

Unicameral And Bicameral Parliaments: Their Advantages, Disadvantages, And Functionality

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Abstract

This paper aims to analyze unicameral and bicameral parliamentary systems by exploring their advantages, disadvantages, and functionality. The parliamentary system is a key component of any democratic state, and its structure can significantly influence the efficiency and stability of political decision-making. A unicameral parliament, which represents a single legislative chamber, has the advantage of quicker decision-making and a more direct connection with the people, but it may be exposed to domination by certain political groups. On the other hand, the bicameral parliamentary system, which includes two legislative chambers, provides more detailed control over legislation but can be slower and more complex in decision-making processes. This paper will examine these systems in the context of political stability and the effectiveness of democracy, including examples from countries that use these parliamentary structures, such as the United Kingdom, Germany, and the United States. The analysis will also focus on the impact of these systems on legislative processes, the balance of power, and political representation, offering a comprehensive overview of the functionality of unicameral and bicameral parliaments in politics.

Keywords: *Parliamentary System, Unicameral, Bicameral, Advantages and Disadvantages, Political Stability, Functionality, Representation.*

INTRODUCTION

The term "parliament," in its etymological sense, refers to the political institution in which various issues are discussed or debated. Its name derives from the Latin word *parlare*, which means to speak or to discuss. In a political sense, parliament refers to the representative political body that exercises legislative functions, serving as one of the main branches of state governance.

In parliamentary theory and practice, parliament represents the main institution of the parliamentary system, where the rules of parliamentary governance are constructed and operate. Today, parliament is universally recognized as a state body entrusted with the function of enacting laws. It exists in various forms and names, such as a parliament, assembly, congress, senate, sejm, Bundestag, Majlis, or Sobranje. More a curiosity than the role it plays in the formation of parliament as a representative body, the fact is that the oldest parliament in the world is the parliament of Iceland, which has existed since the year 930. This parliament was established by Norwegian settlers during their escape from royal absolutism. These settlers had settled on the neighboring island, applying the Republic as a form of state governance, and in doing so, they formed a parliament made up of these families. The parliament of Iceland is called the Althing.

The genesis of parliament as a political institution is linked to the emergence of parliamentarism, as a form of state governance based on the dominant role of parliament. The roots of parliament were established in England, immediately following its conquest by the Normans. The precursor or core of parliament was the institution *CURIA REGIS*, in which judicial, executive, and legislative powers were concentrated. The establishment of parliament was an expression of the aristocracy's efforts to limit the absolute power of the monarch in the fiscal domain, particularly in determining the height of taxes. In 1215, after the conclusion of the war between the feudal nobility and the monarch, the *Magna Carta Libertatum* was enacted. This historically significant document, for the first time, limited the absolute power of the monarch by taking away his right to set the level of taxes without the approval of the royal council. Since the declaration of the Magna Carta, it can be said that the parliament was institutionalized.

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Initially, parliament had a unique structure, composed of only one chamber. Starting from the mid-14th century, the English parliament took on a bicameral (two-chamber) character, with the House of Commons, made up of representatives of the citizens and peasants, and the House of Lords, composed of the wealthy aristocracy. As seen at the time of its formation, parliament did not have the attributes of a legislative body. Its functions were limited to determining the level of taxes or giving approval to decisions made by the monarch in this area.

The theory of parliament as a legislative body emerged in the 18th century, influenced by the philosophical thought of Montesquieu. In his work *The Spirit of the Laws* (1748), he emphasized: "If laws were to be made by the monarch, there would be no freedom," and added that "the majority better exercises the legislative function than a single individual."

Because of this, according to Montesquieu, it is necessary to form an elected representative body, entrusted with the function of enacting laws. For the first time, this idea was materialized in the 1787 Constitution of the United States and later in the 1791 Constitution of France.

From the elaboration of the genesis of parliament, it can be concluded that the process of its birth and institutionalization has evolved from its embryonic form, as a means of limiting the absolute power of the monarch, to its role as a representative and legislative body. Regardless of the form of state governance, it represents the main political institution, where the most important state decisions are made, and where various political issues are addressed. Together with the institutions of the head of state and government, parliament expresses the organic and state structure of the state.

The Birth and Development of the Structure of Representative Bodies

The forms of the structure of representative bodies are quite diverse. Primarily, there are two dominant forms: the unicameral and bicameral representative bodies. Historically, representative bodies originated as unicameral. Only later, especially in the 19th century, did they transform into bicameral systems. The classical bicameral structure, in its origin, is an expression of the class composition of society and political power. The two chambers represent the process of applying representative bodies, which characterize the historical compromise between the "old regime" and the "new," between the aristocracy and the bourgeoisie, and the broad popular masses. Since the process of social development in most countries has proceeded in a customary manner, meaning through the creation of class structures, class relations, wars, and compromises, for a long time in history, especially before the emergence of the true representative system—i.e., before the American and French revolutions, and even some time after, during the 19th century—the bicameral system of this type dominated.

Today, in modern states, this type of bicameral system is in decline. In most countries, constitutions foresee unicameral parliaments, while a smaller number have bicameral ones. The issue of the structure of parliament also has other historical roots. In this regard, two fundamental problems are recognized in both theory and practice, namely forms of the structure of the representative body. The first is the historical problem of organizing the power of so-called composite states, especially federal states. The U.S. Constitution, the first in history, addressed and resolved this problem, and it has been accepted more or less universally ever since. To address this problem, the so-called federal constitutional mechanism for the division of rights between the federation and the federal units has been established. The expression and guarantee of this mechanism has been sought and found in the structure of the representative body. Thus, the U.S. Congress is formed as a bicameral representative body: the House of Representatives, which expresses the political unity of the federal state, and the Senate, which is the representative chamber of the "states" that are united but equal and, to some extent, independent.

This does not need to be specially argued because all federal states in history and even today have had and still have a bicameral system, even though, in certain circumstances and states, the approval or real functioning of the bicameral structure is influenced by the same class, political, and ideological forces that have promoted or continue to maintain the conservative-type bicameralism.

The bicameral structure of the highest representative body has been adopted as a rational mechanism even in former socialist states of the federal type. The Soviet Constitution of 1936 applied the simple form of the

bicameral structure of the federal type. . There are three main tendencies related to the problems of the structure of representative bodies.

The first is anti-democratic and fascist. It suppresses the old liberal-bourgeois-democratic type of parliament and implements a system, in terms of the form of representation of economic, social, and other organized forces, which, in essence, is a political system of the corporatist type.

The second tendencies are ideological compromises, in a political reformist sense, and in a social-technocratic sense. These have had a greater influence on the constitutions enacted after World War I and also after World War II. The third tendency, in terms of changing the structure of representative bodies, is based more or less on economic, social, and even cultural factors. It has been represented by various socialist currents, including some intellectual-doctrinal and progressive movements of the cooperative tendencies. The most prominent proposal for the formation of a new parliament came from the English socialist "guilds," especially J. Col. This ideological current is based on the necessity of politically reconstructing society based on the representation of workers in industry, education, culture, public services, healthcare, municipal activities, and other fields.

The Structure of the Parliament

The structure of the electorate determines how the parliament is formed. If the electorate is understood as a collection of voters with equal rights, meaning citizens with equal voting rights, or as a collection of citizens who are not all the same, depending on the affiliation of territorial units, social strata, professions, etc., this will determine the structure of the parliament.

Two solutions are possible:

1. The parliament could be unicameral, composed of a single chamber, or
2. The parliament could be bicameral, composed of two chambers.

Cases of multi-chamber parliaments are rare, but notable examples of parliaments with multiple chambers are outlined in the 1799 French Constitution, which divided the legislative body into several chambers, and in the 1963 Constitution of the Socialist Federal Republic of Yugoslavia, where the Assembly, in addition to a general political council, also had four councils representing the working communities, although the principle of bicameralism was preserved in the work of the Assembly.. In theory, it is considered that a unicameral parliament is more in line with the principle of popular sovereignty. Unicameral representation comes from the theory of popular sovereignty, where the will of the people is one and indivisible. If the parliament is composed of two chambers, one is traditionally called the upper house, and the other the lower house. The naming of these chambers varies by country, but the most common terms for the lower house are the House of Representatives, the House of Deputies, the Legislative Assembly, the National Assembly, etc., and their members are called deputies. The upper house in most countries is called the Senate, and its members are called senators; in some federal states, it is also called the Council of States, and its members are called councilors. Typically, the lower houses have more members than the upper houses, but the British Parliament is an exception. The system with one chamber has long been considered a hallmark of an authentic republican regime, although there are many monarchies, such as New Zealand (1950) and Sweden (1970), that have abolished their upper house of parliament to create a unicameral system.

The saying "If the second chamber agrees with the first, then it is unnecessary; if it disagrees, then it is harmful" is well known. However, around half of the countries in the world maintain bicameral assemblies. In democratic parliamentary regimes with a single chamber, elected by universal and direct suffrage, this chamber is generally the center of the constitutional functioning of a parliamentary regime. Characteristic states of this system, such as Sweden, Denmark, and Portugal, are unitary states that have adopted minimal decentralization. On the other hand, the bicameral system is a political system that divides the parliament into two chambers: a lower house and an upper house. The upper house aims to moderate the actions of the lower house, elected by direct voting, thus representing the people, by subjecting its decisions to review by the upper house. The upper house, which is generally elected through indirect voting, tends to have a politically stable and conservative composition, as seen in France or the United Kingdom. Countries that have adopted the

bicameral system have done so, in most cases, based on the characteristics of their territorial organization. Thus, Spain and Italy have an upper house designed to represent the interests of their powerful regions at the national level, while France has the Senate, whose members are elected through numerous territorial collectivities.

In the case of federal states, the bicameral system takes on an essential character: in Germany, the Bundesrat is composed of representatives from various local governments (Länder) (3 to 6 representatives, depending on the demographic weight of the land), while in Russia, the federal subjects of the Federation are represented in the Federation Council with two counselors per subject.

While there are exceptions, such as in Ukraine, a formally decentralized state that functions, in principle, like a confederation of different states, which has adopted a unicameral system.

The relationship between the two chambers differs from one country to another: in France and Germany, the lower house has many decision-making competences, while the upper house has more limited powers, whereas in Italy both houses have strictly equivalent competences. Each state thus has its own parliamentary regime, the functioning of which, to some extent, also depends on its territorial organization.

Arguments in Favor of Bicameralism

In the theory of constitutional and parliamentary law, when reviewing the structure of parliament, the following arguments in favor of bicameralism are emphasized. The bicameral structure of parliament allows for a more realistic representation of the country's opinion. In public opinion, two social strata are usually distinguished: the innovative strata that advocate for social change, and the conservative strata that aim to preserve the status quo. The bicameral structure of parliament allows for better representation of these two strata in parliament.

A bicameral parliament is particularly applicable in multinational states and those with a federal or confederal arrangement. In these states, one chamber ensures the representation of all nations and federal, or respectively confederal, units. Meanwhile, in the other chamber, deputies are elected according to the democratic rules of parliamentary elections. Historically, there have been two main reasons for this. The first is that some federal democracies have considered it necessary to give their units (states, Länder, provinces, regions) equal representation in national legislative bodies. For example, the U.S. Senate has two members from each state, regardless of the population size. The second reason is that lower houses are seen as being closely tied to and influenced by popular desires and passions, and thus, they have been viewed as potentially dangerous to national stability and well-being. Therefore, it has been considered necessary to ensure internal control over the legislative process.

The bicameral structure of parliament ensures internal stability within the parliament and a more pronounced legislative efficiency. Finally, a bicameral parliament functions to implement the principle of the separation of powers. It guarantees that the parliament cannot arbitrarily overstep its bounds over other state organs. Some of the other qualities and advantages of bicameral parliaments include:

First, if we refer to the functions of Parliament, regarding the making (approval) of laws, as its primary function, the Upper House (Senate) serves as a filter, which makes it possible to prevent the approval of inaccurate and inappropriate laws.

As for the executive function of Parliament, since the appointment and dismissal of high-ranking state officials is often done with the approval of the Senate and through hearings, it serves as a guarantor in the selection of candidates and as a supervisor of the Executive in this regard. The experience of bicameralism, particularly of the Senate as a federal chamber in the United States of America, consists of: the cooperation between the Executive and the Legislature (the Senate) to appoint high-ranking state officials, such as cabinet members, heads of administrative agencies, ambassadors, and federal judges.

Secondly, a bicameral Parliament and the partial renewal of the Senate maintain the continuity of the Legislature and prevent significant shifts in relations with the opposition after each legislature or early election, while also easing political tensions. Thirdly, the Senate necessarily includes representatives who reside in the district (region) where they are elected.

Arguments in Favor of Unicameralism

Supporters of unicameralism, in criticizing the bicameral structure of parliament, most frequently emphasize the following advantages of a unicameral parliament: ensuring the unified action of parliament, eliminating conflicts and disagreements regarding the legislative approval procedure, more effective protection of the minority (opposition) in parliament, leading a unified policy, efficiency in government formation, etc.

Considering the advantages and disadvantages of these two systems of parliamentary structural organization, currently, both unicameral and bicameral parliaments function simultaneously in parliamentary democracy states. Unicameral parliaments are typically characteristic of unitary states with a single national composition. In federal and multinational states, bicameral parliaments are generally applied. The unicameral structure of parliament is found in some countries. In fact, it can be observed that in recent years, there has been a growing trend toward the establishment of unicameral parliaments. Thus, the second chamber was eliminated in New Zealand in 1950, and the Constitutions of Greece in 1975 and Portugal in 1976 also provide for a unicameral parliament. This trend has been particularly evident in Scandinavian countries, where after 1953, Denmark, Norway, and Sweden (in 1975) adopted the unicameral parliamentary structure.

As seen from this elaboration, small countries have adopted the unicameral structure, and their parliaments usually have a limited number of members. This trend is also characteristic of the former socialist states, which, after the collapse of their communist regimes, are in their transition phase. After adopting parliamentarism, they generally applied the unicameral structure of their parliaments, e.g., Bulgaria, Albania, Slovenia, North Macedonia, Kosovo, etc.

However, despite this, today, in parliamentary states, the bicameral parliamentary structure predominates. This is especially true in federal states. In these countries, the bicameral structure of parliament is of particular importance. In federal states, the first chamber is usually elected through general elections, and the seats in it are distributed according to the population of the entire federal state. Due to the way it is elected and its direct link to the electoral body, this chamber has a representative character. It is usually treated as the first chamber of parliament and carries the main functions of parliament.

The Form of Representation and Methods of Selecting the Second Chamber

The upper or second chamber in bicameral parliaments in federal states is a typical federal body, constituted based on the representation of the federal units. This chamber appears in two main forms: a) in the form of a senate, and b) in the form of a council.

The senate form (which exists in the USA, Switzerland, Canada, Australia, etc.) is based on the election of senators, who represent the member states. These senators have a degree of political autonomy within the chamber. The council form, which exists in Germany, foresees the presence of delegated parliamentarians who are subject to the directives of the state or specific territorial unit from which they come (e.g., in Germany, the federal states).

In countries that apply a bicameral parliamentary structure, the formation method and powers of the second chamber differ.

In terms of the formation of the second chamber, four systems are recognized:

- a) The system in which the second chamber is formed based on the representation of federal units and member states, which is applied in the USA, Switzerland, Germany, etc.
- b) The second system involves forming the second chamber through general elections and is applied in the Senate of Italy.
- c) The third system involves forming the second chamber based on the appointment of its members and is applied in Canada, where the prime minister appoints members of the Senate.

d) The fourth system is applied in England, where the second chamber is constituted based on the inheritance of function. This system has been in place in England since 1958, when the House of Lords included a number of members who are appointed for life as Lords and members of Parliament.

Relations Between the Chambers in Bicameral Parliaments

In terms of the competencies of the second chamber in relation to the first (representative) chamber, states apply two different principles:

- a) The principle according to which the competencies of the second chamber are different and more limited than those of the first chamber, and
- b) The principle according to which the second chamber has the same and equal competencies as the representative chamber.

The first principle, known as **unbalanced bicameralism**, is more widespread and implies the limitation of the second chamber's competencies, which, in many important political matters, cannot be a partner to the representative chamber. This is especially evident in matters related to the relationship between parliament and the government. The second chamber in these states typically cannot raise the issue of government confidence or influence the extension of its mandate. This situation is encountered in the United Kingdom, Austria, Japan, Ireland, Germany, Spain, etc. The functions of the second chamber in states that apply the principle of equality with the representative chamber are limited, particularly in areas of legislation, finance, and so on.

The principle of equality between the second chamber and the representative chamber (balanced – equilibrium bicameralism) is applied less frequently in parliamentary practice. Currently, this principle is envisaged by the Constitutions of the United States, Belgium, Italy, etc. In fact, in these states, the members of the House of Representatives and the Senate have equal standing and vote equally on all matters within the scope of the parliament.

In addition to the system of bicameral and unicameral parliaments, there are instances in political comparative doctrine where parliaments have three or even five chambers. A typical example of this is former Yugoslavia, which, in its 1963 Constitution, applied a five-chamber structure, while with the constitutions of its federal units in 1974, a three-chamber parliamentary structure was applied within the framework of a unique parliamentary system. In this context, the Constitution of the former Autonomous Province of Kosovo and Metohija (KSA) of 1974 also applied a three-chamber structure for the Assembly, composed of the House of Communes.

CONCLUSIONS AND RECOMMENDATIONS

In parliamentary theory and practice, the parliament represents the main institution of the parliamentary system. It is in parliament that the rules of parliamentary governance are built and function. Today, parliament, everywhere in the world, represents the state organ entrusted with the function of enacting laws. It appears in various forms and names, such as: in the form of a parliament, assembly, congress, Sejm's, Bundestag, Majlis, Knesset, Sobranje, etc. The roots of parliament are actually linked to England, immediately after its conquest by the Normans. From the perspective of realizing democracy, the parliament represents the dominant form of implementing representative and parliamentary democracy. Citizens, being unable to directly participate in political life on certain matters, choose their representatives in parliament with their free vote, entrusting them with the execution of certain functions in state governance.

In many countries, parliament is established as a unicameral (single-chamber) representative body, while in fewer states it consists of two chambers (bicameral), and very rarely more than two chambers. Every state thus has its own parliamentary system, the functioning of which is somewhat influenced by territorial organization. There is always a balance between the advantages and disadvantages of bicameralism. The main benefits of bicameralism are:

The second chamber controls the power of the first chamber and thus prevents the domination of the majority.

The existence of the second chamber ensures that legislation is reviewed more carefully, lightening the legislative burden of the first chamber and correcting its mistakes and shortcomings.

The second chamber can serve as a constitutional guard by voting on the approval of controversial legislation and allowing time for political discussions and debates.

The weaknesses of bicameralism can be considered:

Unicameral parliaments are more efficient because the existence of a second chamber makes the legislative process more complex and difficult without necessarily needing to be so.

- Bicameral parliaments present more opportunities for institutional conflict as well as governmental deadlock.

Supporters of unicameralism, in criticizing the bicameral structure of parliament, most often highlight these advantages of a unicameral parliament:

- Ensuring the unified action of the parliament, eliminating conflicts and disagreements over the procedure for passing laws in parliament, more effective protection of the opposition (minority) in parliament, leading a unified policy, and efficiency in the formation of the government. As seen from this explanation, small countries have implemented a unicameral structure, and their parliaments usually have a limited number of members.

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