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## CONSTITUTIONAL PRINCIPLES AND THEIR IMPACT ON THE ESTABLISHING OF THE CONSTITUTIONAL ORDER AND RULE OF LAW IN KOSOVO

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Considered as a progressive document based on the models of the Western constitutions, the Constitution of the Republic of Kosovo has established the legal basis for a functional state that respects rights and fundamental freedoms while guaranteeing the rule of law. In its provisions, the Constitution has laid down basic principles which serve as the foundation for Kosovo's constitutional order. In this regard, these constitutional principles have been further enshrined in the provisions of laws that emanate from the Constitution, and also have been established in the institutional mechanisms for its appropriate application. In addition, what played a prominent role in defining these principles was the impact of the Constitutional Court's case-law. Case-law has reaffirmed in many instances the tremendous importance of constitutional principles in enhancing the rule of law, protecting the rights of minority groups and other members of Kosovo's society, and the right to freedom of belief and secularism by implementing the most modern European standards in human protection. Hence, this paper analyzes the impact that constitutional principles have had on defining the structure of the state, guaranteeing the rule of law, protection of human rights and establishing Kosovo as a multi-ethnic society. Likewise, it examines the case-law of Kosovo's Constitutional Court by providing some of the most prominent cases.

**Key words:** *Constitution, constitutional principles, case-law, Constitutional Court, rule of law, affirmative action programs, human rights*

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# Principles Of The Constitutional Order

**Michael Hoelscher**



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