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Constitutional and Procedural Regulation of Parliaments in Comparative Perspective: North Macedonia, Serbia, Croatia, and Bosnia and Herzegovina

Shadija Bantashoska

Abstract

The aim of this paper is to analyze the role of Parliament as the highest representative body in North Macedonia, emphasizing the importance of its legitimacy and proper constitution for ensuring democratic stability and institutional functionality. The research focuses on the legal, institutional, and procedural framework regulating the formation of the Assembly of the Republic of North Macedonia. This study applies historical-comparative and legal-political methodologies, including analysis of relevant legal acts, the Constitution, and archival data from previous parliamentary compositions, with special attention to the constitutive session and election of the President of the Assembly. Additionally, a comparative analysis is conducted on procedures for constituting parliaments in Serbia, Croatia, and Bosnia and Herzegovina. The results indicate that timely and proper constitution of Parliament, including the election of parliamentary leadership and formation of working bodies, is key to ensuring legitimacy, effective legislative functioning, and strengthening citizens' trust in the political system. Differences in procedural solutions, such as the role of the oldest member presiding over the constitutive session, quorum requirements, and leadership election rules, significantly impact the perception and functionality of the parliamentary institution. The study concludes that legitimate and timely constitution of Parliament is a prerequisite for stable democratic governance and institutional stability, proposing improvements to procedures for forming parliamentary bodies, increasing transparency and accountability, and applying good practices from Balkan countries to enhance national parliamentary practice.

Keywords: Parliament, constitution, legitimacy, democratic governance, institutional stability

Introduction

The term *parliament* derives from the Latin word *parlare*, meaning "to speak." Accordingly, a parliament functions as a forum for discussion, debate, and deliberation, combining legislative authority with a representative role in which the interests and will of citizens are collectively expressed. Excluding or undermining the parliament from a country's political system is widely considered a threat to democratic governance and a step toward authoritarianism (Treneska-Deskoska et al., 2021, p. 517).

During the feudal era, parliament emerged as an institution in response to the demands of feudal lords to limit the monarch's unilateral power to impose taxes, following the principle of no taxation without representation. Under this principle, all taxpayers acquired the right to be represented in parliament, indicating that the original functions of the estates-general from which parliament evolved were primarily financial and judicial in nature. With the rise of the bourgeois class, parliament gradually assumed a dominant position within the political system. It came to symbolize the existence of political freedoms, particularly suffrage, embodied the principle of popular sovereignty, and introduced mechanisms of publicity and oversight over the monarch, who had previously wielded absolute authority.

Today, parliaments serve as the central institution of democracy, embodying the will of the people and carrying the responsibility to address citizens' needs and expectations. As elected bodies representing society in all its diversity, they reconcile differing interests and mediate conflicts among various groups through dialogue and compromise.

Historical Overview of the Constitution of the Assembly in Macedonia

Following the independence of the Republic of Macedonia, the country faced the significant challenge of transitioning from a one-party system to political pluralism, which laid the foundation for the establishment of parliamentary democracy. The political environment in the late 1980s and early 1990s was marked by growing demands for democratization, political participation, and the recognition of citizens as the primary source of sovereign power (Treneska-Deskoska et al., 2021, pp. 146–147). These constitutional reforms formally recognized citizens as subjects of power, ensuring that political pluralism and direct elections became fundamental principles of governance. The amendments replaced the previously dominant concept of the working class with the citizen, who exercises power

through elected representatives in the Assembly, municipal and city councils, and other forms of direct participation.

The 1990 constitutional amendments were complemented by the Law on Amendments to the Law on Social Organizations and Citizens' Associations, which introduced multi-party pluralism and enabled new political actors to participate in the electoral process (Socialist Republic of Macedonia, 1990). This marked a crucial legal and institutional step toward democratic governance, ensuring that citizens had the right to form political parties, engage in public debates, and participate in free and fair elections. The 1990 elections, legally permitted by the constitutional amendments and the newly adopted electoral law, are considered the first free elections in Macedonia (Skaric, 2000, p. 212). These elections involved multiple parties, independent candidates, and civil organizations, reflecting the diverse interests of Macedonian society and signaling the transition from centralized control to participatory democracy.

The period preceding these elections was characterized by intense political debate, negotiation among emerging political parties, and the gradual establishment of electoral institutions capable of overseeing a fair election process. This included the creation of the State Electoral Commission, the drafting of new electoral rules, and the organization of public information campaigns to educate citizens about their voting rights. These preparatory steps were essential to ensure that the parliamentary elections would not only be free but also perceived as legitimate by the general public and the international community. The transition to political pluralism thus combined legal reforms, institutional restructuring, and civic engagement, reflecting the broader democratization trends observed across Eastern Europe after the fall of communism.

The First Multi-Party Assembly in the Socialist Republic of Macedonia

The first multi-party Assembly in Macedonia was formally constituted on 8 January 1991, following the parliamentary elections held in November 1990. These elections were the first multi-party parliamentary elections in the country's history and were conducted under the framework of the Law on the Election and Recall of Members of Parliament and Councilors, adopted in September 1990 by the one-party delegate-based Assembly of the Socialist Republic of Macedonia (SRM). This process marked a peaceful and lawful transition toward a multi-party electoral system, establishing the legal and procedural basis for the new Assembly to function effectively.

The constitutive session of the Assembly was presided over by the oldest Member of Parliament, following established parliamentary tradition intended to ensure neutrality during the initial phase of parliamentary formation. The session commenced with the election of a Verification Committee composed of five Members of Parliament. This committee reviewed the official report submitted by the Republic Electoral Commission, confirmed that the elections had been conducted according to the established regulations, and dismissed the two complaints submitted as unfounded (Assembly of the Republic of North Macedonia, n.d.). The Assembly then deliberated on the findings of the Verification Committee, and by majority vote, verified all 120 parliamentary mandates, officially granting MPs their rights and duties as outlined in the Constitution, electoral laws, and Rules of Procedure.

A Committee on Elections and Appointments was subsequently formed, consisting of a president and twelve members with adequate political representation. The constitutive session lasted approximately eight hours and included multiple breaks due to disagreements among political parties, reflecting both the challenges of transitioning from a one-party system and the growing pains of establishing parliamentary democracy. Although previous parliamentary procedures were utilized, the new Assembly reflected a political reality distinct from the former one-party delegate-based structure, emphasizing inclusivity, pluralism, and transparency.

During this first mandate, the Assembly confronted several critical issues. These included questions regarding Macedonia's status as an independent and sovereign state following the dissolution of the Yugoslav federation, the adoption of a new Constitution in 1991, and the alignment of national laws with constitutional provisions. In January 1991, the Assembly adopted the Declaration of Sovereignty of the SRM with broad consensus among parliamentary parties, asserting its constitutional authority to issue political declarations. In August 1991, the Assembly organized a consultative referendum on the establishment of a sovereign and independent state, held on 8 September 1991 under the 1973 Law on Referendum. Voter turnout reached 75.74%, with 95.26% voting in favor, confirming strong public support for Macedonian sovereignty. One week later, the Assembly adopted a formal declaration confirming the referendum results, establishing the principles of international legal subjectivity for the new state, and making Macedonia the only Balkan country to achieve independence peacefully during this period (Lider.mk, 2024).

Concurrently, the Assembly initiated the drafting and adoption of a new Constitution, completing Macedonia's separation from the Yugoslav federation and

formalizing the office of the President as Head of State. Adopted with 92 votes, surpassing the two-thirds majority required, the Constitution defined Macedonia as a sovereign and independent state and laid the foundation for a democratic parliamentary system (Ristovska, 2015). This Constitution enshrined the principles of political pluralism, separation of powers, and citizen representation, providing a robust framework for democratic governance and institutional stability.

Constitution of the Assembly of the Republic of North Macedonia

In the political system of North Macedonia, the Assembly serves as the central legislative body, composed of Members of Parliament (MPs) elected through a proportional system. Political parties shape the work of the Assembly by organizing parliamentary groups, coordinating legislative agendas, and guiding the actions of their members. MPs participate in proposing, debating, and voting on laws, while parties also contribute to government formation, as the party or coalition holding a parliamentary majority assumes executive authority. Additionally, parties oversee the performance of the executive branch, ensuring accountability and translating citizens' interests into policy decisions, thereby supporting institutional stability and democratic governance.

The Assembly of the Republic of North Macedonia is a unicameral representative body, composed of 120 to 140 MPs, elected for a four-year term. Mandates begin with the constituent session of the Assembly. The President of the Assembly from the previous composition convenes the session, which must take place no later than 20 days after the parliamentary elections. According to the 2002 Rules of Procedure, if the session is not convened within this period, the MPs convene themselves on the 21st day at 10:00 a.m. The outgoing President sets the date in consultation with representatives of political parties in the newly elected Assembly. If no agreement is reached within 15 days, the session is held on the 21st day at 10:00 a.m. and is presided over by the oldest elected MP until a new President or Deputy President is elected. The Assembly can only be constituted if a majority of MPs are present. The presiding officer begins with a roll call to determine quorum, and the session may last up to three days. The agenda includes verification of MPs' mandates, election of the Committee on Election and Appointment Issues, and election of the President of the Assembly (Republic of North Macedonia, 2023, Article 9).

Once quorum is confirmed, the Assembly elects a Verification Committee composed of a chairperson and four MPs from different parties. The Committee's task

is, based on a proposal from the State Election Commission, to submit a written report proposing verification of each MP's mandate. The Assembly then deliberates and votes on the report as a whole. After verification, MPs acquire the rights and duties defined by the Constitution, law, and Rules of Procedure. During the same session, the Committee on Election and Appointment Issues is elected upon the proposal of at least ten MPs, ensuring proportional representation of political parties. A single debate is held for the Committee election, lasting no more than one day, and voting is completed by midnight of the same day (State Election Commission of the Republic of North Macedonia, n.d.).

The President of the Assembly is elected from among the MPs, either upon the proposal of the Committee on Election and Appointment Issues or at the proposal of at least 20 MPs. Each MP may propose only one candidate and vote for only one candidate. Proposals must be submitted in writing during the Assembly session and include the candidate's full name, biographical data, a rationale for the proposal, and the names and handwritten signatures of the MPs submitting it. If multiple candidates are proposed, their order is determined alphabetically by surname. A single debate on the election is held, lasting no more than one day, and voting occurs immediately after, by 24:00. The presiding officer conducts the voting, and if the Assembly decides on a secret ballot, the presiding officer is assisted by the Secretary General and three MPs from different parties, elected for this purpose. The candidate receiving a majority of votes from all MPs is elected President of the Assembly. The Assembly is considered constituted upon the election of the President. The newly elected President informs the President of the Republic, who must, within ten days, entrust the mandate to form the Government to a candidate from the party or parties holding a majority in the Assembly (Republic of North Macedonia, 2023).

Comparison with Other Balkan Countries Regarding the Constitution of the Assembly

Comparison with Serbia

The National Assembly of the Republic of Serbia is a unicameral body composed of 250 Members of Parliament (MPs). The first session is convened by the President of the outgoing Assembly and must take place within 30 days of the publication of the final election results. Until a new President is elected, the session is chaired by the oldest MP, or by the next oldest if the former is unavailable. During this session, the Assembly confirms the mandates of MPs, elects the President and Deputy

President, appoints the Secretary, and elects members of the working bodies and permanent parliamentary delegations (National Assembly of Serbia, n.d.).

A candidate for President may be proposed by at least 30 MPs, with each MP supporting only one candidate. Proposals are submitted in writing to the Presiding Member for circulation. The Assembly decides whether the vote will be conducted by secret or open ballot, and the candidate receiving a majority of all MPs is elected President. The Assembly is considered constituted upon confirmation of the mandates of two-thirds of its members (Republic of Serbia, 2010).

Comparison with Croatia

The Assembly of the Republic of Croatia is the representative body of citizens and the holder of legislative power, composed of 100 to 160 Members of Parliament (MPs) elected for a four-year term (Republic of Croatia, n.d.). The first session is convened by the President of the Republic within 20 days of the parliamentary elections. Until the election of the President of the Assembly, the session is chaired by the previous President, or, if unavailable, by the oldest MP present.

During the constitutive session, the Assembly confirms the mandates of MPs and elects the President and the Mandate-Immunity Committee. The session may also include the election of Deputy Presidents, the Secretary of the Assembly, and other parliamentary committees. The President and Deputy Presidents together form the Presidency of the Assembly, which oversees parliamentary operations, resources, office allocations, and the preparation of draft rules and decisions for Assembly approval (Croatian Parliament, 2013).

A candidate for President may be proposed by parliamentary groups or by at least 40 MPs and is elected by a majority of all MPs. The Assembly is considered constituted upon the election of its President. The President of the Assembly is the second-highest office in the Republic, acting as the deputy to the President of the Republic and assuming the office in the event of vacancy (Republic of Croatia, n.d., Article 97).

Comparison with Bosnia and Herzegovina

The Parliamentary Assembly of Bosnia and Herzegovina is bicameral, consisting of the House of Peoples and the House of Representatives. The House of Peoples has 15 delegates, two-thirds from the Federation of Bosnia and Herzegovina (including five Croats and five Bosniaks) and one-third from the Republika Srpska (five Serbs). Delegates from the Federation are elected by their respective ethnic groups in the Federation's House of Peoples, while delegates from Republika Srpska are

elected by its National Assembly. A quorum requires nine members, including at least three from each constituent people. The House elects a Chair and two Deputy Chairs, representing the three constituent peoples, with the Chairmanship rotating among them, and is considered constituted upon their election (House of Peoples of Bosnia and Herzegovina, 2014).

The House of Representatives comprises 42 members, two-thirds elected from the Federation and one-third from Republika Srpska through direct elections according to the Election Law, with the first elections held under Annex III of the General Framework Agreement. The House is constituted at its first session upon the election of a Chair and two Deputy Chairs. Both chambers are convened at the Parliamentary Assembly in Sarajevo within 30 days of the elections, adopt their own Rules of Procedure, and all legislative decisions require approval by both houses, with decisions within each chamber taken by a majority of members present and voting (Bosnia and Herzegovina, n.d.).

Differences and Similarities in the Constitutional Process of the Parliament in the Republic of North Macedonia, the Republic of Serbia, the Republic of Croatia, and Bosnia and Herzegovina

The comparative analysis of the constitutive sessions of the parliaments in North Macedonia, Serbia, Croatia, and Bosnia and Herzegovina reveals both commonalities and differences in parliamentary organization and procedures.

1. **Parliamentary structure and composition.** North Macedonia, Serbia, and Croatia have unicameral legislatures with a fixed or limited number of Members of Parliament (MPs), whereas Bosnia and Herzegovina has a bicameral parliament with an ethnically regulated composition in the House of Peoples.
2. **Convening the first session.** In all countries, the first session is convened by the President of the previous legislature or its collegiate body, generally within 20–30 days after elections. In North Macedonia, Serbia, and Bosnia and Herzegovina, the oldest MP temporarily presides over the session until a new President is elected.
3. **Election of the parliamentary President/Chair.** All systems have formal procedures for electing the President. The number of MPs required to propose a candidate and the majority needed to elect vary: 20 in North Macedonia, 30 in Serbia, 40 in Croatia, while Bosnia and Herzegovina emphasizes ethnic representation with a rotating Chair system.

4. **Constitution of the parliament.** In North Macedonia, Serbia, and Croatia, the parliament is considered constituted after the election of its President. In Bosnia and Herzegovina, both chambers are constituted upon election of their respective Chairs and Deputy Chairs, with particular attention to ethnic balance.

North Macedonia's model emphasizes civic representation and parliamentary democracy without ethnic quotas, whereas Bosnia and Herzegovina integrates ethnic representation as a fundamental principle. Serbia and Croatia follow unicameral systems with formalized procedures similar to North Macedonia, demonstrating stability and continuity in parliamentary practice.

Conclusion

The Assembly of the Republic of North Macedonia is the central legislative institution. Its composition typically includes multiple political parties, reflecting the multi-party system, which explains why coalition governments are common due to the proportional electoral system. As a unicameral body, the Assembly holds the authority to enact laws, approve the national budget, ratify international treaties, and elect or dismiss the Prime Minister and government ministers, among other responsibilities. Consequently, the Assembly plays a key role in the democratic system of North Macedonia, ensuring a balance of power among the executive, legislative, and judicial branches.

The "legal life" of the parliament begins with its constitution. The incorporation or convening of Members of Parliament (MPs) to initiate parliamentary work involves a set of legal actions required for the Assembly to exercise its functions. Before being constituted, the parliament does not legally exist; it consists only of elected candidates who, as such, do not yet form a parliamentary body. Upon constitution, this "collection of elected candidates" transforms into a representative institution with the legal capacity to perform its duties. Considering the powers and responsibilities of the Assembly, it is evident that the functionality of parliament is a crucial element for the operation of the state, as only through it can effective and reasonable decisions of fundamental importance for the overall governance of the country be made.

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