

THEORETICAL AND HISTORICAL PROBLEMS OF LAW AND POLITICS

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THE INTERPRETATION OF LAW AND SOCIAL PRACTICE

Interpretation of a legal norm is important for normal functioning of state bodies' activity, respectively official persons, citizens and associations in the discovery of the will of the creator of legal norm. With other words, this process is an activity that is done by state bodies in the function of identifying the real meaning of the content of the legal norm. Interpretation in general, as a scientific-professional process, is an activity which explains the meaning of material phenomena with the purpose of their transmission. This material phenomenon is qualified as the carrier of the meaning that is presented by the sign. Therefore, for the interpretation of the right, respectively legal norm, the starting point is knowing the normative frame and then comes the analysis of its constitutional parts, the comparison other relevant laws and acts.

When legal norms contain legal gaps, this entails the fact that these norms have to be interpreted, respectively clarified in order to give directly give their real meaning. In general, laws of logic are also subjected to interpretation, which require preliminary significant philosophical knowledge. In our positive law, respectively in the criminal code the implementation of law by analogy is not allowed. Continuing towards the implementation of the principle of legality, sanctions "*nullum crimen, nulla poena sine lege*", which with other words means that no one can be sentenced for penal act, which is not predicted before in the positive law and for which exists a sanction by the legal disposition. Therefore, analogy only serves in cases when we deal with legal gaps and this exclusively in civil cases, while solving cases with analogy is strictly forbidden in the criminal law.

As a rule, every legal norm, law or act of any nature of state power, which sets the manner of behavior of subjects against the normative frame can be an object of interpretation. The legal activity of special elements of the state positive law also sets the object of legal interpretation. During the process of interpretation, as set by its object, a number of practical rules are respected, that aim to implement the essential elements of the positive law. As a rule, objects of interpretation are general and special norms. Object of interpretation are only the written norms, not customary norms, because for customary ones it is said that there must be special interpretation rules created. All manners of interpretation have the same purpose: to dismantle the content and purpose of the norm, in order for it to be applicable, the way they were issued by the creator of the legal norm. From the typological perspective, as official interpretation are considered: legal interpretation, authentic interpretation, judicial interpretation, administrative interpretation and in the end scientific interpretation, but the last one doesn't have a binding character. To end the above process, the legal interpreter can use tools such as: 1. Linguistic interpretation as a grammatical interpretation, 2. Logical interpretation, 3. Historical interpretation, 4. Special legal interpretation, 5. Systematic interpretation, 6. Teleological (intentional) interpretation. The logical interpretation is unified with the control of setting the meaning of the legal norm. it is realized by using the logic of meanings by using measures for linguistic, systematic, historical, legal interpretation and other interpretations in general. The special legal interpretation can be otherwise understood as special interpretation and has the purpose of explaining the meaning of legal norms, by exclusively relying in the legal science. It is one of the most specific forms of transmission of the will of the norm creator, i.e. it expresses

the internal will of the creator of the norm, such as the will of the legislative body, where it exclusively deals with the concrete interpretation of rules of behavior. Therefore we have to be very constructive during the interpretation of legal norm and here stands the individuality of the norm for which we talked above. The terminological interpretation is exclusively related with the legal terminology of norms, i.e. with the meaning of the terms of the legal norm, by concretely including the relevant legal norm. The compatible interpretation entails in itself the knowledge of the right in general, respectively it has to do with the knowledge of other legal branches as well, branches of law that are in force. With systematical interpretation of legal norm we have to deal with setting the legal meaning, i.e. its connection and interaction with other norms of legal norms and laws, which is in force. In order for the norm to be implemented it is required to set its purpose through interpretation, where the purpose of legal norms is specified. But when the legal norm is clarified by its creator, the discovery of the purpose of legal norm becomes easy, because the purpose is known in advance. Subjective interpretation is known related to its creator. Objective interpretation considers that the right meaning of norm is the one set by the code of meanings. We deal with evolving interpretation when the right meaning of legal norms is considered the one in the moment of interpretation. Thus, the meaning of the norm has undergone changes from the moment of creation until the moment of interpretation. The legal doctrine for the interpretation of legal norms based on analogy, respectively similarity it relies in two kinds of analogies called legal analogy and juridical analogy. Legal analogy finds support in concrete cases, while juridical analogy finds support in the whole legal system. As a rule, legal gaps can be classified in two kinds: 1. Initial legal gaps and 2. Subsequent legal gaps. In initial legal gaps, the creator of the legal norm left legal gaps while drafting the norm, respectively adopting it, and gaps like this that can be filled later on through its interpretation etc. When the creator while drafting the legal norm leaves gaps which were not predicted by him/her and this happened as a result of changes, different society evolutions, i.e. relations that appeared later, it is possible for these gaps to be filled later.

Key words: interpretation, the object of interpretation, official interpretation, legislative, administrative and judicial interpretation, the interpretation of non-governmental entities, professional interpretation, doctrinal interpretation, juridical analogy, legal analogy, initial legal gaps, subsequent legal gaps.

1. The notion of interpretation in general

The normative interpretation is a simplified explanation of the meaning and content of legal norms. The legal interpretation of legal norm is important for the normal functioning of the activity of state bodies, respectively official persons, citizens and associations in discovering the content of the will of the legal norm's creator. With other words, this process is an activity that is done by state bodies in the function of identifying the real meaning of the content of the legal norm. In this context, we have to deal with a systematic process directed towards clarifying the content and meaning of legal dispositions, their social value, their position and role in the system of the legal regulation. The most important system of these signs, object of interpretation is undoubtedly the language which consists of sounds that can also appear in other forms, especially the written one.

The interpretation in general, as a scientific process, is an activity that clarifies the meaning of material phenomena with the purpose of their transmission. This material phenomenon is qualified as a carrier of the meaning that the sign represents.

1. The notion of the interpretation of law. The interpretation of law is one of the most important elements and an important prerequisite for the successful creation and implementation of law. As a rule, through the legal interpretation of the legal norm, the purpose of relevant acts is revealed and their role in the society is recorded. Therefore, for the interpretation of law, respectively of the legal norm, the starting point is the knowledge of the normative frame and after that comes the analysis of its composing parts, the comparison with other laws and acts. The clarification of the meaning, of the content of law or another act issued by the authorities of the state bodies is called interpretation at state level. As a rule, every act issued by the authorized state bodies is an object of interpretation, of course under the reserve when it is required to find out the meaning of the content of this act. The interpretation of law, according to the rules,

is done by language expression, so we can say with responsibility that the language is the road through which the process of the interpretation of law is realized. In the practice of everyday life we face extraordinary cases of the expression of some norm by using other measures except language, for example body movements.

According to the law on marriage, “Spouses have equal rights and obligations towards their children. They are obliged to jointly take care for their welfare, which means to feed them and educate them.” This clearly shows that in every concrete work related to feeding and education, the parents have to do it together, i.e. it can’t be done only by one of the parents. Then, the word ‘food’ has to be interpreted. The conditional norms require the interpretation, for example “The territory of the Republic can’t be changed without the consent of the Assembly of the Republic.” Even though the norm seems to be clear at first even without being interpreted, in reality it isn’t like that. It is very important to interpret the word “consent”.

The consent means the reconciliation of the will of the subject. The Republic itself doesn’t represent a physical person that has its own will to give its consent, in the usual meaning of the word. The Republic, as a legal form of the expression of the form of political power, expresses its will in a special form. It is exactly the bodies that constitute it that ensure the realization of the expression of will, including here the Assembly. In the context of the clarity of the norm we also determine the object of its interpretation. As a rule, only norms that are in force can be objects of interpretation. But let’s use the legal maxim that in jurisprudence every rule has its exception, i.e. if the historical meaning of the legal norm is required, we have to consider the content of that norm since its genesis.

In this context the historical interpretation of the legal norm comes in surface, which will be examined later. But after existence of the law or of another norm or act is verified, their authentic (original) text and their legal force, the state body that will apply the law, will do its interpretation in the real meaning of the word, i.e. it will set the meaning of its content expressed by the law, or another relevant act.¹ Upon all these, in order to achieve the most right and accurate meaning of the legal norm through interpretation, it is required to have a professional attention and commitment from the connoisseurs of the jurisprudence practice and theory. And, in this context, the interpretation of law can be seen as a special activity of law.

2. The interpretation of law and legal gaps. The meaning of law often becomes difficult not only for the broad public but for the specialists as well. When legal norms contain legal gaps within them, this means that these norms have to be interpreted, respectively clarified to directly give their true meaning. The laws of logic are also subjected to interpretation, which require preliminary significant philosophical knowledge. This process of interpretation is conditioned by the political character of the society. The interpretation of the legal norm is part of the general interpretation of laws upon and based on which the human society is organized. The interpretation of the normative frame is helped enabled by the legal doctrine in general and is fed by the positive law, as an exclusive element of the content of the legal interpretation. Of course that a significant help in the process of interpretation is given by empiricism. When we talk about the interpretation of legal norms, we consider the interpretation of legal norms that are expressly given and appear in different legal acts. Therefore, by interpreting a single norm, in reality we interpret the whole legal system – a segment of which that norm is. The interpretation of law in general comes to expression by the existence of legal gaps or by the ambiguity of the character of the norm. In this case, we can implement the so-called interpretation in the wide sense. The interpretation of law, legal norm can be supported in the empiricism gained by the treatment of similar cases and this is clearly expressed, especially in civil issues. Somehow, in a case like this we look towards creating what is known as valuable judicial precedent within other sources of law. In the concrete case we can say that even the judicial precedent presents an agreement with genuine legal value, as foreseen in the creation of norms of law.² Therefore we can say that in England, the general law is the law created by judicial precedent. In another way we would say that filling legal gaps can be realized through what is known as implementation of law by analogy. I.e. when concrete cases are not foreseen with legal norms, which as a rule have to be reviewed by the court, then this can be filled based on the law or the legal norm that foresees another case, respectively a similar case. The implementation of the process of interpretation is mostly reflected to the norms that are characterized by legal gaps. The cases of implementing the law by using analogy are not allowed when it is not authorized or forbidden by the law.

In our positive law, respectively in the criminal code the implementation of law by analogy is not

¹ Radev, D. (1997). *Obshca teorija na pravoto*. Sofia, 467.

² *Kushtetuta e Republikës së Shqipërisë*. (1998). Tiranë, neni 124.

allowed. Continuing towards implementing the principle of legality, it is sanctioned “*nullum crimen, nulla poena sine lege*”, that with other words means that no one can be punished criminally for a criminal offense which is not foreseen earlier in the positive law and for which exists a foreseen sanction by legal dispositions. Therefore, we use analogy only in cases when we confront inevitable legal gaps and this exclusively in civil cases, while solving cases with analogy is strictly forbidden in the criminal law. It is a characteristic to emphasize the interpretation is realized in the limited meaning and the broad meaning.

2.1. Interpretation in the limited meaning. Here we have to deal with the interpretation during which the norm is interpreted because of its broad meaning, and in order to give a more detailed shape we enable the narrow interpretation of legal dispositions. For example, we have the case in parent-child relations. Children have to take care for their parents, especially when the parents are incapable from the health to work. Of course we are talking about grown children and capable to work, not minors.

2.2. Interpretation in the broad meaning is that kind of interpretation that entails the content of the legal norm more broadly than it is set by the relevant legal norm. I.e. it explains the circumstances of that legal norm when it is implemented¹. This kind of interpretation has a human, respectively a facilitating character, and for this convincing arguments function. The purpose of the limited and broad interpretation of legal norms is done to help the right and efficient implementation of law. All manners of interpretation have only one purpose: to find the effective content of the law and to make it understood better².

3. The object of interpretation of law. With the object of interpretation of law we will understand the subjugation of the legal norms to the parameters of logic and reasoning, when something like this is dictated by legal gaps or the ambiguity in the text of the norm. So, the clarification of the content of the legal norm, law or subordinate acts with other acts of state power is called interpretation. As a rule, every legal norm, law or respectively an act of state power, which sets the manner of behavior of subjects against the normative frame, can be an object of interpretation. As to the object of interpretation, we can say that only the norms organized in the shape set by the state, respectively by the authorized bodies, have the mission to enable their implementation and to offer the dimensions of the legal interpretation. Through the process of interpretation legal gaps are filled. The concept of the object of interpretation exists as such, in the narrow and broad meaning. With interpretation in the narrow meaning of the word we will understand the situation when the legal norm functions in unity as one or several norms linked with each-other. While the object of interpretation in the broad meaning is the entirety of the legal system, the whole normative frame of the relevant field. Objects of interpretation are general and special norms. Usually it was considered that only general norms are objects of interpretation, but we can exclude concrete norms either.

From the legal activity of special elements of state's positive law, the object of legal interpretation is set. During the process of interpretation, as set by its object, a number of practical rules are respected, that aim to implement the essential elements of the positive law.

Objects of interpretation are only the written norms and not customary ones, because for the last one it is said that there must be special interpretation rules created.

Customary norms can be objects of the interpretation of norms, especially in those countries where customs are still considered as an important source of law, i.e. where the unwritten law dominates. When we have to deal with the implementation of a law, decision, instruction or something similar there is not a special procedure for the issue of these acts, in this context we have to deal with giving instructions, explanations for the content of the norm. For example, when we have to deal with the implementation of some norm, the decision of local power such as subordinate acts, sometimes it is required to clarify if these norms are in accordance with law or not. The essences of the object of interpretation are: legal acts, international agreements, civil contracts and judicial acts.

4. The importance of interpretation. One of the most important parts of the process of interpretation of the legal norm is the knowledge of law, respectively the knowledge of the legal norm. In absence of the process of the recognition of the legal norm it is understandable that there it can't be implemented. The accuracy of the legal interpretation is in fair proportion with the level of the knowledge of the normative frame's reality. The essence of the legal norm stands in its meaning, the alienated meaning of a norm can lead to creating a new reality, totally unorganized. In this plan we see that the importance of interpretation takes a primary role. All manners of interpretation have the same purpose: to dismantle the content and purpose of the norm, in order for it to be applicable, the way its creator issued them. The

¹ *Kushtetuta e Republikës së Kosovës*. (2008). Prishtinë, neni 116 pika 1.

² These specialized judicial jurisdictions are characteristic for western European countries.

importance of this process shows up with the occasion of realizing the scientific interpretation, which always has a creative character. The obligation for the respective bodies is to implement the content of the norm according to the officially offered standards of interpretation.

5. Manners of the interpretation of law

5.1. The official interpretation¹

The process of the interpretation of law was considered as such when it was realized by state bodies or by researches of legal sciences, specialists of the doctrine. As to state bodies, the enable and realize: the legal interpretation, judicial interpretation and doctrinal interpretation. The official interpretation done by authorized state bodies has a general legal force, where a competent body clarifies with instructions and gives explanations for the implementation of law in certain fields, where it appear necessary. The importance of the official interpretation as an interpretation of state bodies unifies with the fact that we have to deal with the interpretation of authorized state bodies in certain social spheres. From the typological viewpoint, as official interpretations we considered: the legal interpretation, authentic interpretation, judicial interpretation, administrative interpretation and the scientific or doctrinal interpretation.

5.2. The legal or authentic interpretation. The legal interpretation is realized by state bodies, which based on law have the right to do so. Legal interpretation means the interpretation that is realized by the body the issues the legal norms and in the same time the interpretive act. So, as it is clearly seen, we have to do with authorized state bodies.

The acts that subjugate to legal or authentic interpretation have full binding force only towards those persons and organizations that are under the jurisdiction of the bodies we cited above. So, this kind of interpretation is enabled and realized by the legislator. Article 16 of the Law for the Basic Constitutional Dispositions determined that the interpretation of laws is done by the Popular Assembly. This means that the Popular Assembly had the right to give valuable explanations related to the elements of the content for all state bodies, for all official persons and all citizens. The fact that the legal norm is interpreted by its creator doesn't mean that we have to deal with the creation of a new legal norm. The explanation of the authentic meaning of the legal norm in force is always realized for a more effective implementation of that norm in the practice of different bodies. Except the legal or authentic interpretation which is done by the body that issues the norm, we also have the interpretation done by the Constitutional Court, as the highest body which realizes the control of the constitutionality of legal norms through interpretation. The Constitutional Court guarantees in this deeply impartial process the respect of the authority of the constitutional normative frame. A competence like this makes the Constitutional Court to transform the legal interpretation to a final interpretation. It is known by everyone that in the model of the state of law, in every constitutional democracy the decisions of the Constitutional Court are binding for the judiciary and for all relevant persons and state institutions.² The interpretation of the constitution can also be considered as a legal interpretation if this is realized by the Constitutional Court itself. Anyway, in every case we have to be clear that with all the prerogatives and other things known by law, the Constitutional Court cannot issue legal norms.

5.3. Legal interpretation, with other words will be translated as an official interpretation of the legal norm, which is realized by the judicial power. As a rule, the interpretation of the law for the solution of a concrete case is done by the court, in the function of executing its legal function of the administration of law and the reference upon the normative legal frame. From this point of view, the judiciary is presented as the last body that interprets the legal norm, mainly with executive value and legal effects for the parties in a dispute. This kind of interpretation that is supported by the authorization that law gives to these bodies is based on professionalism, a necessary indicator to pronounce judicial decisions. The interpretation of legal norms done by the judiciary, has a special character and legally binding force. It is unified with the specific interpretation. The judicial interpretation, as a product of the judiciary, is the most fair and accurate official interpretation.

5.4. Administrative interpretation, in legal doctrines is known as an official interpretation. The bodies of state administration, besides their administrative activity, through which they execute their power in one side and in the frame of the activity of service with delegated power from central bodies, in the depended ones, as professionalized bodies, conduct the interpretation of law. This kind of interpretation is binding for the parties to which it is dedicated, while it is not apply for other cases.

¹ Марченко, М.Н. (2002). *Теория государства и права*. Москва, 469.

² Omari, Luan (2007). *Parime dhe Institucione të së Drejtës Publike*. Tirana: Elena GJKA.

As a rule, objects of interpretation are material norms, respectively acts that are issued by the bodies of state administration. Administrative interpretation also appears from the need of controlling the state administration from the highest instance of state, which is put into action through regular legal measures, such as appeal.

Competent courts, such as the Supreme Court, respectively as specialized courts, by evaluating the legality of the act issued by relevant administrative bodies, also conduct the relevant administrative interpretation of acts. This kind of interpretation by competent state bodies entails the official administrative interpretation that is unified as an interpretation with binding character. Therefore, in one way or another, the highest state bodies, in this context administrative courts¹ conduct some kind of control and interpretation of norms – relevant administrative acts. The legal interpretation, in order to ensure efficiency, has to be realized according to the principle of legal equality as a precondition for the respect of humans' rights and freedom. From the side of state bodies, general and special norms with administrative character are implemented and interpreted.

6. The interpretation of non-governmental entities, this can be done with the purpose of implementing a legal norm, created by someone else. Exactly this kind of interpretation is called personal interpretation and has a non-binding character. This kind of interpretation of law can be done by physical persons such as citizens and legal persons, non-governmental organizations. With other words, these norms are objects of interpretation from subjects that don't exercise state power. The interpretation of legal norms by unofficial persons, respectively incompetent, doesn't have a binding character and doesn't bring legal effects. The interpretations of authorized state bodies have legal effects, such as the authentic interpretation by the legislative, judicial and administrative bodies.² The applicability of these legal norms in the meaning of the above bodies has binding effects.

The interpretation of legal norms as an unofficial interpretation is expressed in different forms such as: explanations, instructions, comments and recommendations etc. This category of interpretations is classified in:

6.1. Ordinary (everyday) interpretation, which is realized as a result of everyday social needs of people.

6.2. Professional (competent) interpretation is realized by experts and specialists in the field of law such as judges, lawyers, notaries, professors and academics of legal sciences.

6.3. Doctrinal (scientific) interpretation is realized through different publications and comments, books, brochures, scientific papers by legal theorists³.

6.4. The interpretation of non-governmental entities – or the interpretation of private persons. This interpretation is not even close to being accurate, like the interpretation done by state bodies. This happens because of the simple reason that state bodies have professional qualities, that are not possessed by citizens.

7. The doctrinal interpretation, otherwise known as the contribution of the legal science, in the aspects of the normative frame, is very important. The actors that enable the doctrinal interpretation derive from the category of the most famous experts that have a long standing experience and have proved to possess and exercise the mastery of legal interpretation. The authors that have studied in the field of the legal doctrine are known for their position and high social authority. This appears even in ancient times, where roman jurists through comments, suggestions and recommendations have had a huge impact in the development of the legislation by directly helping the development of the state and law in Roma. An important characteristic which is worth mentioning is that this kind of interpretation has an unlimited state character. It is non-governmental in the meaning that it is implemented in different places and has an emphasized role in the legal theory and practice of legal families and systems of different countries.

It is a characteristic to mention that the doctrinal – respectively scientific interpretation is an interpretation based on studying the conclusions of the scientific discipline of law. The doctrinal interpretation, although it doesn't have a binding character, has a special importance in the elaboration and improvement of the legal activity of different state bodies⁴, and for the reinforcement of legality. The fact that the scientific interpretation doesn't have a binding force discharges the scientist of the field of law by the element of responsibility, like the case with the relevant state body, i.e. the doctrinal interpretation

¹ Ganev, V. (1990) *Uçbenik po obshca teorija na pravoto*. Sofia, 470.

² Radev, D. (1990) *Obshçaja teorija na pravoto*. Sofia, 470.

³ Kutleshqi, V. (2004) *Osnovni prava*. Belgrade, 472.

⁴ Omari, Luan (2007). *Parime dhe Institucione të së Drejtës Publike*. Tirana: Elena GJKA.

doesn't have a legal value, respectively it doesn't have legal effect for the bodies and persons that implement the law. In the end, for the doctrinal-scientific interpretation, different authors support the thesis that "the legal interpretation is experience as much as it is science"¹.

8. The procedure of interpretation, before the procedure of interpretation starts, first we have to verify the authenticity of the text of the norm, and it also has to be an integral part of the system of positive law, which is implemented in the general social practice. Then we have to verify the real meaning of the legal norm, in order to engage the process of interpretation, which clarifies the meaning of the norm. The methods and measures used during the process of interpretation are important parts used by the interpreter in the role of instruments to achieve the main meaning and content of the legal act. The measures and methods of interpretation derive from the legal science and not from the positive law, because the positive law in every case is a subject in which the process of interpretation is legally invested. Through this process helped by empiricism in different categories of law, there are principles that are set to serve the interpreter during the realization of his activity, no matter who interprets the relevant legal norm. The interpretation is also closely linked to the legal technique. The legal technique itself presents a number of practical rules to be implemented in the elements of the positive law. It is very important to know the position through the linguistic meaning of the norm. We say this because the interpretation is determined by this fact to conclude with the certification through what we simply call the accurate meaning of the norm. It is precisely the interpreter the one who sets the accurate meaning of the norm in the linguistic point of view. As we said above, the process of legal interpretation is realized through different measures and instruments.

9. The means of interpretation, during the process of interpretation of legal norm, the interpreter can use many tools in the procedural point of view, to sanction its accurate meaning. To end the process above, the legal interpreter can use means such as:

1. Linguistic interpretation as a grammatical interpretation;
2. Logical interpretation;
3. Historical interpretation;
4. Special legal interpretation;
5. Systematic interpretation;
6. Teleological (intentional) interpretation.²

9.1. Linguistic (grammatical) interpretation, there is no doubt that the language is the main tool³ of interpretation, while the other means are second-hand means. Therefore, we have the linguistic interpretation of the norm, realized through the language where the interpreter sets the content of the legal norm, always based on standardized grammatical rules, respectively codified by the science of linguistics. With this the content of the legal norm is defined by analyzing the expression of its words in the law – norm or in another source of law by adjusting it and giving its meaning, through punctuation, other parts of the sentence, the subject and predicate etc.⁴

The linguistic meaning of the legal norm is the meaning given based on operations done with linguistic rules, i.e. by applying the code of understanding, thus by linguistic interpretation. From the grammatical aspect it is known that every language is composed by "words, union of words (sentences) and punctuation",⁵ and as a result, the linguistic interpretation can be: lexical, syntax and the interpretation through punctuation. The grammatical interpretation also entails the meaning of the listed sentences used by the interpreter. In this context we have to do with the lexical interpretation.

The discovery of the scientific meaning of legal norm and its linguistic expression with the help of scientific methods and rules for the composition of the sentence sends us to the limits of the syntax interpretation. It can happen for the legal norm to have a number of meanings. In order to come down to one meaning of the norm, i.e. in order to eliminate the possibility of ambiguity, the interpreter used punctuation, such as: dots, line, comma, colon, semicolon, question-mark etc. In this case we have to deal with the interpretation through punctuation.

9.2. The logical interpretation of the legal norm is unified with the control of defining the meaning of the legal norm. it is realized by using the logic of meanings by using means for linguistic interpretation, systematic, historical, legal interpretation and the interpretation in general. The rules of logic

¹ Omari, Luan (2007). *Parime dhe Institucione të së Drejtës Publike*. Tirana: Elena GJKA.

² Kutleshiq, V. (2004) *Osnovni prava*. Belgrade, 477.

³ Llukiq, Radimir, Koshutiq, Budimir (1981). *Uvod u Prava*, Beograd: Naučna Knjiga, 261.

⁴ Комаров С.А., Малько А.В. (1999). *Теория государства и права*. Москва, 478.

⁵ Radev, D. (1990). *Obshchaja teorija na pravoto*. Sofia, 215.

are instructions for accurate and right scientific conclusions. With other words, the logical interpretation is linked to implementing logic's rules and in essence it presents the meaning of the sentence, strictly and directly.

As a rule, through the logical interpretation we conclude the logical selection, contradiction and impossibility that is otherwise known as the non-understanding of the norm. Through this interpretation we go towards fulfilling the implemented legal norm by using the laws of logic. Because of this we conclude that the logical interpretation directly contributes in defining the content of the legal norm, starting from the content of the expressions that form the legal norm or law. Therefore, by doing the logical interpretation of the legal norm or law we actually do a general analysis, by setting the hypothesis, clause and the sanction of the legal norm. These three elements are compared with each-other and like this we explain the regular character of behavior of the law and the limits of its implementation.¹ In this way, the interpreter, by using the laws of logic, gives the meaning of the legal norm and thus the relevant norm is extended, enriched and fulfilled.

10. The historical interpretation of the legal norm, regarding to this kind of interpretation we have to highlight that it aims to emphasize the importance of the legal norm in the past or the causes that affected the meaning of that norm from the moment of adoption until the moment of interpretation.² Therefore, in this context we have to deal with the research of different time circumstances that influenced the creation of law or the legal norm. Sometimes it is impossible for a legal norm to find application in the everyday social practice without its historical analysis. Said otherwise, by realizing the historical interpretation of the legal norm, the norm itself also undergoes grammatical, logic and systematic interpretation. According to some authors of the legal doctrine, every legal norm, in the process of its constitution goes under three phases: conceptual phase, preparatory phase and the changes phase, that affects the norm over time.³ The historical interpretation of the norm in this point of view highlights these phases because in reality we can't discover the dynamic meaning of the norm without knowing and studying the phases mentioned above. Through the historical interpretation of the norm its historical elements are explored, by analyzing the political-social circumstances, a politic from the past to the present time. The reason of interpreting the legal norm from its historical aspect is closely linked to the fact that from the creation up to the change, we deal with essential changes of the nature of different social relations.

11. The special interpretation of the norm has the purpose of explaining the meaning of legal norms by exclusively relying in the legal science. Before all, in this kind of interpretation we rely on the legal technique and the help of technical-legal means and methods.⁴ The special legal interpretation also entails other interpretations, such as: normative interpretation, constructive interpretation, terminological interpretation and compatible interpretation.

11.1 Normative interpretation is one of the most specific forms of the transmission of the creator's will, i.e. through it the internal will of the creator of the legal norm is expressed, such as the will of the legislative body, where it exclusively handles the concrete interpretation of the rules of behavior. Here we don't only deal with the normative interpretation of legal norms by the legislative body, but we also deal with the legal interpretation from other state power bodies as well, such as the interpretation by the administrative bodies.

However, in the normative interpretation of the legal norm by the legislative body, we encounter a serious issue because the interpretation of this norm is done by its creator. In this context we don't deal with the creation of a new legal norm, but with the explanation of the real (authentic) meaning of the interpreted norm.

11.2. Constructive interpretation is an additional legal interpretation which helps us in defining and clarifying the main characteristics of the legal norm. In order to understand this better, we can mention the contract in the field of legal relations.

In this context we have to decode and concretize whether we have to do with the purchase contract, the loan contract, the lease contract or another kind of contract. Therefore we have to be very taxative and constructive during the interpretation of the legal norm and here stand the special factor of the norm we talked about above.

11.3. Terminological interpretation, this kind of interpretation is exclusively linked to the legal

¹ Ismajli, Osman (2004). *Fillet e së Drejtës*. Prishtinë: Universiteti i Prishtinës, Fakulteti Juridik.

² Omari, Luan (2007). *Parime dhe Institucione të së Drejtës Publike*. Tirana: Elena GJKA.

³ Ismajli, Osman (2004). *Fillet e së Drejtës*. Prishtinë: Universiteti i Prishtinës, Fakulteti Juridik.

⁴ Kutleshij, V. (2004). *Osnovni prava*. Belgrade, 474.

terminology of the norm, i.e. with the meaning of the terms of the legal norm, including concretely the relevant legal norm.

11.4. Compatible interpretation, entails the knowledge of the law in general, respectively it has to do not only with the knowledge of the legal norm that requires its explanation, but is related to the knowledge of other fields of law that are in force.

12. Systematic interpretation of the legal norm has to do with setting the meaning of the legal norm, i.e. its connection and interaction with other norms of the legal order that is in force.

Related to the systematic interpretation we have to do with the systematic definition of the meaning of the legal norm through the connection and interaction of that norm with other norms of that legal system, a system or law that is in force. This entirety of legal norms is composed by different parts; therefore together they present the unique legal system of a country. With this we can say that the legal norm cannot be interpreted as single, separated from the entirety of other legal norms.¹ This means that, in order to accurately and concretely interpret the legal norm we have to know the entirety of legal norms because the norm we are going to interpret is part of the entirety of legal norms of that country. This kind of interpretation has to do with the systematic interpretation of norms. In this context we have to deal with the connection of concrete norms, that are objects of interpretation with general norms. The special norm as an unconditional norm can't be interpreted, which is not based on a general norm as a preliminary conditional norm.

So, the systematic interpretation has a complex interaction of legal norms, where the fate of the concrete legal norm is an object of interpretation, is related to the general legal norm and also is connected to the entirety of a legal system of a country.

In order to discover the right and accurate meaning of the legal norm, the interpreter as a rule must know the entirety of the legal norms that are in force. Here the systematic interpretation of legal norms is reflected. The connection of concrete legal norms with general norms extends and enriches the meaning of a legal norm.

And, in the end of the systematic interpretation, we will mention the conclusion of academic Luan Omari, that the systematic interpretation stands in clarifying the meaning of the legal norm, by comparing with other legal norms, in setting the connection of this norm with other norms, and setting the place of this norm within the system of norms of the relevant branch or the entirety of legal norms.²

13. Teleological (intentional) interpretation first lets decode the notion 'teleological', which according to an old Greek word "teolos" means purpose. Without any doubt the purpose of the legal norm is one of the most important tools of interpretation. The purpose of the legal norm is its realization in the general practice. The purpose of the norm is its recognition by the subjects of law. It is known that every legal norm in different legal systems has its own purpose, where its purpose is regulating the behavior of the subjects of law in different social relations. Said otherwise, the intentional interpretation of the legal norm is to verify the purpose of the norm.

As a rule, the creator of the legal norm, without considering the competent body which creates it, makes sure for this norm to be clear. But, when social relations, from the creation of the norm up to the final phase, i.e. the implementation phase, undergo changes, we need an intervention for the legal norm to be implemented. In order for the norm to be implemented it is required to define its purpose through interpretation, which specifies its purpose. But when the legal norm is clarified by its creator, discovering the purpose of the legal norm becomes easy because the purpose is previously known. When the legal norm is unclear and confusing from the linguistic, historical, logical and systematic interpretation, to clarify this we to define the purpose of the legal norm.

If we start from the premise that the purpose of the legal norm is its implementation, then, in order to know the purpose of the norm from the start, i.e. the conceptual phase, preparatory phase and its issuance, respectively the changes that affect the society, this norm has to be interpreted. Therefore, the intentional interpretation is important because it discovers the purpose of the legal norm. in order to be more accurate in the intentional interpretation, we can use an example: for example the norms that regulate marital and parental relationships, that express that the parents have to feed, raise and educate their children, to develop their skills and... "Here the purpose of the legal norm is clear, we are talking about food, the education and raise of children,³ values that intend building a healthy society. I.e. here, the creator of the legal norm has

¹ Tashev, Rosen (2000). *Interpretimi i së Drejtës*, 457.

² Ismajli, Osman (2004). *Fillet e së Drejtës*. Prishtinë: Universiteti i Prishtinës, Fakulteti Juridik.

³ Kutleshij, V. (2004). *Osnovni prava*. Belgrade, 483.

set the purpose of the norm and its implementation becomes easy. But, when the legal norm is confusing, with many meanings, it is required to interpret the purpose of the norm. But, as it is known, the purpose of the legal norm is its implementation, even through interpretation.

14. The ambiguous and nonsensical meaning of the legal norm.

14.1. The ambiguous meaning of the legal norm. This means the fact when the legal norm shows nothing related to what it should regulate. Here we really have to deal with legal gaps. I.e. the norm is not clear in its formulation. Norms like this – according to their content show nothing and don't have clear missions.

14.2. The nonsensical meaning of the legal norm. When the legal norm is nonsensical and doesn't have any meaning we have to discover the psychic meaning and the expression of the internal element (will) of the creator of the legal norm. But, as a rule, these norms appear rarely.

Usually, nonsensical norms are created by non-governmental subjects. Therefore, these norms oppose each-other and lose their meanings. In this case we have the conflict of the meanings of the norm, and we have to choose its meaning by interpretation.

15. Non-defined norms. A non-defined norm can have many meanings and it is not known which of them is correct. A norm can be non-defined because of the linguistic imperfection or because of incorrect notions – meanings.

16. The language as a cause that makes norms non-defined. The language is one of the most perfect means of expressing thoughts – norms. For the norm to be defined the used language has to be as précised as possible and the notions have to be clearly separated. Many words have the same meaning, but one word can also have many meanings. Except this, the language spoken by people is a vulgar and different one, while for legal norms we require a clean legal language, which would be perfectly clear. We have to write legal norms in the unified, systemized, codified language. With the implementation of linguistic rules during the linguistic interpretation of legal norms, there can be one or more linguistic meanings.

If the legal norm has a linguistic meaning and is not fully clear, then we use the evolutionary interpretation of the legal norm.¹ If the norm has a clear linguistic meaning, then there exists the possibility of the static interpretation.

17. Non-defined notions, legal norms are abstract, because they are composed by notions, while life is concrete. Every notion has a center which is done by concrete phenomena.

As non-defined notions in legal norms we mention food, education, mutual expenses in marriage, incapability in food etj. Non-defined notions are précised 20 years, 50 years. The legal non-definition has no normative content at all, i.e. they don't contain norms of people's behavior, but only set the facts that present the condition for the implementation of legal norms, i.e. they only prescribe legal facts.

18. The subjective and objective interpretation of norms. The subjective interpretation of the norm is related to what its creator defined. The objective interpretation considers that the accurate meaning of the norm is the one set by the code of meanings.

18.1. The subjective interpretation of the norm, here we have to deal with the so-called the will of the creator of the norm, what he really wants its norm to show. Here, the interpreter of the legal norm tries to find the internal element of the legal norm, respectively to find the psychic side – the will of the norm's creator.

If the creator of the norm is an individual, then he has its own psychic will and the same can be expressed in the norm he creates. This is encountered to norms created by individuals with legal acts in the private quality.

In other cases, when the norm is created by the state or social body, here a will of a group is expressed, that represents the people, society or class. According to the subjective concept, the interpretation of law always has to be based in the will of the legislator, precisely to that will expressed in the period of the issuance of laws, of course if we have to deal with the issuance of laws by state bodies. And, as it is known, the premise that only state bodies issue acts like this. And, acts like this, as well as their interpretation, has an obligatory character, i.e. the interpretation of such laws by state bodies has legal binding force.

Said with other words, the subjective interpretation of the legal norm, or the purpose of this interpretation is discovering the will of the legislator, regardless of the factors and possible circumstances in

¹ Ismajli, Osman (2004). *Fillet e së Drejtës*. Prishtinë: Universiteti i Prishtinës, Fakulteti Juridik.

the moment when the norm – law is interpreted.

18.2. The objective interpretation of the norm has to deal with the accurate meaning of the norm. According to the objective interpretation, we have to deal with the accurate meaning of the norm, so it is not important what the creator wanted, but we care about what he expressed in its text. And through the norm the will of the drafters is not expressed, but the will of state – society in the general social meaning. I.e. the internal part of the norm presents its accurate meaning. Here we have to deal with the objective meaning.

If we embrace the objective interpretation of the norm, then we have to understand that the accurate meaning of the norm presents the will of state – society and not the personal will of the norm's creator. This concept of norm's interpretation intends to clarify the meaning of the law or another norm and this kind of interpretation responds best to time requests when the interpretation is done.¹

19. The static interpretation of the norm is mostly related with the time period, the moment of its issuance and its interpretation.

The static interpretation, according to some authors pulls the meaning of the legal norm that it had in the moment of its issuance. The static concept of the legal norm entails the moment of its creation. We have to highlight that related to the static interpretation we have to deal with the legal guarantee and insurance, in order to avoid any new meaning and to avoid the opportunity to attribute any other meaning to the norm.² Here, the legal norm only has the meaning it had in the moment of its creation.

20. The evolutionary interpretation of the norm. It is more than true that the evolutionary interpretation is virtually connected with the principle of legal certainty and the real meaning of the legal norm. Here, both the objective and evolutionary meanings are shown.

We deal with evolutionary interpretation when the accurate meaning of the legal norm undergoes changes, changes the meaning of the norm. With this we don't have to deal with the creation of a new norm. Finally, related to the evolutionary interpretation of the legal norm, the content remains just like it was in the moment of creation up to the moment of interpretation of the legal norm.

21. The accurate meaning of the norm. The objective interpretation has to be understood as an accurate interpretation that pulls the accurate meaning of the legal norm, according to the evolutionary interpretation. In this kind of interpretation, linguistic rules are applied. The linguistic meaning of the legal norm gives us the opportunity to accurately and clearly understand the norm. If the meaning of the legal norm is clear in the linguistic aspect, then there is no need for the further interpretation of the norm, because the norm is previously clear regarding to its meaning. But if the linguistic meaning is unclear, then the unclear norm has to be cleared in order to avoid uncertainties, while the whole process of eliminating uncertainties is known as a correction of the unclear meaning.

With this we can say that in order to understand the norm correctly we have to turn to the linguistic, objective and evolutionary interpretation. It is worth mentioning that to understand the correct meaning of the legal norm we have to consider two possibilities:

a. The first possibility related to the real meaning of the legal norm is to evaluate only the meaning that remains within the linguistic meanings, even though there are many of them. This kind of norm's meaning is known as a connected meaning.

b. The second possibility of the real meaning of the legal norm is to evaluate only the meaning which is considered as valuable by the interpreter, regardless if this is a possible thing. This kind of norm's meaning is known as a free meaning. Here, the linguistic meaning of the legal norm has to be the same with the real meaning of the legal norm and it must have a single linguistic meaning. Within the right understanding of the legal norm we talk about two kinds of interpretation, such as: the free interpretation and the connected interpretation.

21.1. The free interpretation. With free interpretation we understand the explanation where the interpreter is not connected to any linguistic meaning, or other kinds of interpretation, except that he is connected to the truest meaning of the norm, without considering the linguistic side of the relevant norm, i.e. the interpreter respectively the state body that does this kind of interpretation, in this context is allowed to do the interpretation of the legal norm exclusively based in reasoning.

21.2. The connected interpretation. With this interpretation we understand that the interpreter of the legal norm considers one of the two possible meanings as true. In this context we don't have to do

¹ Llukiq, Radomir, Koshutiq, Budimir (1981). *Uvod u Prava*, Beograd: Naučna Knjiga, 394.

² Llukiq, Radomir, Koshutiq, Budimir (1986). *Fillet e së Drejtës*, Prishtinë: Universiteti i prishtinës Fakulteti Juridik, ETMM i KSAK.

with the creation of a new norm, but we have two kinds of interpretation connections, such as the subjective interpretation and the objective interpretation, interpretations that were discussed above. In both of these interpretations, the interpreter has to be connected to the most truthful and accurate meaning of the legal norm; the right meaning of the norm is required.

22. The interpretation of legal norm based on analogy or similarity. Analogy presents the main manner of interpretation through which legal gaps are filled. Analogy presents the interpretation based on similarity. When a case is not regulated with general legal norms, thus when we have legal gaps we implement a norm that was foreseen for another case, which is similar. I.e. the fulfillment of legal gaps is done based on the similarity of cases. Analogy or similarity is a special tool in jurisprudence, especially in fulfilling legal gaps, when it is required by the right that is being fulfilled. Analogy also entails the logical interpretation because some of logic's rules are applied based on the similarity of cases. We can't have a fulfillment of general legal norms based on analogy, but when general norms in one way or another contain legal gaps, then there exists the possibility for them to be filled in concrete cases.

This can happen when we have legal gaps in the general norm and a special case solved with a special norm transforms in a general norm for cases that can happen in the future.

To apply the analogy, in the general social practice, when legal gaps are pointed in the general legal norm it is more than important:

1. To accurately verify the similarity of cases;
2. To verify if we have interests for the relevant case and
3. To verify the legal basis (*ratio legis*) about what is the reason of drafting the legal norm to have the opportunity to be implemented in the unsolved case.¹

The legal doctrine for the interpretation of legal norms based on analogy – respectively similarity, find support in two kinds of analogies known as legal analogy and juridical analogy.

22.1. The legal analogy presents the application of a norm which regulates a case, this means we have to deal with solving legal cases according to a case that is solved before and is very similar with the case we want to solve. To illustrate this we give an example: if the law forbids bear hunting, because they represent a rare species of wild animals, this means that hunting a rare animal that lives in the forests is also forbidden, such as panther and lynx. Even though these animals are not mentioned as a result of logic, because of the protection of rare animals, the legal norm for the protection of bears will be widely interpreted and will be applied for other kinds of rare animals as well.

22.2. The juridical analogy. With this we understand the application of a general principle created by a number of norms, in case there are legal gaps.

It is a characteristic to mention that while analogy or interpretation based on similarity is allowed in a number of legal branches such as family law, civil law, administrative law, analogy is strictly forbidden in the criminal law. Thus, in criminal law there are no legal gaps and this kind of interpretation is strictly forbidden. Therefore the application of analogy in this field is impossible, especially during the definition of the criminal offense. Therefore, in the criminal law analogy represents the biggest risk than in other branches of law. As an end, in the interpretation of law based on analogy it results that the cases of fulfilling legal gaps are done through the general norm or through the special legal norm. So, according to Prof. Dr. Osman Ismajli here we have to deal with the transformation of the special legal norm in a general legal norm, exclusively for similar cases that are possible to happen.

The legal doctrine divides analogy in partial analogy and full analogy. The partial analogy is present when the general legal norm is composed by special legal norms, while the full analogy is present when the norm is gained from the whole legal system.² Thus, while on one hand we have to deal with the implementation of a norm, on the other hand we have to deal with the entire legal implementation, of course always when we have to do with possible legal gaps.

23. The fulfillment of legal gaps by general principles

With general principles we understand legal norms that include a large number of concrete cases.³ According to the general legal practice and doctrine, when we have legal gaps in relevant norms, in case we don't have a special norm, in order to regulate this case we can use a general norm or principle, that regulates cases in detail, for example the principle that every damage has to be compensated, the contract

¹ Llukij, Radomir, Koshutiq, Budimir (1986). *Fillet e së Drejtës*, Prishtinë: Universiteti i prishtinës Fakulteti Juridik, ETMM i KSAK.

² More broadly to relevant examples see: *Kushtetutën e Republikës së Maqedonisë*. (1991). Shkup.

³ Nacev, Z. *Defendologija*, Makedonska raznica, 488.

has to be fulfilled consciously etc.

However, in some cases the principle doesn't have to be concretized with a concrete norm. Therefore, sometimes, the fulfillment of legal gaps is done with general legal principles, exclusively when the case is not expressly solved. According to Dr. V. Llukiq, if there are no legal dispositions related to collective contracts, which are not the same as other contracts, therefore require a special regulation, then, except the fact there are dispositions related to contracts in general, we will use the fulfillment of legal gaps from the field of civil law, respectively from the legal relations upon which relevant acts are created.

I.e. the creator of the legal norm generally expresses its internal will and includes all special cases. We can take another example from the fulfillment of legal gaps with general principles, exclusively from the international economic law, respectively from the legal inter-state relations. If there are legal dispositions related to international contracts, as contracts signed between states with multilateral character and in the mean time another special contract will be signed between two states, whose case is not regulated, i.e. when legal gaps appear, in this case we will rely on general principles with the previous act that regulated similar cases. Thus, we will rely on the basis of general principles.

All cases that are not specifically regulated by the legislator, include general norms, in principle all similar cases are included.

24. The comparison between the linguistic and legal meaning. The linguistic meaning and the accurate meaning of the legal norm are not always in accordance. This appears when the legislator has predicted two or more meanings for the legal norm. If we are dealing with a legal norm with two meanings, first we have to prove that there exist two meanings in linguistic terms and that this linguistic meaning is required to be improved by giving the most accurate meaning to the norm.

Here, in order to give the accurate linguistic meaning to the norm, the interpreter must have freedom, i.e. the interpretation has to be freely exercised in order to really set the accurate meaning of the norm. The interpreter of the legal norm, before doing the interpretation, he must first verify the meanings and then compare them. So, related to the implementation of different legal norms, when these have many linguistic meanings, than we have to do the interpretation of the legal norm through the evolutionary interpretation and other interpretations. But, when the legal norm has a clear linguistic and legal meaning, then we pass towards the evolutionary interpretation and other interpretations if required. The linguistic meaning has to be improved with the accurate meaning of the norm. The linguistic meaning of the norm has to be in accordance with the accurate meaning of the norm. Related to this case we can classify the interpretation of the legal norm, when the norm requires an improvement in cases of error, the improvement of the norm when there are legal gaps, the improvement of meaningless norms etc.

24.1. The improvement of the norm with clear meaning in case of error

It is hard to say that there are norms with fully clear meanings. All notions, no matter how concrete they are, they still remain abstract inside. For example, if the formulated norm would order that the speed of cars in the city becomes 3.000 km instead of 30 km per hour, or for people to be punished 300 years of prison instead of 3 years etc.

Through this we have to do the improvement of the legal norm by interpretation, setting its correct and clear meaning.

24.2. The improvement of the norm when legal gaps exist. Social relations are in a process of ongoing changes and with this case the social legal practice can conclude that there's a lack of concrete legal norms to regulate those social changes. However social relations reflect that in this context we have to deal with legal gaps.

As a rule, legal gaps can be classified in two kinds: 1. Initial legal gaps and 2. Subsequent legal gaps.¹

This is done based on interpretation in broad meaning, since the interpretation in broad meaning is an interpretation of the norm which doesn't exist.

24.2.1. Initial legal gaps. In the first case, in initial legal gaps, the creator of the legal norm, while drafting it, respectively adopting it, has left some legal gaps, gaps that can be later fulfilled by interpretations etc.

24.2.2. Subsequent legal gaps

When the creator during the drafting of the norm leaves gaps that he didn't predict and this as a result of different social changes, i.e. relations that have appeared later, so it is possible for these gaps to be filled

¹ Omari, Luan (2007). *Parime dhe Institucione të së Drejtës Publike*. Tirana: Elena GJKA.

later.

When in relevant norms we encounter gaps similar to the ones we described above, it is possible for these gaps to be filled by customs, legal practice, such as the precedent, the practice of other state bodies, legal doctrine and different professional opinions.

These improvements of the legal norm when it has legal gaps, can be done with the condition for them to be in accordance with the positive law, the law that is in force.

24.2.3. The improvement of meaningless norms

Although legal norms contain rules of behavior within them, for meaningless norms (contradictory to the law or with another legal norm), then this norm cannot be improved, but we have to consider that it does not exist. If the norms are contradictory with each other, then we can act in two manners: we will consider that none of them exists or we will consider that only one of them doesn't exist.

24.2.4. The improvement of non-defined norms

A norm is considered as non-defined when it has many linguistic meanings, while the accurate meaning is one of them. In this case, it is easier than the improvement of norms that are meaningless. In this context we use the textual interpretation as a wide interpretation and the limited interpretation in a narrow meaning of interpretation.

24.2.5. The textual interpretation

As an interpretation in a wider sense of the word, this interpretation is used when the content of the legal norm has non-defined meanings. This method is related to the will, purpose and interests of the creator of the legal norm.

This kind of interpretation has an extended character and has to do with the noncompliance between the textual expression and the active content of the legal norm, which appears in cases when the content of the norm is wider than its literal definition. For example, article 16 of the Constitution of the Republic of Macedonia says: "The freedom of public information is guaranteed... the censure is forbidden." In this case we have to deal with the extended interpretation of the legal norm.

24.2.6. The limited interpretation

The interpretation in a more narrow sense of the word is used when the legal norm, i.e. its formulation, is wider than the content and logical meaning of that norm. Here, the meaning of the legal norm is defined more narrowly unlike its textual expression. In this context, the legal norm has to be interpreted with restrictions, for example article 2 of the Constitution of the Republic of Macedonia says: "Every citizen has the right to participate in public functions." In this context it is very clear that this constitutional disposition is dedicated to citizens with the capacity to act and not to children. In this context we have to interpret the norm with restrictions, in the narrow sense of the word. Although the legislator didn't avoid concretization, when interpreting the legal norm we have to improve the legal norm and concretize it. This kind of interpretation has to do with the narrow sense of the word.

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