

Autocratic Legalism in Kosovo? Democratic backsliding under the Vetëvendosje (LVV)

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Abstract

This paper analyzes Kosovo's democratic backsliding under the *Vetëvendosje* (Self-Determination, LVV) government since 2021, and argues that its policies and actions, while presented as rule-of-law reforms, exhibit characteristics of autocratic legalism. The systematic targeting of independent institutions (especially the Constitutional Court, the State Prosecutor's office, and the media), manipulation of public resources for electoral gain, and controversial unilateral actions in the northern part of Kosovo demonstrate a pattern of undermining Kosovo's liberal-democratic values. While largely operating within a legal framework, these actions cumulatively risk eroding Kosovo's liberal-democratic constitutional order, which was developed by the international community following NATO's humanitarian intervention in Kosovo in 1999.

Keywords: Autocratic legalism, democratic backsliding, Kosovo, Vetëvendosje, liberal constitution

Introduction

Increasing populism, nationalism, and autocratic tendencies are causing democratic backsliding in many countries that embraced a liberal-democratic constitutional order.¹ Democratic backsliding occurs when constitutional democracies weaken to the point where their status as 'consolidated democracies' is in doubt.² The most prominent form is that of executive aggrandizement, whereby elected politicians concentrate power in the

¹ Puddington, Arch, and Tyler Roylance. 2017. The dual threat of populists and autocrats. *Journal of Democracy* 28(2), 105-119, 105.

² Scheppele, Kim Lane. 2022. The diseases of constitutional democracy: Lessons from the project on autocratic legalism. *World Comparative Law* 55(4), 528-541, 530.

executive branch and undermine constitutional checks and balances.³ Democratic backsliding can also occur in the form of legislative capture, plebiscitary overrides, and executive power grabs that eliminate other branches of government and governmental agencies.⁴ Autocratic legalism is an analytical framework that modifies the idea expressed in liberal legal theory⁵ that law and liberal political institutions serve and protect liberty. The autocratic legalism approach attempts to identify democratic backsliding through the incremental⁶ “use, abuse, and non-use”⁷ of law within a liberal-democratic constitutional order for the purpose of undermining its liberal values while upholding the façade of a democracy.⁸

Most of the studies on autocratic legalism focus on Latin America, Africa, and post-communist countries in Europe and Asia. Kosovo offers a unique example for studying autocratic legalism. In fact, it is surprising that there are strong indications of autocratic legalism emerging in Kosovo, given its history of resistance to autocratic repression and the strong international involvement in the development of its institutions throughout the past 25 years. Kosovo declared independence in 2008, but its statehood is contested as it has not yet reached a peace agreement with Serbia from which it separated. Around half of the world recognizes Kosovo as a state, the other half considers it to be still part of Serbia. Kosovo was placed under the administration of the United Nations in 1999 after NATO’s military intervention to stop mass atrocities committed by Yugoslav and Serb forces against primarily Albanian civilians. Kosovo, which enjoyed a large degree of autonomy within Yugoslavia, was put under the direct rule of Serbia in 1990, which imposed a repressive and discriminatory regime. Peaceful resistance escalated to armed resistance and an armed conflict between 1997 and 1999, which ended only when NATO intervened, and the UN took over the administration of Kosovo.

Since 1999, the international community, acting initially through the United Nations, and then through the European Union, but also in bilateral form, has invested significantly in Kosovo’s development and institution-building to ensure that Kosovo has a liberal-democratic, multi-ethnic, and secular political system. The UN administered Kosovo from 1999 to 2008 and established a completely new constitutional system, which was liberal-democratic in nature. Various international organizations, such as the EU, OSCE, and World Bank, assisted the UN in this effort. The EU signed a Stabilization and Association Agreement with Kosovo reflecting Kosovo’s aspirations to join the EU, and it deployed its so far largest rule of law mission (EULEX) to ensure the rule of law according to EU standards. Powerful countries, which supported Kosovo’s path to independence, such as the United States (US), the United Kingdom, Germany, France, and Italy, have continuously influenced Kosovo’s policies. The US plays a special role as its support and

³ Riedl, Rachel; McCoy, Jennifer; Roberts, Kenneth and Sommer, Murat. 2025. Pathways of Democratic Backsliding, Resistance, and (Partial) Recoveries. *The Annals of the American Academy of Political and Social Science* 712(1), 8-31, 9.

⁴ Riedl, Rachel; McCoy, Jennifer; Roberts, Kenneth and Sommer, Murat. Pathways of Democratic Backsliding, Resistance, and (Partial) Recoveries, 9.

⁵ Ratnapala, Suri. 2009. *Jurisprudence*. New York: Cambridge University Press, 216.

⁶ Bornemann, Jonas. 2023. Of autocratic incrementalism and inadvertent aspirations: The interaction between the European Court of Justice and national lawmakers in the rule of law crisis in Poland. *European Law Open* 2(2), 303.

⁷ Corrales, Javier. 2015. Autocratic legalism in Venezuela. *Journal of Democracy* 26(2), 37-51, 38.

⁸ Cali, Basak. 2021. Autocratic strategies and the European Court of Human Rights. *European Convention on Human Rights Law Review* 2(1), 11-19, 11.

commitment to Kosovo provide it with the necessary political and military insurance, which is critical given the unresolved dispute with Serbia.

The main argument in this paper is that there are signs of democratic backsliding in Kosovo and that this democratic backsliding is caused by methods which are referred to as autocratic legalism. The paper will analyze the government's policies with respect to the Constitutional Court, the State Prosecution, the media, elections, and minority protection, which reflect important pillars of a liberal-democratic constitutional order. It will use media reports, civil society and media watchdog statements, as well as reports and statements of Kosovo institutions and international organizations, such as the European Union (EU), Council of Europe (CoE), and the Organization for Security and Co-operation in Europe (OSCE), as sources of evidence for its argument.

Kosovo's Liberal-Democratic Constitutional Order

Kosovo's declaration of independence establishes Kosovo as a democratic, secular, and multi-ethnic republic, guided by the principles of non-discrimination and equal protection under the law. The Constitution, adopted in 2008 and drafted with significant support from the US, is a model example of a liberal-democratic constitutional order. It is a representative parliamentary democracy, multi-ethnic, secular, with a strong emphasis on separation of powers and checks and balances. The constitutional order is based on the principles of freedom, peace, democracy, equality, respect for human rights and freedoms, the rule of law, and a market economy.

An independent Constitutional Court allows individuals to challenge decisions that affect their constitutionally guaranteed rights. The judiciary and the state prosecution are completely separated from the executive government, and they are administered by independent judicial and prosecutorial councils. Elections and media are administered by independent bodies to ensure that there is no executive interference.

Kosovo's constitutional order is also consociational as it ensures that the Albanian majority cannot make laws to the detriment of minority communities. Communities have a set of special rights which protect their culture and identity, they have reserved seats in the Parliament and in the Government, and legislation which affects their rights and interests requires a majority vote of the minority representatives in the Parliament.

While before and after independence, Kosovo struggled to cope with weak institutions, corruption, and organized crime, its political elites never questioned the liberal-democratic constitutional order. This changed with the ascent of a new political movement, i.e., *Lëvizja Vetëvendosje (Self-Determination, LVV)*, which has been in government since 2021. Under the banner of the rule of law, social justice, fighting corruption, and extending Kosovo's sovereignty into areas controlled by Serbs, it adopted a series of policies and laws that show signs of autocratic legalism.

In February 2021, LVV won the national elections in Kosovo by a 50.28% of the vote, and became the first ever party in the electoral history of Kosovo to secure enough votes and seats in the Assembly of Kosovo to govern alone.⁹ LVV has its origins in the Kosovo Action Network (KAN), which gained prominence for organizing the student protests of 1997 against oppression by Serbia, and which in 2005, under the leadership of Albin Kurti

⁹ Nikaj, Bernard. 2024. Using institutional and extra-institutional methods to compete for power: The rise of Vetëvendosje. *Südoesteuropa Mitteilungen*, 2014(2/3), 45-55, 46.

formed LVV.¹⁰ LVV is a nationalist¹¹ and left-wing political party which started its political life with protests against the UN administration in Kosovo (UNMIK), criticizing it as undemocratic and unaccountable to the people of Kosovo.¹² Following Kosovo's independence, LVV turned against the EU Rule of Law Mission (EULEX), in which it saw a continuation of a foreign and undemocratic presence, and against negotiations between Kosovo and Serbia. Negotiations would mean that Serbia would have to agree to Kosovo's political status, and this would be contrary to the will of the Kosovo people, who have a right to self-determination.¹³ LVV was consistently against the political parties that were in charge of Kosovo's government institutions while Kosovo was still under international administration and supervision. These parties would not represent the will of the people but would be agents of the international presence.¹⁴ LVV accused them of corruption, clientelism, and allegiance to foreigners to stay in power. LVV's accusations extended to government institutions, including the judiciary, as being part of and captured by the corrupt political elites serving their interests and not the people's interests.¹⁵

LVV considers that consociationalism is a disguise for ethnically based decentralization, which undermines Kosovo's sovereignty.¹⁶ It favors direct democracy over representative democracy¹⁷; it does not define politics as the representation of citizens in the parliament and regards representative democracy as weak and open to manipulation by the elites.¹⁸ LVV's understanding of politics is based on direct democracy on the streets, as the genuine expression of popular will, and its mobilization policies always included street protests, demonstrations, and public shows. LVV's decision to enter into parliamentary politics in 2010 was justified as an attempt to infiltrate the system and to transform it from within.¹⁹ LVV also opposes Kosovo's multi-ethnic character, a further fundamental principle of Kosovo's Constitution. LVV openly criticizes Kosovo's Constitution as suppressing the will of the Albanian people²⁰; it defines Kosovo as a state of Albanians and all citizens of Kosovo²¹; it seeks unification with Albania and seeks to replace the ethnically neutral symbols of Kosovo with Albanian symbols.²²

LVV succeeded in ascending to power by exploiting dissatisfaction with the political uncertainty caused by Kosovo's unresolved status and the slow progress in institutional and economic development. It presented a reform agenda based on social-democratic policies, including a more egalitarian distribution of wealth, social benefits, and hostility

¹⁰ Yabancı, Bilge. 2015. Populism and anti-establishment politics in Kosovo: A case study of Lëvizja Vetëvendosje. *Contemporary Southeastern Europe* 3(2), 17-43, 24.

¹¹ Visoka, Gezim. 2017. Shaping peace in Kosovo: The politics of peacebuilding and statehood. Basingstoke: Palgrave MacMillan, 126.

¹² Mexhuani, Burim. 2023. Ideology and political party dynamics in Kosovo: An exploration of political parties' programs and ideology. *Ideology and Politics Journal* 1(23), 276-293, 287.

¹³ Campos-Gottardo, Rafael. 2022. Populism, inequality, and Lëvizja Vetëvendosje in Kosovo: Shaping society through populist discourses. *Undergraduate Journal of Politics, Policy and Society* 5(1), 56-88, 76.

¹⁴ Grief, Isaac Toman. 2024. Kosovo's competing nationalisms: Theorizing an internal challenge to rebel victor legitimacy. *Nationalities Papers* 52(3), 1-15, 582.

¹⁵ Lëvizja Vetëvendosje. 2019. Kryeprokurori është tepër i zënë për ta luftuar korrupsionin. *Lëvizja Vetëvendosje*, 18 March 2019.

¹⁶ Lëvizja Vetëvendosje. 2008. Dekonstruktimi i Deklaratës së Pavarësisë (accessed: 23 July 2025).

¹⁷ Lëvizja Vetëvendosje. Parimet dhe prioritetet programore të Lëvizjes VETËVENDOSJE!, 10 (accessed: 23 July 2025).

¹⁸ Grief, *Kosovo's competing nationalisms*, 582.

¹⁹ Yabancı. *Populism and anti-establishment politics in Kosovo*, 27.

²⁰ Lëvizja Vetëvendosje. Parimet dhe prioritetet programore të Lëvizjes VETËVENDOSJE!, 8.

²¹ Lëvizja Vetëvendosje. Parimet dhe prioritetet programore të Lëvizjes VETËVENDOSJE!, 7.

²² Grief, *Kosovo's competing nationalisms*, 582.

towards the free market and privatization.²³ LVV attracted dissatisfied members of the mainstream parties and of the armed resistance. LVV addressed primarily the youth and styled itself as a youth movement. This proved successful as around 30% of Kosovo's population is below the age of twenty-nine, which is particularly exposed to unemployment and economic underdevelopment (Kosovo is among the poorest countries in Europe) and poor education (Kosovo is among those with the lowest PISA test scores).²⁴ LVV consistently uses a rhetorical style which reflects populist symbolism, accusatory and polarizing language, emphasizing 'us' versus 'them' rhetoric, portraying the people of Kosovo as the victims of evil internationals and corrupt local politicians, and LVV as the hero to save the people from this predicament.²⁵ While populism is not necessarily always a sign of authoritarianism, attacks against "core elements of constitutional democracy, such as independent courts, free media, civil rights and fair electoral rules, populism by necessity degenerates into one or another form of non-democratic and authoritarian order".²⁶ Since 2021, when LVV formed the government with some smaller parties, and with a majority in the Parliament, it not only used populist rhetoric but also displayed behavior in a manner that strongly points in the direction of autocratic legalism, as will be demonstrated in this article.

Democratic Backsliding and Autocratic Legalism

Autocratic 'use, abuse, and non-use' of law to undermine a liberal constitutional order, which causes democratic backsliding, is usually disguised as progressive reforms. It is therefore difficult to read early signs of autocratic legalism, which incrementally causes democratic backsliding under the disguise of legality²⁷. The individual acts are usually not inconsistent with liberal democracy, but their cumulative effect is to undermine political freedoms, protections to oppositions and minorities, and accountability mechanisms.²⁸ The purpose is to take liberal-democratic institutions apart piece by piece and over a long period of time, usually not immediately visible.²⁹ For those who do not pay close attention, "a country in the grips of an autocratic legalist looks perfectly normal".³⁰ Such "power-grabbing moves" would only be noticed when it is too late and too difficult to resist.³¹ The present analysis uses the analytical framework on democratic backsliding and autocratic legalism developed by Bermeo, Corrales, Scheppele, and de Sa e Silva to identify and "recognize the new signs of danger"³² to Kosovo's liberal-democratic constitutional order, which some, like Freedom House, see as judicial and administrative reforms by a new generation of politicians to address corrupt practices.³³ It shows that

²³ Lëvizja Vetëvendosje. Parimet dhe prioritetet programore të Lëvizjes VETËVENDOSJE!, 5 and 27.

²⁴ Ministry of Culture, Youth and Sports. 2024. State Strategy for Youth 2024-2032, 4 (accessed: 23 July 2025).

²⁵ Campos-Gottardo, *Populism, inequality, and Lëvizja Vetëvendosje in Kosovo*, 73-74.

²⁶ Bugarcic, Bojan. 2019. The two faces of populism: Between authoritarian and democratic populism. *German Law Journal*, 20(3), 390-400, 390.

²⁷ Pirro, Andrea, and Ben Stanley. 2022. Forging, bending, and breaking: Enacting the "illiberal playbook" in Hungary and Poland. *Perspectives on Politics* 20(1), 86-101, 89; Issacharoff, Samuel. 2020. The corruption of popular sovereignty. *International Journal of Constitutional Law* 18(4), 1109-1135, 1120; Lüthmann, Anna, and Staffan Lindberg. 2019. A third wave of autocratization is here: What is new about it?. *Democratization* 26(7), 1095-1113, 1095.

²⁸ De Sa e Silva, Fabio. 2022. Autocratic legalism 2.0: Insights from a global collaborative research project. *World Comparative Law* 55(4), 419-440, 420.

²⁹ Bermeo, Nancy. 2016. On democratic backsliding. *Journal of Democracy* 27(1), 5-19, 14.

³⁰ Scheppele, Kim Lane. 2018. Autocratic legalism. *The University of Chicago Law Review* 85(2), 545-583, 575.

³¹ De Sa e Silva, *Autocratic legalism 2.0*, 421.

³² Scheppele, *Autocratic Legalism*, 582.

³³ Freedom House. *Kosovo 2024* (accessed: 16 July 2025).

checklists are not an accurate measure of the state of affairs in a country where autocratic tendencies are covered up behind a liberal-democratic façade.³⁴

The following literature review on democratic backsliding and autocratic legalism outlines the theoretical framework used for this analysis. Bermeo defines democratic backsliding as the “state-led debilitation or elimination of any of the political institutions that sustain an existing democracy”.³⁵ In present times, autocrats rarely resort to force and coup d’etat to seize power; they would do so through “executive aggrandizement” and “longer-term strategic harassment and manipulation”.³⁶ Democratically elected executives would weaken checks on executive power one by one, undertaking a series of institutional changes framing them as having resulted from a democratic mandate.³⁷ Corrales refers to such institutional changes as autocratic legalism, characterized as the use, abuse, and non-use of the law in the service of the executive branch.³⁸ While the ruling party would compete in elections, the executive branch would be granted by law powers that erode checks and balances.³⁹ The erosion of checks and balances through “autocratic laws” would occur in a constitutional manner and be hidden, “often buried among an array of clauses or articles that empower citizens or other political groups”.⁴⁰

For Scheppele, “autocrats who hijack constitutions seek to benefit from the superficial appearance of both democracy and legality within their states”.⁴¹ They would use their democratic mandates to launch legal reforms that remove the checks on executive power, limit the challenges to their rule, and undermine the crucial accountability institutions of a democratic state.⁴² Their main goal would be to eliminate the liberal elements of the constitution and to degenerate democracy into majoritarianism and illiberal constitutionalism.⁴³ Autocrats would come to power and justify their actions through elections and then use legal methods to remove the liberal content from the constitution.⁴⁴ While democracy means the rule of the people, constitutional liberalism protects an individual’s freedom by limiting what the government can do in the name of the majority and requiring that the institutions of a democratic state remain accountable and limited.⁴⁵ In short, constitutional liberalism is about the limitation of government power and preventing a “tyranny of the majority”.⁴⁶ Such liberal constitutional constraints are what autocrats gradually seek to destroy, and they do so in the name of the people and their democratic mandate.⁴⁷ They would “embrace constitutional and democratic language while skipping any commitment to the liberal values that gave meaning to those words.”⁴⁸ Autocrats would not destroy state institutions but repurpose them, and their weapons would be laws, constitutional revision, and institutional reform.⁴⁹

³⁴ Scheppele, Kim Lane. 2013. The rule of law and the Frankenstate: Why governance checklists do not work. *Governance: An International Journal of Policy, Administration, and Institutions* 26(4), 559-562, 559.

³⁵ Bermeo, *On democratic backsliding*, 5.

³⁶ Bermeo, *On democratic backsliding*, 10.

³⁷ Bermeo, *On democratic backsliding*, 10.

³⁸ Corrales, *Autocratic legalism in Venezuela*, 38.

³⁹ Corrales, *Autocratic legalism in Venezuela*, 37.

⁴⁰ Corrales, *Autocratic legalism in Venezuela*, 40.

⁴¹ Scheppele, *Autocratic legalism*, 547.

⁴² Scheppele, *Autocratic legalism*, 547.

⁴³ Scheppele, *Autocratic legalism*, 570.

⁴⁴ Scheppele, *Autocratic legalism*, 548.

⁴⁵ Zakaria, Fareed. 1997. The rise of illiberal democracy. *Foreign Affairs* 76(6), 22-43, 26.

⁴⁶ Zakaria, *The rise of illiberal democracy*, 30.

⁴⁷ Scheppele, *Autocratic legalism*, 561.

⁴⁸ Scheppele, *Autocratic legalism*, 562.

⁴⁹ Scheppele, *Autocratic legalism*, 573.

For de Sa e Silva, threats to democracy would “come from those who win elections and, while in office, systematically undermine accountability institutions and minority rights”.⁵⁰ Law would be “central to the toolkit used by leaders with autocratic dispositions to undermine liberal democracies from within.”⁵¹ Ermakoff defines “legalist autocrats” as democratically elected officials who “have embarked on legalist strategies of power expansion, crucially undermining the rule of law and the requirements for open electoral competition.”⁵² They would “not publicly voice an authoritarian that is, anti-democratic ideology”; rather, they “befuddle their critics by pretending to support many of the same values their critics do”.⁵³

Ekiert and Dasanaïke note that there is a difference between democratic backsliding and dictatorial drift. A country that is merely backsliding would be able to vote its way out of the backsliding, while a dictatorial drift would carry a country to the final waypoint on the route to full autocracy.⁵⁴ Dictatorial drift would be marked by the emergence of autocratic leaders who are only weakly constrained; an extreme concentration of executive power that cannot be undone via normal procedures; the absolute marginalization of legislatures and collapse of the rule of law; and the destruction, not merely the degradation, of the fundamental institutions of democracy: competitive elections, the separation of powers, and an independent judiciary, media, opposition parties, and civil society organizations.⁵⁵

Legalist autocrats almost always play by the same book. They use their legislative majority to attack independent institutions that check and balance against the concentration of power.⁵⁶ Media and the judiciary are primary targets.⁵⁷ Some even attack the constitution by removing its liberal elements⁵⁸, while others exercise legalist autocracy under the façade of a liberal constitution, at least for a time, before they start dismantling it.⁵⁹ With laws passed in accordance with the formal procedures of a liberal constitution, autocrats increase and concentrate executive power, undermine independent institutions, oppress opposition, and weaken accountability.⁶⁰

De Sa e Silva identifies three standard methods, i.e., “colonization” (creating a “critical mass of vacancies” in offices of independent institutions and using legislative supermajorities to fill these vacancies), “duplication” (creating parallel institutions while weakening the original ones), and “evasion” (creating oversight institutions but not giving them enough prerogatives or mechanisms to hold chief executives accountable).⁶¹

Ermakoff distinguishes between two usages of law for authoritarian purposes, i.e., on the one hand a “conjunctural reliance on legal statutes to incapacitate opponents and competitors, deactivate institutional checks, and suppress civil freedoms”, and on the

⁵⁰ De Sa e Silva, Fabio. 2022. Law and illiberalism: A sociolegal review and research road map. *Annual Review of Law and Social Science* 18, 193-209, 194.

⁵¹ De Sa e Silva, *Autocratic Legalism 2.0*, 419; De Sa e Silva, *Law and illiberalism*, 199.

⁵² Ermakoff, Ivan. 2020. Law against the rule of law: Assaulting democracy. *Journal of Law and Society* 47(1), 164-186, 165.

⁵³ Ermakoff, *Law against the rule of law*, 184.

⁵⁴ Ekiert, Grzegorz, and Noah Dasanaïke. 2024. The return of dictatorship. *Journal of Democracy* 35(4), 177-191, 177.

⁵⁵ Ekiert and Dasanaïke, *The return of dictatorship*, 177.

⁵⁶ Scheppele, *Autocratic legalism*, 550.

⁵⁷ Scheppele, *Autocratic legalism*, 550.

⁵⁸ Kadioğlu, Ayşe. 2021. Autocratic legalism in new Turkey. *Social Research* 88(2), 445-471, 449.

⁵⁹ Scheppele, *Autocratic legalism*, 578.

⁶⁰ De Sa e Silva, *Law and illiberalism law and illiberalism*, 194.

⁶¹ De Sa e Silva, *Law and illiberalism law and illiberalism*, 199.

other hand a structural use of law “geared to redesigning the rules of the political game”.⁶² The latter are referred to as “constitutional Trojan horses”, i.e., laws with which autocrats “engage in strategies of institutional subversion from within”.⁶³

Pirro and Stanley distinguish between three gradations of illiberal policy change with respect to the rule of law, i.e., “forging” (change occurs in accordance both with the letter and with the spirit of the law), “breaking” (legislative actions are contrary to both domestic and international law, constituting a direct breach of the liberal constitutional order), and “bending” (policy change is consistent with the letter of the law, but it is interpreted in contradiction to its liberal principles).⁶⁴

Attacks on the judiciary include attempts to pack them with followers in order to avoid accountability.⁶⁵ Once in control of them, autocrats use the prosecution and the courts to target opposition under the pretext of combating corruption.⁶⁶ When they cannot seize control of them, they try to discredit them in public. The Constitutional Court is a very prominent target because it has the authority to invalidate laws if these laws violate the (usually liberal) principles and norms of the constitution.⁶⁷

Autocrats manipulate elections short of election fraud by “hampering media access, using government funds for incumbent campaigns, keeping opposition candidates off the ballot, hampering voter registration, packing electoral commissions, changing electoral rules to favor incumbents, and harassing opponents” as typical measures.⁶⁸ According to Scheppele, “the elections that keep the new autocrats in power are rigged in technical ways behind the scenes rather than through obvious tactics that can be spotted by observers, such as ballot-box stuffing”.⁶⁹

Autocrats attack the opposition with denigrating and hostile labelling⁷⁰ and with on its face legal methods which result in purging them from office under the disguise of vetting, denying them social and economic benefits for technical reasons⁷¹, denying business licenses and selectively withdrawing eligibility for state contracts or employment for regime opponents⁷². Simon observes that autocrats express rhetorical support for democratic principles while at the same time they are deeply committed to controlling information and managing the media, which they view as a threat to their power.⁷³ Laws are abused to harass the media by “imposing legal fines based on allegations of corruption or violation of the media law”, abusing the “law to force private independent newspapers into financial distress”.⁷⁴ Public broadcasters are used for state propaganda and attacks on non-state media.⁷⁵ Nationalization, subsidies, public sector jobs, and freezing fuel and

⁶² Ermakoff, *Law against the rule of law: Assaulting democracy*, 166.

⁶³ Ermakoff, *Law against the rule of law: Assaulting democracy*, 166.

⁶⁴ Pirro and Stanley, *Forging, bending, and breaking*, 90.

⁶⁵ De Sa e Silva, *Law and illiberalism*, 196.

⁶⁶ Letsa, Natalie Wenzell, and Yonatan Morse. 2023. Autocratic legalism, partisanship, and popular legitimation in authoritarian Cameroon. *Public Opinion Quarterly* 87(4), 935-955, 945.

⁶⁷ Scheppele, *Autocratic legalism*, 550.

⁶⁸ Bermeo, *On democratic backsliding*, 13.

⁶⁹ Scheppele, *Autocratic legalism*, 579.

⁷⁰ Scheppele, *Autocratic legalism*, 574.

⁷¹ Scheppele, *Autocratic legalism*, 576.

⁷² Issacharoff, *The corruption of popular sovereignty*, 1121.

⁷³ Simon, Joel. 2006. Muzzling the media: How the new autocrats threaten press freedoms. *World Policy Journal* 23(2), 51-61, 51.

⁷⁴ Corrales, *Autocratic legalism in Venezuela*, 42.

⁷⁵ Lucas, Edward. 2022. How autocrats undermine media freedom. *Journal of Democracy* 33(1), 131-146, 138.

food prices⁷⁶, public handouts in the name of social justice and redistribution, described by Issacharoff as populist “giveaway politics”, create dependency of the electorate and end up in clientelism.⁷⁷

Autocrats resort to excessive security and sovereignty rhetoric.⁷⁸ Foreign pressure to conform to liberal constitutional principles is pushed back as an interference with sovereignty.⁷⁹ A crisis is used to attack liberal constitutional constraints as an obstacle to effectively deal with it, and national security laws are abused as an instrument to attack opposition and minorities.⁸⁰ If such laws were drafted to align with international support to conform to international standards, it is difficult to properly distinguish when they are used to combat terrorism and organized crime, and when to harass opposition and minorities.⁸¹

In conclusion, this review underscores that democratic backsliding in contemporary contexts rarely occurs through overt force but rather via autocratic legalism—a subtle yet insidious process of dismantling liberal constitutional orders under the guise of legality. This involves democratically elected executives incrementally weakening checks and balances through seemingly legitimate legal and institutional reforms. Autocrats leverage their democratic mandates to repurpose state institutions, focusing on removing liberal elements from constitutions. They target the judiciary, media, and opposition, using legal means to control, discredit, or suppress. This form of backsliding is difficult to detect because it maintains a facade of legality and democratic practice, making early identification crucial for effective resistance against a gradual drift towards illiberalism or outright autocracy.

Autocratic Legalism in Kosovo?

This section analyzes recent developments in Kosovo, focusing on a discernible pattern of government actions that raise concerns about the erosion of liberal democratic principles as outlined in the above literature review on democratic backsliding and autocratic legalism. It examines how the ruling party, LVV, has increasingly utilized legislative and administrative instruments, often disguised as reforms, to centralize power, undermine independent institutions, and suppress dissenting voices. It will explore specific instances of unconstitutional legislation, attacks on the judiciary and state prosecution, efforts to control media, the instrumentalization of public funds for electoral gain, and the strategic deployment of sovereignty and security rhetoric, all of which align with the analytical framework of autocratic legalism previously discussed. These examples highlight a shift towards a “governmental republic” and raise questions about the long-term health of Kosovo's democratic constitutional order.

Unconstitutional Legislation and Attacks on the Constitutional Court

The Kosovo Progress Report for 2024 indicates that Kosovo has made some progress in terms of governance and economic development.⁸² However, it voices criticism of certain practices which point in the direction of autocratic legalism. The EU emphasizes that LVV, as the majority party in Parliament, “frequently opted for extraordinary sessions

⁷⁶ Scheppele, Kim Lane. 2022. How Viktor Orban wins. *Journal of Democracy* 33(3), 45-61, 45

⁷⁷ Issacharoff, *The corruption of popular sovereignty*, 1122.

⁷⁸ Bornemann, Jonas. 2022. Judicial responses to autocratic legalism: The European Court of Justice in a cleft stick?. *European Papers* 7(2), 651-670, 655.

⁷⁹ Bermeo, *On democratic backsliding*, 16.

⁸⁰ Pirro and Stanley, *Forging, bending, and breaking*, 94.

⁸¹ Letsa and Morse, *Autocratic legalism*, 938.

⁸² European Commission. *Kosovo 2024 Report* (accessed: 16 July 2025), 8.

and fast-track procedures to adopt key legislation” and “disregarded procedural deadlines for the adoption of 18 laws”.⁸³ Despite EU criticism, the practice of fast-track adoption of laws without meaningful discussion in the Assembly continues. In December 2024, the LVV majority adopted 14 laws in such a way, and it accused the opposition of blocking reforms when it challenged the laws before the Constitutional Court.⁸⁴

The EU notes the continuous failure of the “government to respond to parliamentary questions,” which “significantly weakened the Assembly’s oversight role”.⁸⁵ The Assembly also failed to hold agencies accountable and to evaluate their performance.⁸⁶ Parliamentary inquiry committees established by the initiative of the opposition were ineffective due to a lack of cooperation by the majority.⁸⁷ The EU also observes a “centralization of executive decision-making” in the hands of the government⁸⁸ and it explicitly finds that in respect of the judiciary, “government officials tend to criticize decisions in individual cases or even target specific judges or prosecutors”⁸⁹.

In the period 2023-2024, the Constitutional Court turned down seven laws for being in violation of the Constitution. More than one-third of all laws and government decisions, which the Constitutional Court has declared unconstitutional since its establishment in 2008, came from the LVV government.⁹⁰ The Constitutional Court decisions reveal that the main reason for invalidating these laws was violations of human rights and the principle of separation of powers. The common denominator of all laws turned down by the Constitutional Court is the majority’s attempt to undermine the independence of the judiciary and the public service and to concentrate power in the government.

Legislation on the confiscation of illicitly acquired property, promoted as reforms to combat corruption and organized crime, was so vaguely formulated that it violated the principle of legal certainty, and it could have been used against political opponents.⁹¹ The Law on Interim Measures of Essential Products in Special Cases of Destabilization in the Market, which vested in the Government the authority to set price ceilings for certain products, was considered as incompatible with the principle of a free market economy, which is one of the fundamental constitutional values of Kosovo.⁹² The Law on Public Salaries was turned down because of concerns about interference with the independence of the judiciary and constitutionally independent bodies.⁹³ The Law on the Kosovo Prosecutorial Council violated the independence of the Kosovo Prosecutorial Council by reducing the proportion of non-prosecutor members and changing their selection process.⁹⁴ An amendment to the Constitution, which provided for a vetting of the members of the Kosovo Judicial Council, the members of the Kosovo Prosecutorial Council, the presidents of all courts and all chief prosecutors was also turned down on

⁸³ European Commission, *Kosovo 2024 Report*, 23.

⁸⁴ Nacionale. 2024. Frika e pushtetit nga Gjykata Kushtetuese: VV-ja e kritikon ashpër PDK-në pse i dërgoi për shqyrtim 16 ligje. *Nacionale*, 7 months ago.

⁸⁵ European Commission, *Kosovo 2024 Report*, 22.

⁸⁶ European Commission, *Kosovo 2024 Report*, 22.

⁸⁷ European Commission, *Kosovo 2024 Report*, 22.

⁸⁸ European Commission, *Kosovo 2024 Report*, 21.

⁸⁹ European Commission, *Kosovo 2024 Report*, 27.

⁹⁰ Paçarizi, Gentiana. 2024. Three years of Kurti’s government: How is it going?. *Kosovo 2.0.*, 22 March 2024.

⁹¹ Constitutional Court, Judgment in Case KO46/23 dated 29 July 2024.

⁹² Constitutional Court, Judgment in Case KO248/23 dated 2 August 2024.

⁹³ Constitutional Court, Judgment in Case KO79/23 dated 23 January 2024.

⁹⁴ Constitutional Court, Judgment in Case KO100/22 dated 5 April 2023.

the basis that it violated the principle of legal certainty, as it could lead to arbitrary dismissals and undermine the independence and impartiality of the judiciary.⁹⁵

The EU frequently criticized that the majority did not consider the extensive and consistent advice the EU has offered throughout the legislative drafting process. It was particularly concerned that the Assembly had disregarded substantial EU legal opinions on the Law on Public Officials, which risks undermining the impartiality of the civil service.⁹⁶ It also criticized that the Assembly did not incorporate the recommendations of the Council of Europe Venice Commission on the Law on the Kosovo Prosecutorial Council, which made recommendations to strengthen its independence.⁹⁷ In response, LVV continuously criticized the Constitutional Court for being captured by the opposition and instrumentalized by it to block “positive and progressive” reforms.⁹⁸ Kurti framed the Constitutional Court as being “political” because it would make decisions on policy issues.⁹⁹ He ironically invited the Constitutional Court to participate in the next elections, implying that its decisions would be politically rather than legally motivated.¹⁰⁰ The EU stepped in and sided with the Constitutional Court, reminding LVV and Kurti to respect its independence as a fundamental principle of the rule of law.¹⁰¹ LVV’s actions show clearly autocratic tendencies to discredit independent institutions in public when they cannot be controlled and manipulated.

Following elections on 9 February 2025, in which LVV achieved a majority but declined from around 51% in the 2021 elections to 42%, the LVV-led government exercises executive functions without parliamentary control and contrary to the constitutional principle of separation of powers. While LVV came first in the polls, it did not get the required number of seats to govern alone. Since the constitutive session on 15 April 2025, the Assembly has been in deadlock because LVV and opposition parties do not agree on the election of the chairman of the Assembly. There is also a dispute over whether Kurti and the government ministers who were elected as members of the Assembly have formally resigned as required by law. Kosovo’s law on government requires that “in case the incumbent member of the Government is elected a member of the Assembly of the Republic of Kosovo, he/she must resign from the position of a member of the Government before the day of the certification of the election results”.¹⁰² While Kurti notified in a letter dated 15 April 2025 the Secretariat of the Assembly of his resignation and that of his minister, he and his ministers continue to exercise executive government functions by enacting secondary legislation and making appointments to public offices.¹⁰³ The

⁹⁵ Constitutional Court, Judgment in Case KO55/23 dated 25 January 2024.

⁹⁶ European Union Office in Kosovo. *The EU in Kosovo on the draft laws on public officials, independent Media Commission, and the Kosovo Prosecutorial Council* (accessed: 16 July 2025).

⁹⁷ European Union Office in Kosovo, *The EU in Kosovo*.

⁹⁸ Nationale. 2024. Kurti e VV me sulme të tjera ndaj Kushtetueses: Kontrollohet nga opozita, po na i bllokoi reformat. *Nacionale*, 7 months ago; Periskopi. 2023. Po pengohet shteti ynë: Kurti sulmon Gjykatën Kushtetuese, nuk ia lë fajin Qeverisë së tij që s’po i bën ligjet në bazë të Kushtetutës. *Periskopi*, 13 November 2023; Bytyci, Valbona. 2023. Kurti: Challenging laws in the Constitutional Court, attempts to paralyze reforms. *Koha*, 22 February 2023.

⁹⁹ Zeqiri, Aurora. 2024. Kurti: E ftoj Gjykatën Kushtetuese që në zgjedhjet e ardhshme të garojnë edhe ata. *Dukagjini*, 21 March 2024.

¹⁰⁰ Zeqiri. Kurti: E ftoj Gjykatën Kushtetuese.

¹⁰¹ Gazeta Express. 2024. Zyra e BE-së në Kosovë i reagon Kurtit: Gjykata Kushtetuese duhet të jetë e lirë nga presioni politik. *Gazeta Express*, 18 November 2024.

¹⁰² Republic of Kosovo. Law No. 08/L-117 on the Government of the Republic of Kosovo (accessed: 16 July 2025).

¹⁰³ Demokracia. 2025. Hajrulla Çekut s’i intereson për Ligi: Emëron ‘krye n’vete’ Këshillin Drejtues të Teatrit. *Demokracia*, 16 May 2025.

government even adopted a decision authorizing the deployment of the Kosovo Security Force to Albania.¹⁰⁴

Critics from civil society and opposition parties argue that the letter submitted by Kurti does not meet the legal requirements for a resignation and even filed a lawsuit against Kurti for holding the post of the Prime Minister while at the same time he is a member of the Assembly.¹⁰⁵ President Osmani warned that this situation would jeopardize constitutional principles¹⁰⁶, and the Kosovo Ombudsperson stated publicly that Kosovo is moving from a “parliamentary republic” to a “governmental republic”.¹⁰⁷ It is a clear example of efforts to weaken checks on the executive by eroding checks and balances and to degenerate democracy into unchecked majoritarianism.

Attacks Against the State Prosecution

Since April 2022, the State Prosecution has been directed by an acting Chief State Prosecutor because the President of Kosovo refuses to appoint the candidate nominated by the Kosovo Prosecutorial Council. The President, Vjosa Osmani, led the party with which LVV forms the coalition government and is Albin Kurti’s political ally. In 2023, the Constitutional Court dismissed two complaints that were filed against the selection process and opened the way for appointing the nominated candidate. Irrespective of this, the President refused to appoint the proposed candidate as required by law.¹⁰⁸ The Kosovo Prosecutorial Council characterized the President’s decision as a violation of the Constitution and a systematic effort to extend political influence over the prosecutorial system.¹⁰⁹ The President would also assume quasi-judicial functions when reviewing the procedure conducted by the Kosovo Prosecutorial Council, especially as the court system has rejected all complaints. This would be a violation of the principle of separation of powers and an interference with the independence of the Kosovo Prosecutorial Council.¹¹⁰

The President’s behavior corresponds with LVV’s attacks on the State Prosecution. Prime Minister Albin Kurti, Justice Minister Albulena Haxhiu, and Assembly President Glauk Konjufca, all of them LVV, publicly stated that they were against the appointment of the proposed candidate for Chief State Prosecutor.¹¹¹ At least one of the civil society organizations, which complained against the selection process, i.e., *Grupi për Studime Juridike dhe Politike (Group for Legal and Political Studies)*, appears to be associated with LVV (one of its founders was appointed ambassador to The Netherlands in 2023, and the other founder serves as the Prime Minister’s legal adviser for dialogue with Serbia).

Accusations that the prosecutorial system, including the Kosovo Prosecutorial Council, is politicized abound whenever these institutions make decisions that are not in the interest of the government, especially when the prosecution deals with government officials accused of corruption, such as the investigations against the Minister of

¹⁰⁴ Government of the Republic of Kosovo. *Decision No. 01/259 of 07.05.2025* (accessed: 16 July 2025).

¹⁰⁵ Gazeta Express. 2025. *Cakolli: Kryeministri nuk mund të japë dorëheqje në emër të 15 ministrave*. *Gazeta Express*, 15 April 2025.

¹⁰⁶ Gazeta Express, *Cakolli*.

¹⁰⁷ Zymberi, Verone. 2025. *Qelaj kritikon Kuvendin: Është votuar kundër raportit të Avokatit të Popullit*. *Kallxo*, 15 May 2025.

¹⁰⁸ Bami, Xhorxhina. 2023. *Kosovo President Refuses to Appoint Top Prosecutor*. *Balkan Insight*, 17 October 2023.

¹⁰⁹ Bami, *Kosovo President Refuses to Appoint Top Prosecutor*.

¹¹⁰ Radio Free Europe. 2023. *Osmani nuk dekreton Isufajin në postin e Kryeprokurorit të Shtetit*. *Radio Free Europe*, 17 October 2023.

¹¹¹ Zymberi, *Qelaj kritikon Kuvendin*.

Infrastructure and the Minister of Trade and Industry.¹¹² Prime Minister Kurti publicly refused to testify as a witness in a case concerning investigations of abuse of official authority by one of his ministers, although he was lawfully summoned by the State Prosecution, whereby he openly challenged the legal authority of the State Prosecution.¹¹³

Attacks on the State Prosecution escalated in January 2025 when the government illegally ordered Kosovo Police to close Serb parallel institutions without prosecutorial order, which was severely criticized by the EU.¹¹⁴ LVV accused the State Prosecution of being on the side of the “enemy”¹¹⁵, and Kurti promised to set up a “patriotic” State Prosecution after the next elections¹¹⁶. These actions prove the point that when autocrats cannot seize control of judicial institutions, they try to discredit them in public, very often using ‘patriotic’ rhetoric to undermine their independence and that of other independent institutions.

Attacks on the Media

LVV has become notorious for its consistent attacks on government-critical media, accusing them of being in the service of Serbia.¹¹⁷ This rhetoric intensified during the elections, which began in December 2024, when Kurti publicly called the media “liars”¹¹⁸ and LVV decided to boycott electoral debates aired by three leading private television broadcasters in Kosovo.¹¹⁹ The Government even tried to close two private media companies by withdrawing their business registration, but was turned down by the court.¹²⁰

The government’s attempts to establish control of the media became evident when, in June 2024, the Assembly passed a new Law on the Independent Media Commission (IMC) against the advice of the Council of Europe, European Union, OSCE, and other organizations and without the votes of the opposition.¹²¹ The IMC, legally an independent body, was already criticized for being under political influence because its members were elected by the Kosovo Parliament. With LVV holding 51% of the seats, IMC members would often serve political agendas. The changes in the new law, which would allow the Assembly to dismiss an IMC member for lack of ‘integrity,’ would give LVV unchecked discretion to influence the IMC. The EU, Council of Europe, OSCE, and Kosovo civil

¹¹² Gazeta Express. 2024. Kurti sulmon Prokurorinë, i quan “kërmij” dhe “lepui të shpejtë”. merret personalisht edhe me Blerim Isufajin. *Gazeta Express*, 29 December 2024.

¹¹³ Gashi, Kenan. 2024. Prime Minister Kurti’s approach to the Kosovo Prosecutor’s Office: Violation of the law and undermining of institutional integrity. *Insajderi*, 21 December 2024; Radio Free Europe. 2024. Kurti ftohet të dëshmojë nga Prokuroria Speciale. *Radio Free Europe*, 11 December 2024.

¹¹⁴ Insajderi. 2025. Prosecution on closing parallel structures: We have not received an official request for a raid. *Insajderi*, 15 January 2025; Dukagjini. 2025. BE-ja kritikon Kosovën për mbylljen e strukturave paralele serbe. *Dukagjini*, 15 January 2025.

¹¹⁵ Hasani, Laura. 2025. Haxhiu për deklaratën e Prokurorisë lidhur me institucionet paralele: Skandaloze, në shërbim të kujt janë këta prokurorë?. *Zeri*, 15 January 2025.

¹¹⁶ Bytyqi, Valbona. 2025. Kurti premton nga Istogu një prokurori patriotike e profesionale. *Koha*, 16 January 2025.

¹¹⁷ Insajderi. 2022. Expected: Kurti attacks the media, alludes that some of them are the args of Belgrade. *Insajderi*, 28 August 2022.

¹¹⁸ Gazeta Express. 2025. Kurti i sulmoi ashpër mediat në ditën kur i moshuari në Istog e kritikoi në sy për pensionet e vogla dhe rrogat e mëdha të deputetëve. *Gazeta Express*, 17 January 2025.

¹¹⁹ Bami, Xhorxhina. 2025. Kosovo ruling party’s boycott of TV electoral debates draws Criticism. *Balkan Insight*, 14 January 2025.

¹²⁰ Ajvazi, Donjeta. 2023. Gjykata Komerciale aprovon kërkesën e “Art Motion” për shtyrjen e ekzekutimit të vendimit të ARBK-së. *Betimi per Drejtesi*, 18 August 2023.

¹²¹ European Centre for Press & Media Freedom. Kosovo’s media law enables political capture of media regulatory body (accessed: 16 July 2025).

society criticized the law for failing to meet international free expression standards, threatening media freedom by increasing governmental control over media regulation, and for having been drafted without transparency or input from civil society and the media industry.¹²² Additionally, the EU and the OSCE criticized the lack of legal clarity, proportionality of measures, and deviations from the EU *acquis* and recommendations prepared by the Council of Europe.¹²³ In April 2025, the Constitutional Court confirmed the concerns raised by international organizations and civil society and declared the law unconstitutional. Ignoring this criticism, and while the law was still under constitutional law review, the IMC Board elected a close associate of LVV as the new chairman, which sparked harsh criticism from the opposition and civil society as a further step towards establishing government control of the IMC.¹²⁴ It did so before the imminent expiry of the mandate of two IMC Board members. Since the Assembly did not appoint new board members, the IMC is dysfunctional and not able to exercise its oversight functions.

LVV has also been seen as eager to establish control of Radio Television Kosovo (RTK), Kosovo's public broadcaster. In 2023, the RTK Board appointed a new director who had clear connections with LVV. For independent media watchdogs, civil society, and the opposition, this was evidence of the 'capture' of the broadcaster by LVV.¹²⁵ RTK made headlines when, in July 2024, it published an article by the Bosnian media outlet Slobodna Bosna alleging that two Kosovo-based private media were illicitly financed by Serbia to publish articles critical of Albin Kurti. Both media outlets denied the allegations and initiated legal action against Slobodna Bosna. The Association of Journalists of Kosovo immediately accused the LVV of using RTK to launch a smear campaign against Kosovo media. However, Minister of Justice Albulena Haxhiu (LVV) initiated criminal investigations against the two media outlets. The RTK director defended the publication as being in the public interest and stated publicly that he had received the link from a "high-ranking security official"¹²⁶, thereby implicating the Kosovo Intelligence Agency. He also criticized that the civil society 'attacks' on RTK were engineered to block ongoing reforms within RTK. In August 2024, an internal RTK inquiry concluded that the RTK had violated professional standards by publishing the Slobodna Bosna article.¹²⁷ However, nobody was held accountable.

The Reporters Without Borders (RSF) Press Freedom Index attests the significant decline in press freedom as Kosovo fell to the 99th place in 2025, the lowest ranking in over 15 years.¹²⁸ This represents a sharp regression from the 56th place in 2023 and the 75th in 2024. RSF highlights several alarming reasons for this decline, including political interference, regulatory manipulation, legal harassment, and threats to journalists'

¹²² European Centre for Press & Media Freedom. *Kosovo's media law*.

¹²³ European Union Office in Kosovo, *The EU in Kosovo*; OSCE Mission in Kosovo. *OSCE Mission in Kosovo statement on the new Law on the Independent Media Commission* (accessed: 16 July 2025); see also, Mehmeti, Jeton. 2025. *The expanding media landscape, decline in journalists' safety and low media literacy*. Sarajevo: Mediacentar Sarajevo, 6.

¹²⁴ Nacionale. 2025. *E frikshme: Zgjedhja e kryetarit të ri në KPM nxit reagime të ashpra*. *Nacionale*, 5 months ago.

¹²⁵ Begisholli, Blerta. 2023. *Ruling party Vetëvendosje accused of 'capturing' public broadcaster*. *Prishtina Insight*, 1 February 2023; European Centre for Press & Media Freedom. *Kosovo: Joint letter to the Prime Minister Albin Kurti on RTK appointment* (accessed: 16 July 2025).

¹²⁶ Klan Kosova. 2024. *Drejtori i RTK-së implikon AKI-në në skandalin e "Slobodna Bosna"*. *Klan Kosova*, 25 November 2024.

¹²⁷ Nacionale. 2024. *"Janë shkelur standardet profesionale": Ky është raporti i komisionit të RTK-së për lajmin e rrejshëm kundër Nacionales*. *Nacionale*, 10 months ago.

¹²⁸ Reporters Without Borders. *World Press Freedom Index: Kosovo 2025* (accessed: 15 July 2025).

safety.¹²⁹ The report also mentions instances of the ruling party boycotting certain media outlets and accusations of the government threatening the independence of the public broadcaster.¹³⁰

Public Funds and Elections

LVV draws significant votes from the Kosovo Albanian diaspora, especially in Switzerland and Germany. While the independent Central Election Commission (CEC) is responsible for organizing elections, the Ministry of Foreign Affairs and Diaspora, led by an LVV coalition partner, was criticized for interfering with its responsibilities when the Minister instructed Kosovo embassies to rent facilities for diaspora elections.¹³¹ The election law provides that diaspora voters would have to vote in embassy premises, and the Ministry tried to circumvent the law and the spatial limitations in the embassies by renting larger facilities to be able to attract more voters, thereby increasing the chances for more LVV votes.¹³² The government also used the Ministry and public funds to organize several pre-election campaigns abroad, to the extent that the German Ambassador to Kosovo had to ‘remind’ the government that such activity is illegal in Germany.¹³³

Shortly before and during the election campaign in December 2024, the government intensified the use of public funds for election purposes. It announced an increase of public sector salaries as of January 2025 (elections held in February 2025)¹³⁴ as well as a 20% increase of pensions for war veterans, invalids, and victims of sexual violence.¹³⁵ The government also made a one-off payment of 100 euros for every child until the age of 16 and to all pension recipients justified as an investment in social wellbeing. The opposition criticized such measures as populist distribution of public funds for electoral purposes and corruption of voters by the state.¹³⁶ It appears to be public handouts in the name of social justice and redistribution, which reflect populist “giveaway politics”, and which intend to create dependency rather than alleviate social problems.

Sovereignty and Security

LVV is in government at a time when Kosovo was supposed to be in the final stages of negotiating a settlement with Serbia. However, its uncompromising approach by rejecting talks with Serbia and unilaterally enforcing Kosovo’s sovereignty in the northern part of Kosovo, which is predominantly populated by Serbs, has caused a rift in relations between Kosovo and the US and its European partners.¹³⁷ During his first term in office as Prime Minister (February–June 2020), Albin Kurti got into an open conflict with the US about the dialogue with Serbia. While the US was pushing for the establishment of the Association of Kosovo Serb Majority Municipalities, which had

¹²⁹ Reporters Without Borders, *World Press Freedom Index, Kosovo*.

¹³⁰ Reporters Without Borders, *World Press Freedom Index, Kosovo*.

¹³¹ Koci, Muhamet. 2024. Qeveria Kurti ndërhyt në zgjedhje: MPJD-ja e merr në dorë procesin, udhëzon ambasadat që të veprojnë në kundërshtim me ligjin. *Nacionale*, 8 months ago.

¹³² Nacionale. 2024. “MPJD, në emër të ekzekutivit”: Kurti e përdori MPJD-në për të ndërhyrë në zgjedhje dhe në punën e KQZ-së. *Nacionale*, 10 months ago.

¹³³ Isufi, Antigone. 2024. Rikujtim miqësor e quan ambasadori gjerman paralajmërimin për tubimet parazgjedhore në Gjermani. *Kallxo*, 19 November 2024.

¹³⁴ Ahmeti, Nadije. 2024. Rritja e pagave, më e komplikuar sec duket. *Evropa e Lire*, 1 November 2024.

¹³⁵ Radio Free Europe. 2025. Qeveria miraton rritjen e pensioneve për kategoritë e luftës. *Radio Free Europe*, 10 January 2025.

¹³⁶ Radio Free Europe. 2024. Qeveria ua ndan nga 100 euro pensionistëve dhe fëmijëve deri në 16 vjeç. *Radio Free Europe*, 22 December 2024.

¹³⁷ Muharremi, Robert Muharremi, and Alisa Ramadani. 2024. *Transforming a guerilla into a regular army: From the Kosovo Liberation Army to the Army of the Republic of Kosovo*. London: Palgrave, 106.

already been agreed upon in 2013, Kurti refused to implement it. In 2015, the Constitutional Court had ruled that the agreement establishing the Association is legally binding on Kosovo and that Kosovo has a legal obligation to establish it, subject to ensuring that its statute complies with Kosovo's Constitution.¹³⁸

Kurti publicly accused the US of having orchestrated the collapse of the government in 2020 through a vote of no-confidence. With a new government in place, the Trump administration mediated the Washington Agreement between Kosovo and Serbia in September 2020. The agreement tried to incentivize a political rapprochement between Kosovo and Serbia through economic cooperation. In March 2021, Kurti became Prime Minister again and immediately resumed his policy of frustrating the normalization process with Serbia and rejecting the establishment of the Association. Instead, the government's policy was to enforce Kosovo's sovereignty in the northern part of Kosovo through unilateral exercises and demonstrations of government authority, which got it into conflict with the US and the EU.

In October 2022, Serbs withdrew from all Kosovo government and municipal institutions, including police and justice. New local elections, which were held in the northern municipalities, were boycotted by the Serbs. When the newly elected Albanian mayors tried to enter the municipalities in the majority Serb municipalities, the situation escalated and led to violent clashes between the local Serbs and KFOR. The US and the EU mediated another agreement between Kosovo and Serbia in February 2023, which confirmed the establishment of the Association. However, shortly after the agreement was made public, Kurti and Serbia's President Vučić denied that any legally binding agreement had been reached. Kurti's refusal to de-escalate the situation in the northern municipalities and to expedite new local elections, to establish the Association, and the continued presence of Kosovo Special Police Forces in the north triggered the US and the EU to impose sanctions on Kosovo. The situation escalated in September 2023, when Serb paramilitary forces attacked Kosovo police in the north. In spite of this, the Kosovo government continued to take unilateral action in the northern municipalities, such as prohibiting the use of the Serb Dinar as a currency in the north, which again triggered a concerted reaction by the EU and the US, opposing such moves as counterproductive to achieving normalization through negotiations.

The government's efforts to establish sovereignty in the north are characterized by increased special police presence and raids against Serb parallel institutions. The latest escalation is the use of the Kosovo Police without an order from the State Prosecution. An interesting pattern is the increased use of secondary legislation to confiscate property held by illegal Serb institutions and to assign them to the Kosovo government and local institutions. On its face, legal actions, such as expropriation of property in predominantly Serb areas, may also amount to 'legal repression' if there is a pattern of systematic and targeted use against a specific community. LVV's excessive use of security and sovereignty rhetoric, and its tendency to produce ethnic tensions and political crises, and to use them as a pretext to attack independent institutions, are clear indications of tendencies which fit the autocratic legalism framework.

Conclusion

¹³⁸ Muharremi and Ramadani, *Transforming a guerilla into a regular army*, 106.

This study intends to provide a unique case study of emerging autocratic legalism in a post-conflict society which was designed by the international community as a possible model of a liberal and multi-ethnic democracy. It offers a detailed assessment and empirical evidence of how analytical frameworks on democratic backsliding and autocratic legalism apply to the specific context of Kosovo. By documenting the LVV government's policies and actions the study illustrates the various strategies and methods which are used to achieve a concentration of power and to erode liberal constitutional constraints. The study could serve as a resource for scholars and policymakers who seek to identify democratic backsliding and autocratic legalism in other democracies.

Kosovo is certainly far from dictatorial drift, but there are evidently serious signs of democratic backsliding. LVV's policies, especially its attacks on the Constitutional Court, the State Prosecution, the media, and its behavior towards the Serb minority in the northern part of Kosovo, are disturbing patterns of a systematic application of autocratic legalism. LVV is deliberately using legal instruments to incrementally weaken independent institutions and checks and balances, which are key principles of Kosovo's liberal-democratic constitutional order. It seems that LVV's understanding of democracy reflects pure populist majoritarianism in disregard of the constraints of liberal constitutionalism. An independent Constitutional Court, State Prosecution, and media stand in the way of such majoritarianism.

Kosovo's primary bulwarks against dictatorial drift are Kosovo's Constitutional Court, the State Prosecution, its pluralist media landscape, and an active civil society. Kosovo also benefits from a strong international presence through the EU and many other international organizations, and NATO provides for its security. There is a chance that these domestic and international factors will preserve Kosovo's liberal-democratic constitutional order. Much will also depend on Kosovo's opposition parties if they will be able to hold on to defend Kosovo's liberal-constitutional order and resist LVV's deliberate infiltration of the system to subvert it.

The Kosovo case shows how easy it is to manipulate the masses and the wider international public by appealing to reforms and fighting corrupt elites, while the true intention is to dismantle liberal institutions. Given the strong international presence in Kosovo, which fought a war against Serbia in the name of humanitarian intervention and liberated Kosovo from illiberal repression and designed a multi-ethnic liberal-democratic order to give Kosovo a clear European perspective, it is truly disturbing that Kosovo developed such authoritarian tendencies and that significant portions of the population support it.

The possible implications of these findings for Kosovo's political trajectory can be profound. LVV's tendency towards populist majoritarianism and its disregard of the core ideas of liberal constitutionalism, threaten to undermine the foundations of the multi-ethnic and democratic society that the international community helped to build. Should these trends continue, Kosovo risks a gradual shift towards an illiberal constitutional order and a "governmental republic" where parliamentary oversight independent institutions are weakened. LVV's confrontational approach as regards the dialogue and its unilateral actions in the northern municipalities, framed through excessive security and sovereignty rhetoric, are also likely to jeopardize Kosovo's relationships with

international partners like the US and the EU, whose support is crucial for Kosovo's stability and European integration.

This research underscores the need to move beyond simple checklists for assessing democratic stability. The case of Kosovo demonstrates that autocratic legalism is an incremental process, often disguised as legitimate reforms to combat corruption or promote social justice. Future studies could focus on the cumulative effect of singular acts and seemingly lawful institutional changes and how democratically elected leaders use democratic mandates and manipulate liberal legal frameworks to incrementally weaken state institutions.

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