue of constitutionality and legality is presented in the court procedure;
5. Public Prosecutor of the Province, if the issue of constitutionality and legality arises in the work of the public prosecutor;
6. provincial social lawyer of self-government;
7. Labor organizations, local community, self-governing community of interest or organizations and other self-governing community, if its right defined by the Constitution, provincial law or federal law for the application of which the authorities in the Province are responsible has been violated.
8. Provincial Secretary or other provincial authority, each in its own scope, except for assessing the constitutionality of laws and the constitutionality of the provisions of the Executive Council of the Assembly of the Socialist Autonomous Province of Kosovo.
9. The authority that according to the Constitution and the law is authorized to suspend the implementation of the provision, other general act of the authority of the socio-political community and the general act of self-government, due to its incompatibility with the Constitution or law, respectively contrary to federal law on implementation of which the authorities in the Province are responsible;
10. Social Accounting Service.

42 AIHP, Constitution of the Socialist Autonomous Province of Kosovo, approved on 27 February 1974, Article 372, Prishtina: Rilindja, 1974, p.189-190.

43 The Chairman and judges of the Constitutional Court of Kosovo, based on the Constitution of the Socialist Autonomous Province of Kosovo, had immunity as the delegates of the Assembly of the Socialist Autonomous Province of Kosovo. Also for the immunity of the president and judges based on Article 377 of the Constitution of the Socialist Autonomous Province of Kosovo, the Constitutional Court itself decided. Shih më gjerësisht: AIHP, Constitution of the Socialist Autonomous Province of Kosovo, approved on 27 February 1974, Article 377, Prishtina: Rilindja, 1974, p.191.

44 AIHP, Constitution of the Socialist Autonomous Province of Kosovo, adopted on 27 February 1974, Article 377, Prishtina: Rilindja, 1974, p.191.

The Constitutional Court can also initiate the procedure itself for the assessment of constitutionality and legality.⁴⁵

With the establishment of the Constitutional Court of Kosovo, which was established on the basis of the new Constitution of the Socialist Autonomous Province of Kosovo, Kosovo advanced one step further its justice authorities as previously Kosovo did not have a court of this type, and this was one of the constitutive elements of Kosovo within the Socialist Federal Republic of Yugoslavia.

Me Kushtetutën e re të Krahinës Socialiste Autonome të Kosovës, përveç themelimit të Gjykatës Kushtetuese, u themelua edhe Gjykata Supreme e Kosovës.

According to Article 390 of the Constitution of the Socialist Autonomous Province of Kosovo, the Supreme Court of Kosovo had the following laws:

1. Decides, within the competence defined by law, on appeals against judgments and other decisions of regular courts;
2. Decides in the first instance when this is prescribed by law;
3. Decides on extraordinary legal remedies against final decisions of regular courts in accordance with the law;
4. Defines the principled and legal position on issues that are important for the unique implementation of provincial laws by the courts;
5. Resolves disputes over jurisdiction between courts in the Province;
6. Performs other tasks assigned which are left to the competence by law within the rights and duties of the Province.⁴⁶

Before the adoption of the new Constitution of the Socialist Autonomous Province of Kosovo, the role of the Supreme Court in Kosovo was performed by the Supreme Court of the Socialist Republic of Serbia, as the Constitution of the Socialist Federal Republic of Yugoslavia of 1963 unified the entire judicial system in Federation of Yugoslavia.

The Supreme Court of Kosovo, in terms of power was of great importance as this, along with the Constitutional Court of Kosovo, were one of the constitutive elements that Kosovo had within the Socialist Federal Republic of Yugoslavia.

With the approval of the new Constitution of the Socialist Autonomous Province of Kosovo, in addition to the establishment of the Constitutional Court of Kosovo and the Supreme Court of Kosovo, the Public Prosecutor's Office of the Province and the Provincial Social Lawyer of Self-Government were established.

The establishment of the Public Prosecutor's Office of the Socialist Autonomous Province of Kosovo was done according to Articles 391 and 391 of the Constitution of the Socialist Autonomous Province of Kosovo.

According to the Constitution of the Autonomous Socialist Province of Kosovo, the functions and duties of the Prosecutor of Kosovo are exercised by the Public Prosecutor of the Province, who performed his duties according to law.⁴⁷

45 AIHP, Constitution of the Socialist Autonomous Province of Kosovo, approved on 27 February 1974, Article 382, Prishtina: Rilindja, 1974, p.194-195.

46 AIHP, Constitution of the Socialist Autonomous Province of Kosovo, approved on 27 February 1974, Article 390, Prishtina: Rilindja, 1974, p.198.

47 AIHP, Constitution of the Socialist Autonomous Province of Kosovo, approved on 27 February 1974, Article 391 and Article 392, Prishtina: Rilindja, Prishtina 1974, p.198.

Also, according to the Constitution of the Socialist Autonomous Province of Kosovo, the duties and functions of the social lawyer of self-government within the Socialist Autonomous Province of Kosovo are performed in accordance with the Constitution. Also based on Article 393 of the Constitution of the Socialist Autonomous Province of Kosovo, the Self-Government Provincial Social Advocate was appointed and dismissed by the Assembly of the Socialist Autonomous Province of Kosovo.⁴⁸

With the establishment of the institutions of justice, the Constitutional Court of Kosovo, the Supreme Court of Kosovo, the Public Prosecutor's Office of the Province of Kosovo and the Provincial Social Advocate of Self-Government, all legal areas in Kosovo were completed, which was a great achievement as previously these institutions almost did not exist as such and with such expanded competencies.

With the new Constitution of the Socialist Autonomous Province of Kosovo, the necessary legal and administrative conditions were established that made Kosovo a constitutive element within the Socialist Federal Republic of Yugoslavia.

So, in addition to the opening of the Albanological Institute in 1953, then the University of Prishtina in 1971, the Academy of Sciences and Arts of Kosovo in 1975 and the Institute of History in 1978, the Constitution of 1974, was the greatest achievement of Kosovo Albanians within Socialist Federal Republic of Yugoslavia.

Conclusion

The paper: "The Constitution of the Socialist Autonomous Province of Kosovo of February 27, 1974 and the functioning of the central and judicial institutions of Kosovo according to this constitution", contains informations of interest on the developments of constitutionality and functioning of judicial institutions in Kosovo.

Even against the fact that Kosovo after the end of the Second World War remained under the Federation of Yugoslavia, since the Constitution of Yugoslavia of 1946, was designated as an Autonomous Region within the territory of the Republic of Serbia.

The approval and entry into the law of the Constitution of the Socialist Federal Republic of Yugoslavia on 21 February 1974 and the subsequent Constitution of the Socialist Autonomous Province of Kosovo on 27 February 1974, opened a new stage in the establishment of the position of Albanians and Kosovo within the Federation of Yugoslavia, from the status of Autonomous

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- The Public Prosecutor's Office of the Socialist Autonomous Province of Kosovo performed its work according to this structure:
 - Kosovo Public Prosecutor's Office in Prishtina;
 - Kosovo Public Prosecutor's Office in Prizren;
 - District Public Prosecutor's Office in Peja;
 - District Public Prosecutor's Office in Prishtina;
 - District Public Prosecutor's Office in Prizren;
 - District Public Prosecutor's Office in Gjilan, and
 - District Public Prosecutor's Office in Mitrovica.

48 AIHP, Constitution of the Socialist Autonomous Province of Kosovo, adopted on 27 February 1974, Article 391, Article 392 and Article 393, Prishtina: Rilindja, 1974, p.198.

Region, the status of Kosovo was raised in the Autonomous Province.

So, we can rightly emphasize that along with the opening of the Albanological Institute in 1953, then the University of Prishtina in 1971, the Academy of Sciences and Arts of Kosovo in 1975 and the Institute of History in 1978, the Constitution of 1974, was the greatest achievement of Kosovo Albanians within the Socialist Federal Republic of Yugoslavia, because with this constitution the Albanians and Kosovo became constitutive elements within Yugoslavia.