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THE IDEA OF A BICAMERAL SYSTEM IN THE LEGAL HISTORY OF PARLIAMENTARISM IN SERBIA DURING THE 19TH CENTURY

Summary: The idea of a bicameral system in Serbia has traversed a lengthy path toward its formal institutionalization. It first appeared in the Sretenje Constitution, which established two legislative bodies: the Council wielded legislative authority, while the Assembly held financial jurisdiction. These two entities operated independently, collaborating only on matters requiring constitutional or tax law amendments. Consequently, it is challenging to characterize this arrangement as a true bicameral system. The Law on the National Assembly of 1859 did not introduce a bicameral structure; however, certain characteristics indicative of such a system can be identified in the legislative procedure. Specifically, the Assembly's role in proposing legislation to be accepted or rejected by the Council supports the notion of a bicameral mechanism. A bicameral system necessitates that both chambers engage collaboratively on the same legislative issues, with proposals requiring passage through both houses prior to enactment. While the Law on the National Assembly of 1861 did not formally recognize the existence of a bicameral system, its operational aspects reflected such a framework. Nevertheless, it lacked genuine parity between the two chambers (the Assembly and the Council). During the formulation of the Regency Constitution, there was an expectation that the concept of bicameral representation would finally be enshrined in the constitutional text. Although the constitutional committee unanimously advocated for a bicameral structure, this was ultimately omitted from the final document. Concerns rooted in the historical context of constitutional defenders and the oligarchic tendencies of the Council prompted the authorities to introduce princely (government) representatives as a substitute for an upper chamber. The Constitution of 1888 ultimately established a unicameral system, with qualified representatives, a proportional electoral framework, a council solution, and a distinct legislative procedure serving as substitutes for the upper house. Subsequent experience has demonstrated that these provisions were insufficient to fulfill the role of an upper legislative chamber.

Keywords: bicameral system, parliamentarism, Principality of Serbia, Kingdom of Serbia, 19th century

Примљено: 1. 9. 2024.

Прихваћено: 14. 10. 2024.