

SEVERAL LEGAL PRESUMPTIONS AS THEORETICAL FOUNDATIONS FOR CONSTITUTIONAL STABILITY IN MODERN FEDERALISM

Abstract

This paper explores the legal foundations necessary for ensuring constitutional stability in modern federal systems. Federalism, as a system of governance, requires a well-defined distribution of powers between central and subnational governments, supported by a clear legal hierarchy and mechanisms to resolve jurisdictional conflicts. The coexistence of two parallel legal orders, necessitates structured mechanisms to maintain legal coherence, prevent conflicts, and uphold constitutional supremacy. The study examines key principles that contribute to federal stability, including the supremacy of the constitution, the hierarchy of legal acts, and judicial review as a mechanism for resolving legal disputes. It analyzes two primary approaches for addressing conflicts between federal and state laws: the primacy of federal law and judicial review as an enforcement mechanism. Additionally, the paper highlights the role of constitutional courts in adjudicating disputes over legislative and executive competences, emphasizing their function in preserving the federal balance. Further, the paper explores the right of federal entities to initiate review of constitutionality of federal laws, comparing systems where this right is explicitly granted, with those where it is restricted. Finally, it addresses jurisdictional conflicts both among federal entities and between federal and subnational governments, demonstrating how constitutional courts serve as arbiters in resolving such disputes. Ultimately, the paper argues that federal systems require a combination of legal hierarchy, judicial enforcement, and institutional checks and balances to function effectively. By ensuring compliance with constitutional norms, preventing excessive centralization or fragmentation, and maintaining a structured conflict-resolution framework, these mechanisms contribute to the long-term stability and coherence of federal governance.

Keywords: Federalism, Constitutional stability, Legal hierarchy, Judicial review, Supremacy clause, Constitutional courts, Legal uniformity, Competence disputes, Rule of Law, Federal supremacy.

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I. Introduction

Federalism is a constitutional system in which power is distributed between a central government and territorial units, such as states, provinces, or republics, each possessing a degree of autonomy. Unlike unitary systems, where authority is concentrated in a single national government, federalism ensures that both the central authority and the constituent units function independently within their respective areas of competence.

A defining feature of federalism is the coexistence of two constitutional systems—one governing the entire union and another regulating the internal affairs of each unit. These legal frameworks operate in parallel, ensuring that both levels of government derive their authority from the constitution, while maintaining distinct areas of jurisdiction. This dual structure balances national cohesion with regional self-governance, preventing excessive centralization while preserving the overall unity of the state.

At the core of federalism lies the division of competences between the central government and the constituent units. This allocation of authority is crucial for preventing conflicts, ensuring efficient governance, and upholding legal and political stability. Certain powers are reserved exclusively for the central government, particularly those concerning national interests, while others fall within the jurisdiction of the territorial units, reflecting their specific needs and priorities. Additionally, some competences are shared, requiring mechanisms for coordination and cooperation between the two levels of government.

The structured division of competences serves multiple purposes. It safeguards the autonomy of the units while preventing state fragmentation. It allows policies to be tailored to regional circumstances while maintaining national coherence. It also ensures legal certainty by delineating responsibilities and avoiding overlapping authority. By promoting a balanced distribution of power, federalism creates a dynamic and adaptable system that accommodates diversity while preserving the integrity of the state as a whole.

A well-functioning legal system relies on a structured hierarchy of legal acts, where each level of law derives its authority from a higher legal source. This hierarchy ensures consistency, coherence, and predictability, preventing conflicts between different laws and government actions. In federal states, where power is divided between a central and regional governments, maintaining this hierarchy is even more critical. Without a clearly established legal order, the risk of legal fragmentation, jurisdictional conflicts, and constitutional crises increases, threatening the stability of the federal system.

At the apex of this legal hierarchy stands the federal constitution, which serves as the fundamental legal framework governing both federal and state

authorities. The constitution defines the structure of government, allocates powers between national and subnational levels, and establishes the boundaries within which all laws and policies must operate. It ensures that both federal and state legislatures act within their assigned competencies and that neither oversteps its constitutional limits. In federal systems, where different levels of government function simultaneously, a supreme constitutional authority is essential for maintaining unity and preventing conflicts between federal and state laws.

To reinforce the authority of the constitution, many federal systems incorporate a Supremacy Clause, a constitutional provision establishing that the constitution and federal laws take precedence over state laws. This clause is a fundamental principle ensuring uniformity and legal certainty, preventing states from enacting laws that contradict or undermine federal authority. It guarantees that in cases of conflict between federal and state legislation, federal law prevails, preserving national cohesion while still allowing states to exercise their constitutionally granted powers.

However, the mere existence of a legal hierarchy, a federal constitution, and a supremacy clause does not automatically ensure the stability of a federal state. A mechanism for enforcing constitutional supremacy is necessary to prevent violations of the constitutional order. This is where judicial review plays a decisive role. As the ultimate safeguard of the constitution, judicial review allows courts, particularly constitutional or supreme courts, to examine the legality and constitutionality of laws, executive actions, and government policies. By reviewing and invalidating unconstitutional acts, judicial review ensures that all levels of government operate within their constitutional boundaries, preserving the rule of law and the balance of power in a federal system.

Without an established hierarchy of legal acts, a supreme constitution, and a functional judicial review system, federal states would face severe governance challenges, including legal uncertainty, conflicts between federal and state governments, and the erosion of constitutional principles.

By examining these key aspects, this paper will demonstrate that a federal system can only function effectively, if it has a clear legal hierarchy, a binding constitutional framework, a mechanism for enforcing constitutional supremacy, and an independent judiciary empowered with judicial review.

II. Structured Approaches to Resolving Federal-State Legal Conflicts

The establishment of two synchronized constitutional orders, as defined by federal constitutions, necessitates the coexistence and interaction of two distinct yet interrelated legal systems: one comprising laws enacted and enforced at the federal level and the other consisting of laws adopted and implemented by federal units.

These legal systems are interwoven, with their relationship fundamentally anchored in the provisions of the federal constitution. Given the potential for conflicts between laws, particularly those governing matters of shared jurisdiction, there is a pressing need for the federal constitution to prescribe a clear mechanism for resolving such disputes.

Comparative constitutional law identifies two primary approaches for addressing jurisdictional conflicts between the federal and state legal orders. The first approach establishes the primacy of federal law, adhering to the principle that "Federal law prevails over state law" (*Bundesrecht bricht Landesrecht*). The essence of this principle is to ensure legal certainty by determining which legal order takes precedence in the event of a conflict. While legal disputes between federal and state laws are generally undesirable, if they arise, a clear hierarchy must be established to maintain stability. In constitutional systems that adopt this approach, federal law holds supreme authority over state law, ensuring uniformity and coherence in governance. An examination of this constitutional doctrine reveals that it is largely detached from the core principle of federalism. This model is exemplified by Switzerland, where the supremacy of federal law is explicitly mandated: "The Federal Court, as the authority responsible for constitutional review, must apply federal law in cases of conflict between federal and cantonal legislation¹." Similarly, Germany's Basic Law incorporates the principle of *Bundesrecht bricht Landesrecht*². However, the German constitutional framework refines this approach by granting the Federal Constitutional Court the authority to adjudicate disputes regarding the material and formal compatibility of federal and state laws with the Basic Law³.

This principle underscores the necessity of a hierarchical legal order within federations, ensuring legal consistency and preventing fragmentation within the legal system.

The second, and far more common, constitutional solution for resolving conflicts of laws involves a system of judicial review, ensuring the constitutionality of legal acts. This mechanism not only aligns legal acts within the federation to maintain a harmonized and unified legal system but also helps preserve a clear division of functions between the federal government and the federal units.

While all contemporary systems operate under two fundamental premises, the constitution as *lex superior* and the supremacy of the constitution over laws and other regulations, they differ significantly in the mechanisms and institutions responsible for enforcing constitutional supremacy. The established systems of

¹Federal Constitution of the Swiss Confederation, Art. 113

² Basic Law for the Federal Republic of Germany (Grundgesetz für die Bundesrepublik Deutschland art.31

³ Basic Law for the Federal Republic of Germany (Grundgesetz für die Bundesrepublik Deutschland art 93./ 1

judicial review can be categorized based on various criteria. The primary classification is based on the institution responsible for constitutional review, distinguishing systems between *judicial* and *non-judicial control* (referring to review by political bodies)⁴. Another important distinction arises from the timing of constitutional review, which can be *preventive* (conducted before a law takes effect) or *repressive* (performed after the law is enacted and takes legal effect). Depending on its legal foundation, constitutional review can either be *institutionalized by the constitution* or *developed through judicial practice and custom*.

Furthermore, systems can be classified based on the legal effect of constitutional decisions, distinguishing between *cassation systems* (where unconstitutional acts are annulled) and *exception systems* (where courts apply only constitutional laws in specific cases without formally annulling the unconstitutional law). Finally, depending on how constitutional review is initiated, systems can be divided into *direct (immediate) review* and *indirect (incidental) review*, where constitutional issues arise as part of ordinary legal proceedings.

Some authors emphasize that while these classifications hold significance, the most fundamental and widely accepted classification in legal theory is based on the institution responsible for constitutional review, as all other distinctions are in some way subordinate to it⁵. Under this criterion, comparative constitutional law identifies three distinct models of constitutional review:

- i. *Decentralized (Diffuse) Judicial Review* – In this system, all regular courts have the authority to assess the constitutionality of laws (e.g., the United States, Argentina.)
- ii. *Centralized Judicial Review by a Supreme Court* – The Supreme Court is the sole body responsible for constitutional review (e.g., Brazil, Mexico, Venezuela).
- iii. *Specialized Constitutional Courts* – A specific constitutional court has exclusive jurisdiction over control of the constitutionality of legal acts (e.g., Austria, Germany, Italy, North Macedonia).

These different models reflect the varying approaches to maintaining constitutional supremacy and ensuring legal certainty within federal and unitary systems alike.

⁴ When discussing judicial and extrajudicial constitutional review, Stojanović emphasizes the fact that the former is more in the interest of citizens, while the latter is purely objective in nature and is more in the interest of public authorities and the resolution of competence disputes between them. See: Constitutional Law, Dragan M. Stojanović, Niš, 2007, p. 356

⁵ *Kontrola ustavnosti zakona*. Gaso.Mijanović. Sarajevo.1965. p .112

III. Challenges in the Hierarchy of Legal Acts

The judicial review of laws is established as an exceptionally powerful mechanism for ensuring the supremacy of the constitution as *lex superior* and maintaining the stability of the constitutional and legal system within a state. Its very existence represents a universal civilizational value. The emergence of this institution more than two centuries ago was a direct response to the social transformations caused by the revolutionary shifts away from absolutist systems. Although its intensity has varied over time, the doctrine of judicial review has continuously evolved, shaping public awareness of its significance as a fundamental public interest. Despite frequent challenges and criticisms, constitutional review has proven indispensable, and modern constitutional frameworks are unimaginable without some form of it.

Nevertheless, this mechanism holds significantly greater importance for federal states than for unitary ones. The implementation of constitutional review is proportionally more complex in federal states due to their multi-layered legal structures. In contrast, unitary states operate under a single legal system, eliminating the need to resolve conflicts in the hierarchy of legal acts and simplifying legal application. Federal states, with their complex internal organization, face significantly greater challenges in applying the law consistently. For federations, the judicial review of legal acts is not only essential to ensuring that all authorities remain bound by the constitution, but it is also crucial for preserving the federal principle itself. The mere existence of a federal constitution establishing federalism as the foundation of governance is insufficient—its practical enforcement depends on the mechanism of constitutional review. This institution prevents centripetal and centrifugal forces from destabilizing the legal order, thereby preventing a transformation into either a unitary state or a confederation.

In this context, it is accurate to conclude that even if the federal constitution explicitly defines the balance between the federation and its constituent units, the actual enforcement and maintenance of this balance are achieved through constitutional review. One of the most critical functions of this mechanism is that of a safeguard against the uncontrolled expansion of centralization or separatism, ensuring the stability and continuity of the federal system.

Despite the clear theoretical foundation of constitutional supremacy, its practical realization is far more complex. This complexity arises from the existence of two parallel and synchronized legal systems—the legal system of the federation and the legal systems of the federal units, each functioning as a distinct legal order. A fundamental principle of governance in federations is that the legal systems of

federal units must align with the federal legal system; otherwise, the very essence of federalism may be compromised.

Given the coexistence of these two legal frameworks, the key legal instruments that raise questions of precedence and consistency include: the federal constitution, federal laws, the constitutions of federal units, and the laws of federal units.

The hierarchical structure of these legal acts demands that federal laws comply with the federal constitution, that the laws of federal units conform to their respective state constitutions, and—more importantly—that the constitutions of federal units align with the federal constitution. The core challenge in this hierarchy concerns the relationship between: the constitution of a federal unit and the federal constitution, and the constitution of a federal unit and federal laws.

To address this issue, comparative constitutional law has developed different solutions.

In Austria, for example, the constitution explicitly states that "The constitution of a federal state must not contradict the federal constitution. Otherwise, the Constitutional Court may annul it."⁶ Similarly, Switzerland mandates that "Cantonal constitutions must not contain anything contrary to the provisions of the federal constitution."⁷ Additionally, Swiss law requires cantons to submit their constitutions for approval by the Federal Assembly, ensuring compliance with the federal constitution.

The Swiss model operates under the assumption that federal laws are consistent with the federal constitution, thereby requiring cantonal constitutions to align not only with the federal constitution but also with federal laws. This principle establishes a legal hierarchy in which federal laws take precedence over cantonal constitutions.

In Germany, Article 31 of the Basic Law establishes the doctrine that "Federal law overrides the law of the federal units" (*Bundesrecht bricht Landesrecht*), affirming the priority of federal law. Furthermore, the German constitution grants the Federal Constitutional Court the authority to assess both material and formal compliance of federal laws and the laws of federal units with the Basic Law.

A similar constitutional supremacy principle applies in the United States, where the Supremacy Clause of the U.S. Constitution declares that "This Constitution and the laws of the United States which shall be made in pursuance thereof shall be the supreme law of the land."⁸ As a result, state constitutions must conform to all forms of federal law, reinforcing the absolute legal primacy of federal authority over state-level legal frameworks.

⁶ Constitution of Austria art 99/1

⁷ Federal Constitution of the Swiss Confederation art. 6/2

⁸ US Constitution Art. VI sec.2

Thus, while different federal systems adopt varying approaches to resolving legal conflicts, the underlying goal remains the same: to uphold the supremacy of the federal constitution and maintain the cohesion of the legal order within the federation.

Examining these examples, it becomes evident that nearly all federal states, despite variations in their approaches, establish a system in which federal constitutions and federal laws take precedence. The constitutions of federal units must be aligned not only with the federal constitution but also with federal legislation. Consequently, the legal hierarchy in federations is designed to subordinate the constitutions of federal units to federal law, requiring their compliance with federal legal norms.

However, this presumption holds only if federal legislation is itself aligned with the federal constitution. If a federal law is found to be unconstitutional, then, logically, the constitution of a federal unit would take precedence over such a law. This scenario highlights the essential role of constitutional review mechanisms in ensuring that federal legislation adheres to the supreme constitutional order.

From the perspective of the federal principle, this hierarchical structure inherently limits the autonomy of federal units. While federal units retain the right to self-organization and the adoption of their own constitutions, this autonomy is significantly constrained. The constitutional capacity of federal units is pre-determined and limited by the requirements set forth in the federal constitution. As a result, it is not surprising that the constitutions of federal units often reflect the principles and structures of the federal constitution, reducing the likelihood of conflicts that require constitutional review. However, if federal units are granted broader constitutional autonomy, and their constitutional framework is not excessively restricted, then the issue of constitutional review of state constitutions becomes more relevant. In such cases, an effective mechanism is necessary to assess and ensure their compliance with the federal constitution. The extent of this need depends on the degree of decentralization within a federal system and the legal scope granted to individual states or regions to define their own governance structures.

IV. The Right of Federal Entities to Initiate Constitutional Review of Federal Laws

One of the fundamental issues in maintaining the coherence of the legal order in federations is the right of federal entities to challenge the constitutionality of federal laws. The manner in which this right is regulated directly impacts the balance of power within a federation and determines the extent to which federal entities can safeguard their autonomy.

In the United States, the Constitution is entirely silent on this issue, which is understandable given that judicial review emerged from Supreme Court precedent rather than constitutional text. In practice, the right of individual states to challenge federal laws is generally limited, unless the case involves property interests of the state itself⁹.

In contrast, Germany and Austria explicitly guarantee this right within their constitutional frameworks.

The Basic Law of Germany allows for the initiation of constitutional review of legal acts by: *The federal government, State (Länder) governments, and at least one-third of the members of the Bundestag*. The federal government and one-third of Bundestag members can initiate an abstract constitutional review of all federal and state laws. However, state governments can only challenge federal laws and laws enacted within their own state—they cannot contest the laws of other federal units. In cases where a dispute arises over whether a law meets the requirements of Article 72 of the Basic Law (which governs the distribution of competencies between the federal and state levels), the Bundesrat, as well as state governments and legislatures, can petition the Federal Constitutional Court to review the law's constitutionality.

The right of federal units to be authorized proposers in the procedure for reviewing the constitutionality of federal laws is also provided for in the Constitution of Austria. The Austrian constitutional legislator was guided by the premise that the issue of legal standing, directly determines the extent to which constitutional review of laws and other acts subject to such control will be effectively exercised. In the case of an abstract dispute of constitutionality, the initiators of the procedure may be the federal government and the governments of the federal units (Article 140). However, the federal government cannot challenge the constitutionality of a federal laws, and the governments of the federal units cannot challenge the constitutionality of laws of the units. This constitutional provision indicates that the federal government may initiate the constitutional review of laws enacted by federal units, whereas if the subject of constitutional review is federal laws, the initiators of the procedure for their constitutional assessment may be the governments of the federal units, at least one-third of the members of the National Council, or one-third of the members of the Federal Council. The Constitution also establishes the possibility for the constitutions of the federal units to guarantee the right of at least one-third of the members of their legislative bodies to raise the question of the constitutionality of a law of the federal unit.

The ability of federal entities to challenge federal laws is a crucial safeguard for maintaining the federal balance of power. It ensures that the division of

⁹ McCulloch v. Maryland (1819), Cooper v. Aron (1958)

competencies between the central government and federal units is respected, preventing federal overreach and protecting regional autonomy. This mechanism is particularly important in federations with diverse linguistic, cultural, or economic identities, where regional governments play a key role in representing local interests (e.g., Belgium). Moreover, allowing federal entities to challenge national laws reinforces constitutional supremacy by providing a legal mechanism to resolve disputes before they escalate into political crises. Without such a procedure, the central government could impose policies that undermine regional rights, leading to conflicts and instability. For example, in Germany and Austria, the ability of regional governments to access constitutional review has contributed to stable federal governance. In contrast, the lack of a similar mechanism in Spain has often led to prolonged disputes between the central government and regional authorities.

Ultimately, allowing federal units to contest the constitutionality of federal laws strengthens legal certainty, maintains checks and balances on vertical level, and ensures adherence to federal constitutional principles. This mechanism serves as a safeguard against centralization, reinforces democratic governance, and upholds the rule of law within a federal system.

V. Jurisdictional Conflicts Between Federal Entities and Between the Federation and Federal Entities

Ensuring the stability of the constitutional system and the proper functioning of federalism requires effective mechanisms for resolving jurisdictional conflicts that may arise between federal entities as well as between the federation and individual federal entities. A conventional constitutional solution to this issue is to assign the authority to resolve such disputes to the body that *ex constitutionis* is responsible for constitutional review. This authority is judicial branch of the government.

This systemic solution is logical, considering that this judicial body possesses exclusive authority to interpret laws- and so the constitution, analyze its provisions, and best understand its underlying principles. Given that constitutional disputes directly concern the distribution of powers, a judicial resolution of conflicts is considered more neutral and equitable than an administrative resolution, which could compromise the principle of equality among federal entities. Consequently, most federations entrust this function to their Supreme or Constitutional Courts. Given the delicate and complex nature of jurisdictional conflicts, their resolution is often regarded as a constitutional matter.

The U.S. Constitution provides that "The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of

admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.¹⁰ The U.S. Supreme Court has played a pivotal role in resolving jurisdictional conflicts between the federal government and individual states, as well as among the states themselves. These disputes are primarily resolved through interpretation of the Supremacy Clause¹¹, which establishes federal law as the supreme law of the land, and the Commerce Clause¹², which defines federal authority over interstate commerce and limits state interference. The Supreme Court's rulings on these matters have shaped American federalism, providing binding interpretations of constitutional provisions that delineate federal and state competences¹³.

The Federal Constitutional Court of Germany (*Bundesverfassungsgericht*) plays a crucial role in resolving disputes of competence between the federation (*Bund*) and the federal states (*Länder*), as well as among the federal states themselves. This function is enshrined in Article 93(1) of the Basic Law (*Grundgesetz*), which grants the Court the power to adjudicate conflicts regarding the distribution of legislative, executive, and judicial powers. When disputes arise between the federation and the federal states, the Court ensures that the division of competences, as outlined in the Basic Law, is respected. It interprets the

¹⁰ US Constitution Art. III sec 2

¹¹ US Constitution Art. IV

¹² US Constitution Art I, Sec.8 Clause #

¹³ The Supreme Court has frequently ruled in favor of federal authority in matters concerning interstate commerce, civil rights, and the enforcement of federal laws. Landmark rulings such as *McCulloch v. Maryland* in 1819, which established that states cannot tax the federal banking system, *Gibbons v. Ogden* in 1824, which confirmed federal supremacy in regulating interstate commerce, and *Arizona v. United States* in 2012, which reinforced the federal government's exclusive authority over immigration policy, have solidified federal primacy in these areas. Disputes between individual states are less frequent but, when they arise, they fall under the original jurisdiction of the Supreme Court, as provided by Article III, Section 2 of the Constitution. These disputes typically concern boundary issues, water rights, and the use of natural resources, as well as economic matters with cross-state implications. Notable cases include *Virginia v. Tennessee* in 1893, which settled a boundary dispute between those two states, *Kansas v. Colorado* in 1907, in which the Court ruled on the use of the Arkansas River, and *Texas v. New Mexico* in 1980, which addressed the allocation of water resources from the Rio Grande. The Supreme Court resolves these conflicts through direct rulings based on constitutional interpretation, by clarifying the application of federal laws, and by applying the preemption doctrine to determine whether federal law overrides state legislation. The Court's jurisprudence in this field is fundamental in defining the balance of power between federal and state authorities. While its decisions often reinforce federal supremacy, certain rulings, such as *Printz v. United States* in 1997, have upheld state sovereignty in specific contexts. Chemerinsky, Erwin. *Constitutional Law: Principles and Policies* -6th ed. Wolters Kluwer 2019.

constitutional provisions governing exclusive and concurrent legislative powers, ensuring that neither level of government oversteps its constitutional authority. Similarly, the Court has jurisdiction over conflicts between different federal states. Such disputes typically arise concerning legislative competence, administrative jurisdiction, or financial matters. The Federal Constitutional Court provides binding rulings that maintain the federal balance and uphold constitutional principles.

Through its decisions, the Court acts as the ultimate arbiter of federalism in Germany, preserving the constitutional order and ensuring the proper functioning of the federal system. Through its binding rulings, the German Constitutional Court acts as the final arbiter of federalism, preserving the constitutional balance and ensuring the proper functioning of the federal system.

Similar constitutional provisions governing jurisdictional conflict resolution exist in the constitutions of Mexico, Austria, India, and other federal states.

The resolution of jurisdictional conflicts is a critical function in federal states, ensuring that power is distributed and exercised within constitutional boundaries. By entrusting this task to an independent judicial body, federations prevent political disputes from escalating into constitutional crises and reinforce the rule of law in a federal system.

VI. Conclusion

The stability and effectiveness of a federal system depend on a well defined distribution of powers, a clear legal hierarchy, and robust mechanisms for resolving conflicts. The coexistence of two parallel legal orders—the federal and those of the units—inevitably leads to jurisdictional overlaps and disputes, making structured resolution mechanisms essential for maintaining constitutional order.

A key aspect of federal governance is determining the supremacy of legal norms when conflicts arise between different levels of legislation. A structured legal hierarchy ensures clarity in the application of laws, preventing legal uncertainty and reinforcing the rule of law. However, the existence of such a hierarchy alone is insufficient; effective enforcement mechanisms are necessary to uphold constitutional principles and prevent encroachments on jurisdictional boundaries.

Control of constitutionality of legal acts, serves as a cornerstone of federalism, preserving both legal uniformity and the autonomy of constituent units. Through institutional or judicial oversight, the constitutional framework is upheld, ensuring that all levels of government act within their assigned competences. This not only prevents centralization that could erode regional authority but also mitigates tendencies toward excessive fragmentation.

Moreover, granting constituent units the right to challenge the constitutionality of federal laws strengthens the checks and balances within the system. By providing a formal mechanism to address disputes over legislative competence, this safeguard reinforces the legal autonomy of subnational entities while preserving the coherence of the federal structure.

Ultimately, competence disputes—whether between constituent units or between them and the federal government—must be resolved through established legal procedures to ensure stability. Without a structured adjudication process, a federal system risks governance paralysis, legal uncertainty, and institutional conflict. The long-term success of federal governance depends on a balanced distribution of authority, consistent judicial oversight, and a commitment to maintaining constitutional integrity.

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