

ADVANCING REPRESENTATIVE DEMOCRACY THROUGH ELECTORAL SYSTEMS**Sadik Haxhiu**UKZ University – Gjilan, Republic of Kosova sadik.haxhiu@uni-gjilan.net**Arbëresha Mehaj**

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Abstract: Representative democracy is the voice of citizens in the representative bodies. It was born in parallel with electoral systems. Representative democracy is constantly changing, complemented, alternated, depending on social, economic, political, or cultural changes. It is advanced and strengthened by the strengthening of the rule of law.

Electoral systems are ways and instruments through which the political will of the citizens is voiced.

The advancement of representative democracy through electoral systems can be achieved by applying the electoral system that would best fit to a country. States continually make efforts, by defining one of the electoral systems, claiming to advance the representative democracy. Determining and designing the electoral system is one of the biggest challenges institutions within a state faces. The electoral system should be: technically simple, legally protected, easy to understand by the citizens, and be clear and competitive. Most importantly are the majority and proportional system. Both system are electoral systems: technically simple, legally easier to be defended, easier to understand by voters and empowers competing aspirations. These two electoral systems have helped in the advancement of the representative democracy in some Western European countries. In recent years, these systems are also applying to states with fluid democracy.

Keywords: representative democracy, electoral systems, majority system, proportional, mixture.

INTRODUCTION

Representative democracy is a form of governance in which the people exercise the right to make political decisions through their elected representatives. In this form the people choose their representatives in the representative bodies. The essence of representative democracy lies in the fact that the will of the people is enforced through representative bodies directly elected by the citizens themselves. The essence of representative democracy consists in the realization of the will of the majority of citizens, through the institutions and representative bodies directly elected by the people. Sovereignty and people's governance is not build directly by the people but through representative bodies elected by the people and empowered by the mandate for governing the state. Representative democracy functions and is accomplished in close connection of three basic institutions: the electoral body, the representative body, and the center of political establishment. The electoral body is the bearer of sovereign power, since it cannot exercise the power directly, the representatives are chosen that constitute the representative-parliamentary body. This representative body is mandated from the electoral body with the mandate and responsibility to govern the state for a certain period of time. The role of the electoral body in the parliamentary democracy system is twofold: it selects representative bodies, delegate them with mandates and responsibilities for state governance, and exercises political control over their work through free elections.

1. THE NOTION OF ADVANCED DEMOCRACY

The notion of democracy is not too complex to be dismantled. Everyone has the right to participate in the governance of his country, directly or through freely chosen representatives. Everyone has the right to equal access in the public services in his country.¹²⁵ Otherwise, the notion of advanced democracy is quite complex to break it down. In the West, democracy is defined as a competition for political leadership,¹²⁶ through which the rule of law is built. If we take a regime that does not allow government opponents to be openly and legally organized in a political party and to oppose it with free and fair elections,¹²⁷ then we can not talk about countries with representative democracy, even less for countries with advanced democracies. This means that in the practical sense, democratic society is the one that chooses their own governments through elections organized at certain period of time,

¹²⁵http://www.etc-graz.at/typo3/fileadmin/user_upload/ETC_Hauptseite/manual/versionen/albanian/democracy/demo.pdf

¹²⁶ Lawrence C. Mayer; Politikatkrahasuese; vep. e cit., page 32

¹²⁷ Robert A Dahl; Poliarkia-pjesmarrjadhepozita page 1

sanctioned by constitution, laws, and respect of the basic principles of international acts for proper and competitive elections.

Competing elections are those in which the opposition is not pressed, but is accepted as legitimate by position that is in power.¹²⁸ This is an important fact because some countries that are accepted to be democratic, one political party is in power for a long time, but has always been in power by conducting fair, competitive campaign and respecting the values of political pluralism, respectively the multiparty system. This is more attributed to states that for a long time have consolidated the rule of law based on the true functioning of the basic principles of the rule of law.

2. THE NOTION OF ELECTORAL SYSTEMS

From the start we consider as reasonable to explain what we really mean by the notion of electoral systems. Many definitions have been given by well-known politologists, sociologists and experts of electoral systems, each one from his perspective in different places and at different times. One of the most developed political science disciplines in democratic societies is the psephos that deals with electoral studies and electoral systems.

The word psephos derives from the old Greek: psephos meaning "pebble"¹²⁹ according to which the Greeks showed or reported the votes, respectively they dealt with the analysis of election statistics. Psephos means the process of voting across regions, public opinion polls, information about financing of election campaign, and similar statistical data. This term began to be used in 1952 by the historian RB McCallum in the United Kingdom to describe the scientific analysis of elections after their completion. Different authors in their studies give different versions of the notion of electoral systems. According to a definition, the electoral system presents a union of rights, principles, mechanisms and guarantees, on the basis of which the participation of citizens in the elections is completed. So these are the rules according to which electorate votes are translated into the division of posts or seats in the legislature, into political mandates between parties or candidates.¹³⁰ According to another definition, the electoral system can be seen as regulating the relationship between voters and elected officials.¹³¹ According to another opinion, the electoral system defines rules for the election of political elites, and therefore the quality of the electoral system largely depends on the functioning of democratic institutions.¹³² It explores voting during elections by treating it as a fundamental form of citizen political participation; elections - their functions and importance in political life; methods, procedures and election reforms; election process; behavior of individuals and groups during elections etc.¹³³ Other authors emphasize that the basis for explaining electoral systems is the right of citizens to elect their representative bodies by expressing their free will. The will of the people must be expressed through periodic and fair elections that will be held by general and equal vote, by secret vote or by equivalent free voting procedures.¹³⁴ So, the electoral systems are the ones that turn the votes casted during the elections process, into places won by parties and candidates.¹³⁵ It determines who has the right to vote, how to vote, the formula for translating the percentage of votes won by a political party into percentage of seats in parliament, as well as the responsibilities of state institutions for the progress of the elections process.¹³⁶ They are nothing more than a procedure to turn voter preferences into deputy mandate in the representative bodies.

The election system should facilitate the expression of the will of the people through periodic and free elections, held on the basis of general and equal rights and secret voting. Electoral systems are subject to historical, political, cultural, religious and other factors that leads to different election methods. The simplest way to analyze the electoral systems is their classification based on the ways of converting the votes won by the people into parliamentary seats in parliament.¹³⁷ Through these ways, citizens develop one of their fundamental political rights,

¹²⁸ Lawrence C. Mayer; Politikakrahasese; vep. e cit., page 32

¹²⁹ <https://www.merriam-webster.com/dictionary/psephology>

¹³⁰ Lawrence C. Mayer; Politikat Krahasese, kombet dhe teoritë mbi një botë që ndryshon, Tiranë 2003, page 58

¹³¹ <http://aceproject.org/ace-en/topics/lf/lfb/lfb01>

¹³² Vladimir Goati, Političke Partije i Izbori u Demokratskom Poretku, izdavač Centar za slobodne izbore i demokratiju - CeSID, Beograd 2001, str. 56

¹³³ Latifi, Veton; Politikologjia – Shkup : Instituti për Demokraci dhe zhvillim; 2008, page 224

¹³⁴ Deklarata universale e te Drejtave te Njeriut 1948

¹³⁵ Manual i International, IDEA për hartimin e sistemeve elektorale, International IDEA, Information Division, Stromsberg, 5 – 103, 34, Stockholm, Sëeden, page 6

¹³⁶ Filo, Llambro; Sistemet politike bashkëkohore, Tiranë 2008, page 130

¹³⁷ Po aty, page 17

the right of choice, where their political entity comes into expression.¹³⁸ While in other legal frameworks it should clearly define the type of electoral system.¹³⁹ Different theoreticians also talk about organizing elections and applying different election systems even in monist systems; some even claim that even the indirect elections in monist systems represent the expression of the free will of citizens, such as: the system of delegation in the former Yugoslavia, the indirect system of elections through the popular front in communist Albania, the current indirect election system in China, etc. where the party led centrally controls the implementation of state policies through a network party¹⁴⁰ toward appointees to exercise public authority in legislative and executive power. The indirect elections can be different, but the common element for all the states applying this electoral system is that the citizens do not directly select their deputies.

However, it should be considered that in the monist systems there is a lack of political pluralism and there are no election alternatives, there are no universal principles for announcing, organizing and enforcing elections, nor democratic forms of expressing citizens free will for electing the representative bodies.

3. ELECTORAL SYSTEMS IN SOME STATES WITH ADVANCED DEMOCRACIES

The electoral system in Great Britain is a type of majority system where the state is divided into 659 electoral units, the same number as the House of Commons has deputies. It is an electoral system that has helped in advancing the representative democracy, where the battle for power is transformed into a true political competition.

Ones who claims to win a Ministry post, initially it should fight to win the mandate of the deputy in his electoral unit and at the same time his party to win the majority of seats in the Chamber of Commons. The goal of a party that wants to govern is not to reach the highest number of votes, but to win the majority of areas, more than half in order to secure the absolute majority.¹⁴¹ Their objective is to win the largest number of deputies in the Chamber of Commons to have the possibility to elect the government, carried out by the two largest rival parties: The Labor Party and the Conservative Party. The majority vote over represents the main parties and underrepresent significantly the third or fourth parties that collects votes, but rarely manage to lead in one district.¹⁴² Functioning of such a system ensure the majority democracy, that the parliamentary majority is ensured even in cases when the winning party does not reach the majority of more than 50% of the votes.¹⁴³ Applying the Electoral System, the first in the list takes the post in Britain, has built a bipartisan and competitive political scene of universal values, where the main political parties after the elections are carriers of legislative and executive power, and at the same time responsible to exercise the powers. As a result of legal definitions, this system gives the ability to one party to gain power and take all the responsibilities to exercise its power. British citizens have the right place to address their demands, because the majority of the parliament and the government belongs to the same political subject, but also the opposition parties play a constructive role in the House of Commons during parliamentary debates in providing ideas and opinions, presenting their alternatives. Along with the establishment of a stable parliamentary majority, which creates stability in government, Britain's majority democracy creates strong and homogenous opposition. Due to the special role that has played in consolidating representative democracy, this electoral system applies to many states that historically was influenced by Britain.¹⁴⁴ Due to the special role that has played in consolidating representative democracy, this electoral system is applied to many states and historically it was influenced by Britain,¹⁴⁵ although some of them differ significantly in social, political, economic, cultural and ethnic diversity. Despite the stable development and continuity of representative democracy and the electoral system in Britain, France for decades has been experiencing profound political changes as well as changes in electoral systems since the second world war. The highest representative body in France is composed of two chambers: The National Assembly and the Senate. The National Assembly as a low chamber is elected by a system one-member for each district, with a two-round majority vote system. Although it lacks the unifying force of the Anglo-American majority system, the French election system with two ballot papers, it seems it is unlikely to lead to the break-up of

¹³⁸Saliu, Kurtesh; E Drejta Kushtetuese, Libri I, Prishtinë, 1998, page 159

¹³⁹<http://aceproject.org/ace-en/topics/lf/lfb/lfb01>

¹⁴⁰Laërence C. Mayer, John H. Burnett, Susane Ogden, John P. Tuman; Politikat krahasuese; Tirane 2003, page 314

¹⁴¹Oliver Duhamel; E drejtakushtetuese-demokracitë; page 112

¹⁴²Po aty,

¹⁴³Bajrami, Arsim; Parlamentarizmi – aspekte krahasuese, Prishtina, 2010, page 228

¹⁴⁴Po aty,

¹⁴⁵Manual i International IDEA, vep. e cit., page 27

the party system, as are the various forms of the proportional representation system,¹⁴⁶ although the number of political parties has decreased from the period when the proportional system of elections was applied in 1986. Remaining on the political scene of a relatively large number of political parties came as a result of sanctioning that any candidate who at the first round of elections wins at least 12.5% of the votes in his electoral unit will continue the competition in the second round. During the second round in French election system, the success of political parties depends on the ability to reach election coalitions with other parties between the first and second round.¹⁴⁷ Whoever wins the largest number of votes in the second round is declared elected, regardless of whether he has received the absolute majority of votes or not.

Differently from the direct majority elimination system, this system is not entirely a majority, as there may be up to five or six candidates competing in the second round of voting.¹⁴⁸ Despite the pure majority systems in Britain, USA, Canada, etc. where the electoral system provides difficulties, where no more than two political parties can win the political scene. In France, the electoral system helps to create a wider spectrum of political parties leading to political groupings or political coalitions between the two rounds of voting. Since the election system for the election of the National Chamber is a modified majority, the election of the President of the Republic is done according to the pure majority system. The President of the Republic is elected for five-year through a general and direct vote. It is elected by an absolute majority of the votes. If the majority is not reached during the first voting, a new vote will be held in two weeks.¹⁴⁹ When a new president is elected, prime minister presents to the president the resignation of the government, and a new government is formed.¹⁵⁰ The unity between them is reinstated in favor of the president, for simple reasons, he enjoys the right to dissolve the parliamentary majority. He can immediately overthrow the old majority and ask citizens for a new parliamentary majority after the presidential election.¹⁵¹ The regime here is asymmetric, because the president enjoys the right to dissolve the parliament, whereas, the parliament has no right to dismiss the president. Through this balance form of powers in favor of the president, in France, parliamentary democracy is quite stable.

Britain applies a parliamentary system in the form of parliamentary monarchy, France applies a combined system of governance with powerful elements of the presidential system. The Germany of post-world war II applies the parliamentary system of government, with limited powers of the president, with powerful power of the Bundeskanzler (Prime Minister) and with a proportional electoral system. Differently from the abovementioned states, Germany and its people after the second world war have undergone through serious periods of social development. The German parliamentary regime today is evidenced as one of the most exemplary and most successful regimes in terms of the very good power balance required to be realized in a democratic state.¹⁵² The German model of the constitution and the separation of powers carried out in the German parliamentary regime have been borrowed from most of the new constitutions of Central and Eastern European countries adopted after 1990.¹⁵³ Like in many federal states, the Germany also has two parliament houses: upper house (Bundesrat) and the lower house (Bundestag). After using the two rounds system of elections at the time of the German Empire and the pure proportional system in the Republic of Weimar, in 1949 a new electoral system was put into place and remained into force until today. The German electoral system is classified as a proportional - mix proportional system. The Bundestag has 665 seats without counting additional seats. Each voter has two votes. The first vote is a personal vote given to a particular candidate in one of the 328 single-candidate electoral districts. The second vote is a party vote which is given to a party list at federal level.¹⁵⁴ This electoral system and this form of voting resulted that for six decades in Germany there are more than two political parties in the Bundestag and governments always have a coalition. Italy, which has gone through similar history periods like Germany, after the second world war, has built a parliamentary system of government, with a balanced system of powers; especially between the legislative power in

¹⁴⁶Lawrence C. Mayer; *Politikat krahasuese*; vep. e cit., page 166

¹⁴⁷Po aty, page 168

¹⁴⁸Manual i International IDEA, vep. e cit., page 43

¹⁴⁹Kushtetuta e Francës, article 7, paragraph 1

¹⁵⁰Oliver Duhamel; vep. e cit., page 180

¹⁵¹Po aty, page 181

¹⁵²Zaganjori, Xhezair, *Demokracia dhe Shteti i së Drejtës, shtëpia botuese "Luarasi"*, Tiranë, 2002, page 110.

¹⁵³Po aty, page 111

¹⁵⁴Manuali international IDEA vep. e cit., , page 76

one side and the head of state and government as the executive body on the other side. According to Article 48 of the Italian constitution, voters are: "all citizens, men and women who have reached the age of majority; the vote is personal and equal, free and secret; its exercise is a civic duty" According to her, "all citizens have the right to organize themselves freely in the party and to contribute with democratic methods in defining national policies."¹⁵⁵ According to experts of electoral system, the electoral system that was applied in Italy after 1946 until 1993 was one of the purest proportional systems. Voting for the Chamber of Deputies was made on the basis of the party list. Voters had to vote for the party. The system was most modified for the election of the Senate, because each party was represented only by one candidate for each constituency.¹⁵⁶ Under this electoral system, the political parties based on the number of votes obtained at the nationally level get a certain number of deputies in the Chamber of Deputies. It is sufficient that a party at the national level get for example, 2 % of the votes, then to win a mandate for deputies to be represented at the Chamber of Deputies. The electoral system nearly made it impossible for a single political party to win the majority of seats in the Chamber of Deputies to form a government on a one-party basis. The final election results created the possibility to form a broad coalition government from various political parties with different political and program orientations. The electoral system had led to a large parliamentary fragmentation, and in particular had created major obstacles in functioning of stable governments. Until 1990, over 50 governments had been replaced,¹⁵⁷ for this reason, in the early 1990s, the requirements for changing the electoral system in favor of the establishment of the two-party political system were increased. In 1993 the electoral system was changed, and in 1994 the electoral laws were adopted, which contained compromise provisions between the British majority system and the proportional system. According to these laws, 75% of senators are elected according to the simple majority rule system, the first in the list takes the post, and 25% according to the proportional system. Also 75% in the Chamber of Deputies are elected according to the first in the list takes the post, and 25% are elected according to the proportional representation system. However, the new electoral system greatly influenced the grouping of political parties in "special blocks".¹⁵⁸ This enabled political parties to position themselves in one of the two political blocs.

4. CONCLUSION

Electoral systems in states with advanced democracies have not been a major factor in consolidating representative democracy, but they have played one of the key roles for selecting the best model for electing representative bodies as a key element for strengthening parliamentary democracy. Each of the abovementioned states has searched to apply the electoral system adapted for advancement of representative democracy

While Great Britain has for a long period of time applied the majority system the first in the list takes post, France has fluctuated between the majority system and the proportional system because the political scene in this country was more fluid in the sense of alternating power from one political power to another. Germany through the electoral system Mixt proportionality has helped to consolidate the representative democracy by selecting stable legislature since the second world war. The proportional electoral system applied in Italy with a very low electoral threshold has led the parliament to win deputy mandates from a wide spectrum of political parties, thus creating the possibility of parliamentary and government crises that have been caused by the end of the second world war until the change of the electoral system in 1993.

The electoral system is not the main factor for consolidation of representative democracy, but it is one of the main factor for its advancement. This has been practically proven over the past decades in the aforementioned states.

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