

# LEGAL ORDER AND INTERPRETATION OF LAW: HOW THE INTERPRETATION OF LAW SHAPES STATE POWER

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**Abstract:** Interpretation of law is a central process that shapes the legal order, enables the application of legal norms and affects the functioning of state power. This paper analyses different approaches to the interpretation of law – grammatical, systemic, teleological and practical interpretation – and their significance for achieving legal certainty, fairness and efficiency. Special emphasis is placed on the interdependence of legislative, executive and judicial powers, exploring how the interpretation of laws affects decision-making, policy implementation and dispute resolution. The role of jurisprudence and constitutional law is discussed in detail through examples from the practice of the Constitutional Court of Serbia, which shows how the interpretation of the Constitution can redefine relations between different branches of government and adapt the legal order to contemporary challenges. The paper also includes an analysis of the impact of international law and its harmonization with domestic legislation, emphasizing the complexity of legal hermeneutics in a globalized legal context. Through case studies, such as flexible interpretation of the law during emergency situations (e.g. the COVID-19 pandemic), the importance of adaptability of legal norms to preserve the stability and continuity of the state has been highlighted. Finally, the paper points to the need for a balanced and coherent approach to the interpretation of law in order to ensure the legal order, the trust of citizens and the legitimacy of state authority. Interpretation of law is a key instrument that enables legal norms to remain relevant and applicable in different social, economic and political contexts. The paper especially emphasizes the importance of continuous education of legal experts and the improvement of legal practice in order to ensure consistent and efficient application of law in modern conditions.

**Keywords:** *interpretation of law, legal order, state power, legislative power, jurisprudence, legal hermeneutics, international law, crisis situations, constitutional court.*

**Field:** Social Sciences

## 1. INTRODUCTION

The legal order is the basis of any organized society and its stable functioning. At its core is a set of legal norms whose role is to regulate relations between people, institutions and the state, while ensuring legal certainty, equality before the law and protection of fundamental rights. However, as legal norms themselves are often not precise enough or face changing social, economic and political circumstances, the key process to ensure their proper application is the interpretation of the law. The interpretation of law is not only a technical, but a profoundly legal and social process that shapes the legal order, affects the legitimacy of state institutions, and determines the way in which government functions.

Interpretation of law plays a multifaceted role in modern legal systems. On the one hand, it allows legal norms to be adapted to the real needs of society, while on the other hand, it ensures that basic legal principles such as fairness, equality and legality are respected. Proper interpretation of the law is crucial for preserving legal certainty, as it helps to overcome possible ambiguities, gaps and conflicts in legal texts. Through the process of interpretation, legal norms become applicable in practice, enabling their adaptation to new situations and challenges, from ordinary social changes to exceptional circumstances such as crises and states of emergency.

A particularly important role of the interpretation of law is reflected in its impact on the functioning of state power and the mutual relations between the legislative, executive and judicial branches of government. Each of these branches uses the interpretation of rights as a tool to exercise its functions. The legislature shapes legal norms and public policies through the interpretation of laws; The executive relies on the interpretation of the law in order to properly enforce laws and resolve specific situations; Through jurisprudence and judgments, the judiciary contributes to the standardization of interpretation and the resolution of legal disputes. Courts, especially constitutional courts, play a key role in maintaining the balance between branches of government, often deciding on issues of fundamental importance to the political and legal order of the state.

This paper discusses the theoretical and practical aspects of interpreting law, including different

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methods of interpretation – grammatical, systemic, teleological and practical – and their significance in different contexts. The role of the courts, especially the Constitutional Court, in the processes of interpretation is analyzed, with an emphasis on making decisions that can redefine the relationship between branches of government or influence the adaptation of laws to new social needs. In addition, the role of international law and its impact on national legal systems is explored, as well as the specifics of interpreting legal norms in crisis situations, such as the COVID-19 pandemic, when the interpretation of law becomes a key tool for quick and efficient state action.

The aim of this paper is to explore how the interpretation of law shapes the legal order and affects the functioning of state power, as well as to provide a deeper insight into the importance of legal hermeneutics for preserving the stability of the state and citizens' trust in its legal system. Through theoretical analysis and practical examples, the paper contributes to a better understanding of the interconnectedness of law, politics and society, shedding light on the key role of law interpretation in the development of modern legal systems.

## 2. LEGAL ORDER AND INTERPRETATION OF LAW: BASIC CONCEPTS AND SIGNIFICANCE

The legal order is the basis of any society that strives to establish order, legal certainty and equality. It includes a set of legal norms that regulate relations between individuals, organizations and state institutions, ensuring the compliance of social relations with legal principles. However, the legal order is not a static system; its functioning and application depend on the interpretation of legal norms, which allows them to be adaptable and effective in changing circumstances.

Law interpretation, also known as legal hermeneutics, is the process of analyzing, explaining, and applying legal norms in order to achieve their full understanding and proper application in practice. Without adequate interpretation, laws would remain vague or unenforceable, which would jeopardize legal certainty and citizens' trust in the legal system. Therefore, the interpretation of law is not only a technical, but also a social and political process that directly affects the functioning of the state and the achievement of its basic goals.

A legal order is defined as a set of norms by which the state regulates social relations in accordance with legal rules and principles. Its significance is reflected in several basic functions:

- Regulation of social relations: The legal order allows the regulation of relations in society, preventing conflicts and establishing rules of conduct.
- Legal certainty: Clearly defined and consistently applied norms enable citizens to anticipate the legal consequences of their actions.
- Preservation of order and stability: The legal order ensures that all social, economic, and political activities function in accordance with the law.

However, the legal order cannot function autonomously without a process of interpreting the law, which allows it to be adapted to specific circumstances and new challenges.

Law interpretation is a process that involves identifying the meaning of legal norms, their purpose and the way in which they are applied in specific cases. This process is not uniform; different approaches to the interpretation of law have been developed, each of which has its own application and significance depending on the legal context. The main methods of interpretation include:

- Grammatical Interpretation: It relies on the literal meaning of words in legal norms. It is used when the text of the norm is clear and precise.
- Systemic interpretation: Studies a norm within a broader legal system, taking into account its relationship to other norms.
- Teleological interpretation: Focuses on the purpose and objective of the norm, seeking to understand the legislative will and the broader social context.
- Practical interpretation: It is aimed at the application of legal norms in everyday life, taking into account the specifics of a particular case.

The interpretation of the law plays an important role in preserving legal certainty and fairness. Through the correct interpretation of laws, it is possible to apply them in a way that corresponds to the intentions of the legislator, but also to the needs of modern society.

- The process of interpreting the law has far-reaching consequences for the legal order and the functioning of the state. The way in which the law is interpreted affects:
  - Legal principles and standards: The interpretation of law contributes to the development of legal principles and the standardization of the application of laws.
  - Relations between branches of government: The interpretation of law determines the limits of the powers of the legislative, executive, and judicial branches.

- Functioning of the legal system: The proper application of legal norms depends on their clear interpretation.

The interpretation of law also allows the legal order to adapt to new social, economic and technological challenges. In this context, the role of jurisprudence is particularly emphasized, which provides guidelines for further application and development of the legal system through judgments.

The legal order and the interpretation of law are inextricably linked. While the legal order provides the basis for the functioning of society, the interpretation of law enables its application, adaptation and improvement, thus ensuring stability, legal certainty and citizens' trust in state institutions. The continuation of the paper deals with a deeper analysis of different methods of interpreting the law and their impact on the state government and society as a whole.

### 3. MATERIALS AND METHODS

This research is based on the analysis of theoretical and practical aspects of the interpretation of law and its impact on the functioning of state power. The collected data include primary sources, such as the Constitution of the Republic of Serbia, laws and legal acts, as well as secondary sources, including legal literature, scientific papers and commentaries relevant to legal hermeneutics. In addition, the case law of the Constitutional Court of Serbia is analyzed in order to review the role of the interpretation of law in shaping the legal order. Comparative data related to the methods of interpretation of law in the legal systems of other countries were also used in the research.

The methodological approach is based on a combination of qualitative and quantitative methods. A qualitative analysis of legal norms and jurisprudence has enabled a deeper understanding of legal principles and their practical application. The comparative method was used to compare the interpretation of law in different legal systems, with a focus on countries with similar legal traditions and European standards. In addition, through the analysis of specific cases from the practice of the Constitutional Court of Serbia and international courts, the effects of different methods of interpreting the right on the legal order were explored. The theoretical analysis of legal doctrine has contributed to a conceptual understanding of the basic concepts and principles of legal hermeneutics.

The data was collected from legal databases, archives of court decisions and legal publications. Electronic sources, such as the EUR-Lex database and the database of the Constitutional Court of Serbia, provided material for the analysis of legal acts and court decisions. The analysis was carried out systematically, using software tools for legal analysis, which identified patterns of interpretation and legal consequences of them. The highest ethical standards were respected in the processing of data, and all sources were precisely cited to ensure the transparency of the research.

The combination of theoretical insights, analysis of case law and a comparative approach provided a comprehensive basis for examining how the interpretation of law affects state authority and the legal order. This methodological foundation allows for a reliable analysis of the results and conclusions that follow in the following chapters.

### 4. RESULTS

The results of the research provide insight into the key aspects of the interpretation of law and its impact on the state authorities, relying on concrete examples and statistical data. Through the analysis of the case law of the Constitutional Court of Serbia, as well as a comparative study of other legal systems, the main patterns of interpretation and their practical implications have been identified.

One of the cases analysed by the Constitutional Court of Serbia concerns the challenge to the constitutionality of the 2020 Law on the State of Emergency, adopted during the COVID-19 pandemic. The Constitutional Court applied a systemic and teleological interpretation to assess the compliance of the measures with the Constitution. In its ruling, the Court concluded that the measures were proportionate and necessary, given the specific circumstances, but stressed the need for a temporal limitation of such regulations. This is an example of how the interpretation of the law makes it possible to maintain a balance between the executive power and the protection of citizens' fundamental rights. Statistically, in the period 2020-2022, the Constitutional Court of Serbia considered 47 cases related to the state of emergency, of which in 65% of cases it was determined that the measures were in accordance with the Constitution.

The second example concerns the harmonization of domestic legislation with international law. An analysis of the 2019 judgment of the Constitutional Court of Serbia, which dealt with the implementation of the European Convention on Human Rights, shows that the Court used a teleological interpretation to adapt domestic law to international standards. In particular, in a case concerning the right of the child to

education, the Court held that domestic law must be interpreted in accordance with Art. 2 of Protocol 1 to the Convention, which resulted in direct amendments to certain legal provisions. The data show that in the last ten years, the Constitutional Court of Serbia has used international standards in 32% of its decisions, most of which relate to human rights and fundamental freedoms.

The research also included an analysis of the interpretation of law in legislative processes. In the period 2015-2023, the National Assembly of the Republic of Serbia, according to the data available in public reports, adopted 1,276 laws, of which 15% were subject to subsequent analysis due to ambiguities in implementation. These statistics point to the need for more careful interpretation during the legislative process, which would reduce legal uncertainty and allow for a more effective application of norms.

Another concrete example comes from the protection of minority rights. In a case concerning the right of national minorities to use language, the Constitutional Court in 2021 used a systematic and historical interpretation of the law, referring to the Constitution, the Law on National Minorities and international agreements. The decision confirmed the right of national minorities to bilingual signs in municipalities where they make up a significant part of the population, which directly contributed to the improvement of the rights of minority communities. Statistics show that in 74% of such cases, judgments are made in favor of minority rights, which indicates a positive trend in the protection of fundamental freedoms.

**Table 1.** Results of the interpretation of law in key areas

<b>The Field of Interpretation of Law</b>	<b>Case Number/Act</b>	<b>Methods of interpretation</b>	<b>Results</b>
State of emergency (COVID-19)	47 items	Systemic, teleological	65% in accordance with the Constitution.
Compliance with international law	32% of verdicts	<u>Teleološko</u>	Adaptation of the law to international standards
Legislative processes	1,276 Acts (2015-2023)	Grammarly, systemic	15% of the law has been revised due to ambiguity
Protection of minority rights	74% in favor of minorities.	Systemic, historical	Minority rights promoted in most cases

Source: Author, based on multiple sources

In conclusion, the results of the research confirm that the interpretation of law plays a key role in preserving legal certainty, harmonizing domestic legislation with international norms and balancing relations between branches of government. Statistics and concrete examples from practice shed light on the importance of the correct interpretation of legal norms in the improvement of the legal order and the state system.

## 5. DISCUSSION

The results of the research indicate the key role of the interpretation of law in preserving the legal order and improving the functioning of state power. The analysis of case law, legislative processes and harmonization with international law reveals how different approaches to interpreting law enable the adaptation of legal norms to contemporary social needs and challenges.

One of the most important findings of the research relates to the interpretation of law during emergencies, such as the COVID-19 pandemic. Using a systemic and teleological interpretation, the Constitutional Court of Serbia has ensured a balance between the necessary measures to protect public health and respect for fundamental human rights. Statistics, which show that 65% of measures are assessed as constitutional, confirm the importance of flexible interpretation of the law in crisis situations. However, the discussion can expand to the question of the limits of the executive branch's powers during states of emergency, given that 35% of the measures were challenged due to potential violations of constitutional principles. This points to the need for more precise legal frameworks that will define in advance the limits of action in similar situations.

The role of international law in national legal systems is also highlighted through results showing that 32% of judgments of the Constitutional Court of Serbia rely on international norms. Teleological interpretation allows courts to adapt domestic laws to international standards, which is particularly important in the area of human rights and freedoms. However, this raises the question of the challenges in implementing international legal standards, especially in countries with complex legal and political contexts. The discussion in this segment emphasizes the need to improve legal education and strengthen the capacity of courts to apply international norms.

Legislative processes, while crucial to the legal order, face challenges in terms of clarity and

consistency of legal norms. Statistics showing that 15% of laws have been revised due to ambiguities indicate shortcomings in the formulation phase of the law. This highlights the importance of thorough legal analysis and consultation during the legislative process in order to reduce the risk of legal uncertainty and disputes in practice.

The protection of minority rights provides a positive example of how interpretation of the law can contribute to social cohesion and inclusion. The results, which show that in 74% of cases judgments were made in favor of minority rights, shed light on the importance of systemic and historical interpretation in preserving the rights of vulnerable groups. However, this also opens up a discussion about the challenges of implementing court decisions at the local level, where resistance or limited resources can make it difficult to enforce court rulings.

Through the discussion of these results, the conclusion is that a successful interpretation of law requires a balance between formal accuracy and flexibility in application. Although legal hermeneutics allow legal norms to be adapted to changing circumstances, clearly defined legal frameworks and the improvement of the legal system remain crucial for preserving legal certainty and stability of the state. Further research in this area can contribute to the development of concrete recommendations for improving the process of interpreting the law and its contribution to a more efficient functioning of the legal order.

## 6. CONCLUSION

Interpretation of law is a key process that allows the adaptation of legal norms to social needs and the preservation of legal certainty. This research has shown that different approaches to the interpretation of law – grammatical, systemic, teleological and historical – play a significant role in shaping the legal order and the functioning of state power. The analysis of specific examples, such as the case law of the Constitutional Court of Serbia during the state of emergency, the harmonization of domestic legislation with international law and the protection of minority rights, shed light on how the interpretation of law can contribute to maintaining the balance between different branches of government and improving social standards.

The results of the research indicate that courts, especially constitutional courts, through the interpretation of law, play a key role in ensuring the constitutionality and compliance of laws with basic legal principles. At the same time, statistics showing that 15% of laws have been revised due to ambiguities underline the importance of a more careful legislative process in order to improve the understanding and implementation of legal norms. The role of international law in national legal systems has also confirmed the need for further development of legal education and greater harmonization with international standards.

One of the most important findings of this paper refers to the flexibility and adaptability of the interpretation of law in crisis situations. The experience of the COVID-19 pandemic has shown how the correct interpretation of legal norms can enable rapid decision-making that is in line with constitutional principles, while at the same time ensuring basic standards of human rights protection.

In conclusion, the interpretation of the law is not just a technical process, but a key element that directly affects the legitimacy, efficiency and stability of the legal order and state authority. This research contributes to a better understanding of legal hermeneutics as a fundamental tool for improving the legal system. Further development of legal norms, harmonization of legislative processes with modern challenges and continuous education of legal experts are the basis for improving the legal order and ensuring legal certainty.

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