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TITULLI	Who will exercise the president's powers if Kosovo fails to elect a new head of state today?
ADRESA	https://albeu.com/english/who-will-exercise-the-presidents-powers-if-kosovo-fails-to-elect-a-new-head-of-state-today/1042068/
BURIMI	albeu.com
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KOHA

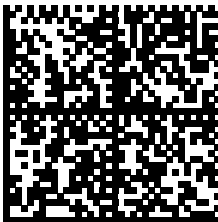
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ZINXHIRI I PROVËS

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E MËPARSHMJA	—
RRËNJA MERKLE	—
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Who will exercise the president's powers if Kosovo fails to elect a new head of state today?



Kosovo has until October 6 to elect a new president. If the Assembly fails to do so, the anticipated consequence is clear: the legislature will be dissolved and the country will go to snap elections. But it remains much less clear who would exercise the president's powers following such a scenario.

In its latest judgment on cases KO256/26 and KO258/26, the Constitutional Court found that the 60-day deadline for electing the president began on August 8 and ends on October 6.

This is directly related to Article 82 of the Constitution, under which the Assembly is dissolved if the president is not elected within 60 days of the start of the relevant procedure.

Thus, if the president is not elected by October 6, no separate decision by the Assembly to dissolve itself is required—the constitutional provision providing for the dissolution of the legislature is simply activated.

The court had clarified this principle earlier as well. In its March 2026 judgment, it found that failure to elect the president within the constitutional deadline leads to the dissolution of the Assembly and early elections, which must be held within 45 days.

However, another constitutional problem arises here: who will lead the state? Under normal circumstances, the president's powers would be exercised by the speaker of the Assembly, as acting president.

In the current situation, however, this constitutional solution has been complicated by the fact that Assembly Speaker Albulena Haxhiu has already held this position for six months.

Haxhiu assumed the presidential function after Vjosa Osmani's term ended on April 4. But under Article 90, paragraph 3 of the Constitution, the position of acting president may not be held for longer than six months.

This six-month period ended on Sunday, October 4.

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This is precisely where an ambiguity arises that the Constitution does not expressly address: once the maximum six-month period for an acting president ends, who exercises the presidential powers while a new president has yet to be elected?

According to interpretations by several civil society organizations in the country, the six-month limit set out in Article 90 is absolute. Under this interpretation, Haxhiu cannot continue exercising the presidential powers simply because a new president has not yet been elected.

Naim Jakaj of the Kosovo Law Institute argues that after this deadline expires, the country will be left without an acting president. He told Radio Free Europe that this creates a risk of constitutional chaos, because without a president, some important state duties may remain unfulfilled.

Jakaj recalls that the president is also the Supreme Commander of the Kosovo Security Force. If the country is left without a president and without an acting president with a valid mandate, he says, there will be no one to exercise this function either.

He adds that the acting presidency was envisioned as a temporary solution, during which political parties were expected to reach an agreement on electing a president. In his assessment, attention so far has focused more on which party is entitled to the position than on the process and criteria the president must meet.

This constitutional gap creates an immediate practical problem: if the Assembly fails to elect a new president by midnight tonight, who would exercise the other powers the Constitution reserves for the president, and who would call the snap elections?

In an analysis published on October 2, the Kosovo Democratic Institute (KDI), which examined the exercise of the presidency beyond the six-month limit, assessed that the Constitution does not clearly provide who exercises the presidential powers after this period ends.

KDI called on Assembly Speaker Albulena Haxhiu, in her capacity as acting president, or other authorized parties, to turn to the Constitutional Court for clarification regarding the exercise of these powers after October 4 and the authority to call elections if the president is not elected. So far, no such request has been made.

Radio Free Europe asked the President's Office whether Haxhiu could continue exercising the presidential powers after the six-month deadline expired, who would call snap elections if the Assembly were dissolved, and whether clarification on these issues would be sought from the Constitutional Court, but received no response.

To date, the Constitutional Court has not expressly resolved this constitutional vacuum. According to KDI, the absence of an explicit succession mechanism after the six-month period ends creates uncertainty over the exercise of the president's powers.

This is particularly important because some of these powers are necessary to resolve the crisis. The president—or the acting holder of that position—is the one who calls elections for the Assembly and, after the elections, convenes the first meeting of the new legislature.

Therefore, if the president is not elected by October 6, the issue concerns not only when the next elections will be held, but also who will have the authority to call them.

According to Jakaj, given that there appears to be no prospect of a quick agreement between the political parties, the Assembly should perhaps have conducted the presidential voting process on Monday, even if the vote were to fail.

In that case, he says, the acting president could call the political parties together and set a date for new elections. After the elections, the new Assembly would convene within the constitutional deadline and elect the president. The president would then appoint the nominee to form the government. According to Jakaj, this would be an emergency option for breaking the country's deadlock.

In the absence of a clear constitutional interpretation, this dilemma may once again end up before the Constitutional Court. / RFE

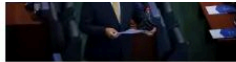
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Tags: [Albulena Haxhiu](#), [elections](#), [Kosovo](#)





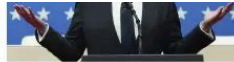
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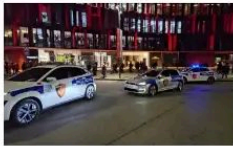
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