

ABSTRACTS

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Parliamentary and electoral reforms and reform attempts in Italy in light of the 2022 parliamentary election - failures and lessons learned

Since the entry into force of the 1948 Italian republican constitution, there have been several attempts to reform the provisions on state organization – especially the functioning of the parliament – and the electoral system. In the Italian political system, change is difficult due to the rigidity of the constitution, but both the decisions of the Constitutional Court and the abrogative referendum make it possible to amend the normative text. Despite many efforts, the bicameral nature of the legislature, its relations to the executive power remained unchanged, only the number of members in both houses was significantly reduced as a result of the 2020 constitutional referendum.

The operation of the two chambers is characterized by perfect bicameralism, as a result of which the law-making process is prolonged very often. In the Italian system of separations of power, the government does not have legislative powers, but it can contribute to increasing the speed of legislation by issuing a decree with the force of law within a specified period of time, in order to achieve specified goals, which is subject to a subsequent approval of the parliament within sixty days of its promulgation. In such cases, only one chamber has to conduct the procedure, the other chamber mostly merely ratifies the decision - thus, in practice, a unicameral tendency develops within the formal framework of bicameralism.

During the reforms of the electoral systems, the majority and proportional representation system has changed several times, and the electoral law of 2017, called Rosatellum, applies a mixed voting system/Grabenwahlsystem ↯, but in a more complicated way than its predecessors. The representatives are elected in a party-list proportional and relative majority individual electoral district system, separately from each other. Due to the very high number of political parties, securing a parliamentary majority and establishing a stable government is difficult. In this regard, the results of the 2022 parliamentary elections may lead to change. Party alliances were formed in both the left and center-right camps, and the center-right won a greater proportion in both houses of the parliament. This creates an opportunity for stable governance, although the political balance of power within the coalitions is different. The political camp of the center-left is currently more fragmented compared to the alliance of the center-right parties, but several parties also won seats in the parliament as independent candidates.

Keywords: Italy, electoral system, constitutional amendment, popular referendum, party system

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The special electoral regulations for the parliamentary representation of minorities in the perspective of the active and the passive suffrage

The literature dealing with special electoral rules for minorities typically groups the models of certain countries on the basis of the origin of the guaranteed mandate versus the preferential mandate, or highlights one specific electoral instrument (e.g. “preferential entry threshold”) and makes a grouping based on this. This “well-known” grouping approaches the question from the point of view of the possibility and result of obtaining a mandate, i.e. the outcome of the election. According to our point of view, the grouping of the special electoral law regulations concerning minorities can also be done along a different logic, such as the guaranteed mandate acquisition, or on the basis of some specific electoral law solution. This study intends to present this different logic and to illustrate the main categories through some examples. There are basically two sides to suffrage. Active suffrage means the right to vote, while passive suffrage means the ability to be elected. The basis of our grouping is whether the special legal regulation appears in the regulation of active or passive suffrage, which serves the purpose of enabling minority representation in legislation. Based on this, in systems based on direct election, we have identified two main sets of preferential electoral regulations for minorities, the highlighting (active) and the integrative (passive) models. The main specialty of preferential systems is that minority voters can cast their votes separately from non-minority voters in a certain branch of the election, so the exercise of active suffrage is the most important specificity of these rules. In the case of integrative systems, there are no special regulations on the side of active suffrage, but on the passive side, i.e. on the side of those who can be elected, special electoral rules are applied by the legislator, such as a more favorable entry threshold or special rules for the composition of party lists. The preferential suffrage rule for minorities does not apply here to the definition of the community of active suffragists, but the passive side of suffrage, i.e. the nominating organizations that can be elected by minority voters (or some of them, which are of a minority nature) receive special electoral regulation.

Keywords: electoral law, electoral system, parliament, minority law, constitutional law.

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MELINDA PINTÉR

Institutionalized deliberative democracy? – "Mini-publics" as possible supplements to parliamentary work

In recent decades, more and more attention has been directed within political science to the crisis phenomena of representative democracies, and in relation to this, to how their practical operation could be even better, more efficient, and more democratic. The thinking about the crisis of representative democracy focuses on the lack of trust in political institutions, the decrease in electoral participation, or the emptying of political organizations, for example the drastic decrease in party membership; and as a solution, it recommends various democratic innovations, such as the prioritization of certain institutions of direct democracy. One of these solution proposals is the institution of “mini-publics”, which, based on the starting point of deliberative democracy, directly involves citizens in decisions – even in the work of the most important institution of representative democracy, the parliament. The study first reviews the characteristics of deliberative mini-publics, how they work, what practical examples of their use as part of representative democracy can be seen in Europe, and what arguments there are in favor of their institutionalization. It then attempts to answer the question of whether, based on the basic characteristics of mini-publics and the lessons learned from good practices already applied in other countries, these forums can be an institutionalized part of representative democracy in Hungary – so that the opinion generated during the deliberations of the citizens can directly incorporate into the legislative process – and if yes, how. The study concludes that mini-publics could be implemented to the work of the Hungarian parliament, which would be justified due to the weakness of the tools of direct democracy. Due to the nature of the Hungarian parliamentary and legislative work, the most obvious would be to combine the mini-publics with parliamentary committee work.

Keywords: deliberative democracy; democratic innovations; mini-publics; deliberative forum; deliberation.

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TAMÁS DOBSZAY

Foundation of a political career in the parliamentary life at the age of dualism – Start of count Gyula Szapáry

Count Gyula Szapáry founded his career, which spanned to a ministership and then to the role of prime minister, with his participation in the Hungarian parliament of the developing dualist monarchy. He came to the House of Commons from the local public life (1861, 1865), at first he gained a role only through his committee memberships, but from the beginning he participated in the influential non-public background consultations. In addition to his high-ranking social status, his personal and family relationships with the founders of the Austro-Hungarian compromise, Andrassy and Eötvös, played a role in this and the tasks assigned to him later. His knowledge and experience increased through his committee memberships, and he soon became a member of key bodies. After a detour in the territorial administration (1867–1869), not only his experience were utilized by appointing him as an internal affairs official and then as secretary of state for public works, but also the political leaders wanted to help him to learn governmental work and representation of government's intentions in parliament. Szapáry was very active in a field that coincided with his two interests: in addition to public infrastructural investments, he was mostly concerned with public law and public administration issues. The career he had pursued until then provided sufficient preparation for his appointment as Minister of the Interior (1873).

Keywords: parliamentarism, political career building, Austro-Hungarian dualism, roles in parliamentary life, representation of the government in the House

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ESZTER RIEZ

Political situation in Bosnia and Herzegovina: at the gateway to the West or in the shadow of the East?

The analysis provides a brief overview of the general parliamentary and presidential elections held on October 2, 2022, in Bosnia and Herzegovina (hereinafter: BiH), as well as of the government formation processes of the recent months. In order to interpret the facts and data presented in the document, it is necessary to see the entire political context: Bosnia and Herzegovina's unstable and complex internal political system; the deep-rooted conflicts between the nations and entities, generally based on historical grievances; the uncertain and hopeless future of the country, as well as the fact that the 2022 elections did not bring major changes in the life of the state. Nevertheless, the positive events should be also emphasized, which, in the case of “the weakest link in the Western Balkans”, may be even more important. In this respect, we can first mention the speed of the government formation processes following last year's elections, which can be evaluated as a significant domestic political success. In addition, at the end of last year, the state also reached an important milestone in the field of foreign policy. At the meeting of the European Council on December 15, 2022, the heads of state and government of the EU member states unanimously confirmed the former recommendation of the European Commission and decided to grant EU candidate status to Bosnia and Herzegovina. This moment of historical significance poses a greater challenge for the newly elected political leaders of the country, than ever before. In exchange for the trust of the EU and for the candidate status, the leaders must now effectively put an end to the long-standing hesitation, to the empty promises, and take concrete steps in the next four years to fulfil the 14 priorities previously outlined by the European Commission. In the next four years, there are many questions need to be answered, in the field of domestic and foreign policy as well. In order to complete this mission, the newly appointed politicians of the state must attempt the impossible and reach a compromise with each other. We must finally realize that in the current situation, not only the EU integration of the state, but – according to the worst scenarios – the entire survival of Bosnia and Herzegovina may be at stake.

Keywords: Elections, Parliament, Government, European Union, War in Ukraine.

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