Parliamentary Systems in Continental European Countries and its Relationship to the Effectiveness of Legislative Institutions

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ABSTRACT

Every country has a unique style regarding the parliamentary system they follow. This parliamentary system may experience changes or developments that differ from the initial concept. It is expected because each country has other political, cultural, social, and economic conditions. It is normative legal research with a historical and conceptual approach, then conducted in a comparative study. The results of this study found that the French parliamentary system is included in the category of Medium-Strength bicameralism with asymmetrical and incongruent characteristics. The Dutch parliament belongs to medium-strength bicameralism with symmetrical and harmonious features. The Austrian legislature, known as the Bundesrat, does not have the same power as the Nationalrat, so the management of the two chambers of parliament is asymmetrical. Meanwhile, the parliamentary system in Indonesia can be classified as medium-strength bicameralism with asymmetrical and incongruent buildings. The parliamentary system can indirectly affect the effectiveness of the legislature’s performance. Sometimes, the system adopted can make parliament an effective and efficient institution or vice versa. A small example is France, which can complete over 50% of proposed legislation in one year. Meanwhile, from 2020-2024, only 17 draft laws were constructed in Indonesia out of 215 registered. This figure is only 7.9% of the total proposed bill. Suppose the parliamentary system adopted has yet to bring parliament into a better, transparent, efficient, and open legislative body. In that case, the system can be re-evaluated by considering the existing ideal parliamentary concept.

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1. Introduction

The constitutional systems in various countries in the world have changed from time to time. These changes are a consequence of changes to their country's constitution. One of the fundamental constitutional changes that often occurs is the emergence of new institutions.\(^1\) One of the state institutions that has experienced changes in its history is the legislative institution. The need to accommodate the interests of society structurally is one of the reasons for giving birth to new institutions within the legislative body. With the existence of special institutions that are able to represent regions, it is hoped that the interests of people in the regions can be accommodated well through formal national institutions.\(^2\)

The legislative institution has a very important role in democratic governance. This institution is the voice of the people and has the authority to act on behalf of the people in carrying out its duties and functions. This indicates that only the legislative institution has the authority to represent the people and is competent to realize the people's wishes in the form of laws. Even in traditional democratic practice, the legislative institution has a central position which is reflected in the doctrine of parliamentary sovereignty.\(^3\)

In a modern and democratic government system, the existence of a legislative institution is very important because it is a political institution that partners with the executive institution in discussing political and state issues. As a partner to the executive, the legislature has great power and at the same time has a strong basis of legitimacy because its members are directly elected through a free, fair, honest and democratic general election system. Meanwhile, the executive or government only follows and implements the laws and principles set by members of parliament.\(^4\)

Constitutional theories generally discuss various types of constitutional systems or models adopted by countries in the world. Although basically each country has its own style of constitutional system, at the same time they also have certain similarities. The differences and similarities in constitutional styles then become the basis for making constitutional classifications. Because the classification formed is based on a theoretical framework and empirical data on constitutional practices throughout the world. So that the constitutional system of a particular country can be placed in a certain position in constitutional theory.\(^5\)

Every country in the world has a special style regarding the parliamentary system they follow. This parliamentary system is able to indirectly influence the effectiveness of the performance of legislative institutions. Because basically what happens in parliament

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cannot be separated from the position of the upper house or lower house. The ideal relationship between the two is also able to create harmonization in the process of forming legislation in a country. So this can improve the performance of parliamentary institutions in the field of legislation. Several Continental European countries in the world implement a two-chamber parliamentary system where their legislative institution consists of two houses. These two assemblies have different names in each country. Continental European countries that implement a bicameral parliamentary system include France, the Netherlands and Austria. Meanwhile, Indonesia is a country in the Asian region which also applies the Continental European legal system, because Indonesia is a former Dutch colony.

Many studies have been carried out regarding the parliamentary system and the effectiveness of the performance of legislative institutions. The first study was carried out by Wahyu Widodo, this study aims to determine the role and function of the DPD RI in the context of moving towards an effective bicameral system through amendments.\(^6\) The second study was conducted by Niken Wahyuning Retno Mumpuni, this study aims to find out the performance system of legislative institutions in the process of policy-making.\(^7\) The third study was carried out by Widayati. This study aims to find out the parliamentary system based on the Indonesian constitution.\(^8\) And the fourth study was conducted by Alfridus S.D which aimed to determine the performance of female legislative members in the Kupang Regency DPRD for the 2014-2019 period.\(^9\) Meanwhile, this research was conducted with the aim of finding out the bicameral system implemented in France, the Netherlands, Austria and Indonesia, as well as the effectiveness of the performance of legislative institutions based on the parliamentary system they adopt.

2. Legal Material and Methods

The type of research used in writing this article is normative legal research using a literature review as the main focus.\(^10\) The approach used to analyze it uses a historical approach (historical approach) and conceptual approaches (conceptual approach). Next, the researchers conducted a comparative study to comprehensively compare the parliamentary systems in force in France, the Netherlands, Austria and Indonesia, which were then linked to the effectiveness of the performance of legislative institutions. The legal materials used in this research include books, scientific articles, legal dictionaries, publication texts and other previous research which are still related to the theme of this research discussion.\(^11\)

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\(^10\) P.M Marzuki, Penelitian Hukum Normatif (Jakarta: Prenada Media Group, 2017), 54.

3. Results and Discussion

3.1. Parliamentary System

Parliament is a legislative body which usually consists of several chambers or assemblies. The word Parliament comes from the Latin "parliament" or French “talk” which has the meaning of a forum or body to discuss important matters for the people. This Parliamentary system then developed following the development of many modern democratic countries which emerged as nation states (nation state) which reached its peak in the 19th century after colonialism. The representative systems in each country are different from each other. This is motivated by history, culture, ideas, needs and constitutional practices of the country concerned. However, there are currently two types of representative systems commonly adopted by countries in the world, namely the one-room representative system (unicameral) and a two-chamber representative system (bicameral). Parliament in a modern democratic system is the people's representative, which has the authority to make laws and supervise the running of government, as well as other authorities which of course differ in each country. So, it is important to have political representation in this parliamentary model.

To determine whether a country is implementing a one-chamber or two-chamber representative system, it can be seen from three sides, namely the function of the representative institution, the membership of the representative institution, and the process of forming laws in the representative institution. First, from a functional aspect, if a representative institution consists of two chambers and each chamber has the same function, both in the fields of legislation, supervision and budgeting, then the representative system is categorized as a two-chamber representative system (bicameral system). If each representative institution does not have the same function, whether in the fields of legislation, supervision or budgeting, then the system can be categorized into a one-chamber representative system (unicameral system). Second, viewed from the membership aspect, if the structure of a membership institution consists of two chambers and each chamber has different members, then the representative institution is included in the two-chamber representation system (bicameral system). However, if members of the first chamber also serve as members of the second chamber, then the representative institution is included in the one-chamber representative system (unicameral system). Third, viewed from the aspect of the law formation process. If the formation of a law must pass through two chambers first, then the representative institution falls into the category...
of a two-chamber representative system (bicameral system). However, if the formation of laws does not need to pass through another chamber, or in other words, the formation of laws is only carried out by one chamber of representative institutions, then the representative institutions are included in the one-chamber representative system (unicameral system).\(^\text{16}\)

Apart from the two representative system models above, there is also another representative system model, namely the three-chamber representative system (tricameral system), as is currently practiced in Afghanistan and South Africa.\(^\text{17}\) Furthermore, there is also a five-chamber representative system which is also known as pentcameral as in the Republic of Yugoslavia, as regulated in the 1963 Yugoslav Constitution.\(^\text{18}\)

A country that adheres to the theory of separation of power in parliament, it cannot be separated from the model of chambers that exist in the parliamentary system which is then used as a reference in making laws in the administration of a country's government. C.F. Strong has the concept that a country must have legislative power which has the authority to form laws, executive power which has the authority to act as executor or implementer of laws, and judicial power or what is commonly known as judicial power which has the authority to prosecute violators of laws and regulations. invitation.

The concept of a country can be said to be a constitutional democratic country if sovereignty lies in the hands of the legislative institution as a representation of the people's representatives consisting of one or two houses in parliament, which are elected through a general election system (election).\(^\text{19}\) There are several types of chamber models in parliament that have been used by countries in the world, including: unicameral system (one-room system), and bicameral system (two-room system). A country's parliamentary system that is widely adopted is the one-chamber system (unicameral) and two-chamber systems (bicameral system). This one-chamber system is a system where parliament only consists of one body or one representative institution. Meanwhile, the two rooms are implemented through a commission system.\(^\text{20}\)

The structure of a one-chamber parliament is different from the two-chamber system which has two separate assemblies, this is as implemented by the United States which consists of The House of Representative and Senate or like the parliamentary system in Indonesia which has a People's Representative Council (DPR) and a Regional

\(^\text{16}\) Legowo, Keterwakilan Politik Dan Tipe Parlemen Dalam Perspektif Teoritis Dan Sejarah Dalam Gagasan Amandemen UUD 1945 Saatu Rekomendasi, 194.
Representative Council (DPD). However, it is the one-room system that has been adopted by many large countries in the world.  

Parliamentary system unicameral is usually adopted by unitary states, whereas for parliamentary systems bicameral widely adopted by federal countries. However, as time progresses, unitary states do not always use a one-chamber system, nor do federal states use a two-chamber system because in fact there is no such thing as a good system. Unicameral or bicameral can be applied universally.

a. Parliamentary System unicameral

A unicameral parliamentary system is a parliamentary system that only consists of one chamber. So, there is no known existence of an upper house and a lower house. This parliamentary system is usually adopted by countries with small populations with a homogeneous society and a country territory that is not too large. In this system, filling positions in parliament does not differentiate between political representation and territorial representation as used in the bicameral system. There are several advantages that the parliamentary system has unicameral this is as follows:

1) Can speed up the process of forming laws, because only one body is needed to create a Draft Law, so there is no need to listen to different proposals. 
2) It has a greater responsibility, because if there is an error in the formation of a law which then injures the rights of citizens, then it cannot be blamed on other assemblies.
3) More efficient, in the sense that fewer members are elected so it is easier for the community to monitor and assess its performance.
4) Can save costs for the government and taxpayers.

b. Parliamentary System Bicameral

Parliamentary system bicameral is a parliamentary system where it only consists of two chambers including the upper house (upper house) and the lower house (lower house). The meaning of high and low chambers here is not seen from a hierarchical relationship where one chamber has a higher position than the other chambers, because each chamber is a form of representation of the interests of a particular group. Usually, the upper house represents the interests of functional groups or as political representatives, while the lower house represents the interests of the people or represents the state or province.

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23 M Fajar, Dualisme Penelitian Hukum Normatif & Empiris (Yogyakarta: Pustaka Pelajar, 2010), 36.
The criteria commonly used to fill the membership of the upper house are based on regional or territorial representation, social groups, functional groups and cultural groups as based on the interests and needs of the people which are then stated in the state constitution. while the membership of the lower house is elected or represents the people based on the political proportion of the population. These representatives are then selected through competition between political parties in an election so that they can determine the formation of the parliamentary institution. One of the objectives of this two-chamber parliamentary system is to create mutual supervision between one power institution and another power institution (checks and balances).

The oldest two-chamber representative system in the world (bicameral system) is a two-chamber representative system found in the United Kingdom. This happened at the end of the 12th century AD after the UK parliament underwent a very long evolutionary process. Furthermore, this 2-room representative system is also adopted by former British colonies such as the United States, India, Australia, Malaysia, and so on. If viewed from the formation process, the two-chamber representative system (bicameral system) in each democratic country is different from one another. Some go through a general election process, direct appointment by the head of state and others goes through an election process by lower (regional) government organs.

This two-chamber or bicameral system of representation is not only adopted by monarchical countries and republics in the form of federations, but is also adopted by monarchical countries and republics in the form of units (unitary system). Two-chamber representative system (bicameral system) is classified by Arend Lijphart into three types, namely strong bicameralism (strong bicameralism), medium-strong (medium-strength bicameralism) and weak bicameral (weak bicameralism). Bicameral parliamentary structure is said to be strong bicameralism if the parliament has symmetrical characteristics and incongruence, that is, if the first chamber and the second chamber have equal constitutional power or have only a slight difference in power, and the second chamber has strong democratic legitimacy because its members are elected directly by the people through elections. Next the parliamentary system is mentioned as medium-strength bicameralism if the parliament does not have symmetrical characteristics and incongruence. The structure of parliament is said to be weak bicameralism if the parliament has asymmetric characteristics and congruence or in other words, the constitutional authority of the second chamber and the political legitimacy it has are not equivalent to the authority and political legitimacy of the first chamber.

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28 Lijphart, Patterns of Democracy: Goverment Forms and Performance in Thirty Six Countries.
29 Lijphart, Patterns of Democracy: Goverment Forms and Performance in Thirty Six Countries.
Somewhat different from Arend Lijphart, based on the authority to form legislation, Giovani Sartori divides the two-chamber representation system into perfect bicameralism, strong bicameralism, and weak bicameralism. If the authority of the first and second chambers turns out to be equal and equal in making laws, then it is included in perfect bicameralism. If the authority of both chambers is almost equal, then it is included in strong bicameralism, and vice versa when not equal then included in weak bicameralism.\(^30\)

The advantages of a two-chamber representative system (bicameral system) these include:

1) It can reflect national will and interests because in a two-chamber representation system, there are representatives of the people and also representatives of certain territories/groups in parliament.

2) Provides more guarantees of protection against the possibility of arbitrariness in making laws by representative institutions because in the first and second chambers there are mechanisms to check and balance, test each other and complement each other and provide mutual considerations in the decision-making process when making laws.

Guaranteeing wise, orderly, thorough, and careful work, as well as being able to avoid hasty, raw and biased decision-making.\(^31\)

3.2. Parliamentary System of Continental European Countries

3.2.1. French

The Constitution of the French Fifth Republic states that France is a republic, unitary, secular and democratic. The existence of parliament is a consequence of the principle of popular sovereignty which is implemented through the people’s representatives and by referendum. The French Parliament consists of the National Assembly and Senate. The matters of term of office, number of members, membership requirements, temporary filling of members, and people who can fill empty memberships, are left to be regulated by organic regulations (organic enactment).\(^32\)

Members of the senate are elected for a term of nine years and are terminated alternately every third of the members.\(^33\) Members of the senate are representatives of territorial units and also representatives of French citizens living abroad. Senate members consist of 307 people. 304 seats for parts and 3 for overseas territories (New Caledonia, Polynesia, and the Islands of Wallis and Futuna), 2 for communities of special status

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\(^33\) Strong, *Modern Political Constitution; an Introduction to the Comparative Study of Their History and Existing Form*, 209.
(Mayotte and Saint-Pierre-et-Miquelon), and 12 reserved for French citizens who live outside France. Senate members are elected indirectly from each Department through voting in electoral colleges consisting of Deputies Department, General Councilors Department, and delegation from Municipal Council. The number of departmental representatives in the senate is determined based on the population of that department. Senate members can also be classified based on their political party, in addition to representing their regions.

Member National Assembly elected for a term of office of five years, but can be shorter if there is a dissolution by the President. Member National Assembly A total of 577 representatives were directly elected by voters with an absolute majority of votes. The President National Assembly is elected for each term of office, while the President of the Senate is elected every time some of its members are elected. Composition electoral college who elects the members of the senate, which includes Deputies Department, General Councilors Department, and delegation from Municipal Council, providing great representation to a small region overall that has less than a third of its population, but more than half of its votes in the senate. According to Lijphart, this falls into the incongruent category.

The powers of the National Assembly and Senate in the French parliament include:

1) National Assembly
   - Legislative function
     a) Submitting a Draft Law (for financial plans from the government submitted to the National Assembly first);
     b) Amending Bills;
     c) Reject or approve the draft law (if there is a difference of opinion between the two chambers regarding legislation that is not organic enactment, then in the end the decision is the decision of the national assembly); And
     d) International agreements go through the normal legislative process.
   - Oversight function
     a) Discussion of government statements, asking questions/hearings, conducting investigations and Temporary Information Assignment; and
     b) Giving a vote of confidence or submitting a motion of no confidence in government policies, which results in the fall of the cabinet or the change of ministers.
   - Nomination function
     a) Select 3 members Constitutional Council; and
     b) Select members High Court of Justice from members National Assembly.

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34 S.C. Patterson, *Senates, Bicameralism in the Contemporary World* (Columbus: Ohio State University Press, 2000), 25.
36 Project, “France’s Constitution of 1958 with Amendments through ON SOVEREIGNTY.”
37 Project, “France’s Constitution of 1958 with Amendments through ON SOVEREIGNTY.”
2) Senate

- Legislative function
  a) Submitting Bills;
  b) Amending Bills;
  c) Reject or approve Bills; and
  d) International agreements go through the normal legislative process.

- Oversight function
  a) Discussion of government statements, asking questions/hearings, conducting investigations and Temporary Information Assignment; and
  b) Confirm the motion of no confidence.

- Nomination function
  a) Select 3 members Constitutional Council: and
  b) Select members of the High Court of Justice from members of the senate.

When compared with power National Assembly, then the powers of the Senate are almost equal to National Assembly, except for several powers that are not possessed or are different from the powers possessed by the Senate, namely:

1) In legislation regarding finance, the government's draft is submitted first to National Assembly.

2) Apart from legislation of a natural organic enactment, when there is no agreement between the Senate, National Assembly, and the government, then the final decision is made by the National Assembly.

3) The National Assembly can submit questions and motions to the government regarding the general policy program proposed by the Prime Minister. The Senate only gives approval to government requests after approval by National Assembly. When National Assembly did not agree, the Prime Minister submitted his resignation to the President.

French bicameralism falls into the category Medium-Strength with characteristics asymmetrical and incongruent. Called Asymmetrical because the power possessed by the Senate is different, although almost the same as power in the National Assembly.

3.2.2. Dutch

The Netherlands is part of European history as a whole. In 1579 it was formed Union of Utrecht by 7 provinces in the north and then separated from the Spanish kingdom during the time of King Philip in 1581. Based on the Treaty of Westphalia of 1648, this republic was internationally recognized and had a unicameral parliament, namely States General which contains provincial representatives and is only responsible for foreign affairs such as foreign relations, navy, army, and foreign trade and finance. Power is held by one person as governor and military commander. In 1795 the French army invaded this country.

39 Strong, Modern Political Constitution; an Introduction to the Comparative Study of Their History and Existing Form, 210.

40 Lijphart, Patterns of Democracy: Government Forms and Performance in Thirty Six Countries, 212.

41 Safa’at, Parlemen Bikameral, 75.
In 1813, the Netherlands gained its independence and children from stadtholders, the last, William, became King. The constitution was created in 1814 but then revised in 1815 due to the inclusion of Belgium as part of the Netherlands until it separated in 1830. Until now, the Netherlands was a constitutional monarchy with a parliamentary democracy system.42

The bicameral parliament was formed after the 1815 constitutional amendment at that time First room appointed by the King and House of Representatives Chosen by Provincial Councils who represented the nobles of the area and landowners. Constitutional changes in 1848 established elections First Roomba Provincial Councils and House of Representative selected through direct general election.43

1) Member Election First room and House of Representatives

The Dutch Constitution was last amended in 1995. This latest amendment states that parliament has the duty to represent all the Dutch people. Parliament or what is called States General consist of First Chamber and a Second Chamber. First room consisting of 75 members and Tweede Kamer consisting of 150 members. Both become one unit when performing a joint session.44

Both chambers of the Dutch parliament must be elected with proportional representation as provided in Act of Parliament. Member First room elected by members Provincial Councils (Provincial Council) respectively, adjusted for population and carried out no later than three months after the election Provincial Councils except in the process of dissolution First room. Although chosen by Provincial Councils, member status First room does not represent just the province, but represents the entire people. Member First room It is not permissible to only prioritize local and regional interests. Member First room directly elected by Dutch citizens who are 18 years of age or over and are not excluded by Act of Parliament. The requirements to become a member of the Dutch parliament as a whole are the same, namely that you must be a Dutch citizen, be at least 18 years old, and not lose your vote.45

The term of office of members of parliament is good First room or House of Representatives is four years. For members First room, the term of office should be changed when based on Act of Parliament tenure Provincial Councils specified not for four years. Based on these provisions, it can be concluded that the term of office First room follows the department Provincial Councils.46

A person cannot simultaneously be a member of both chambers of parliament at once. He is also not allowed to concurrently serve as a Minister, Secretary of State (State Secretaries), member of the State Council (Council of State), member of the Financial Supervisory Committee (General Chamber of Audit), member of the

42 Safa’at, Parlemen Bikameral, 292.
Supreme Court (Supreme Court), and Public Prosecutor or Defense at the Supreme Court (Procurator General or Advocate General at the Supreme Court). However, ministers of state secretaries who are awaiting a decision to resign can become members of parliament until the decision to resign is made. Members of parliament are also prohibited from holding other public positions, in accordance with the regulations of Act of Parliament.47

2) Power First chamber Second Chamber

The Dutch parliament is good First room nor House of Representatives has powers in the fields of legislation, government supervision and other powers. These powers have different functions and authorities. Each chamber of parliament can hold plenary sessions, committee, or joint sessions. Legislative regulations made by the central government consist of several types, including:

a) Regulations made jointly by the government and parliament, for example Act of Parliament.

b) Rules made by the government itself in the form of order in council.

c) Regulations made by a minister.48

A plan Act of Parliament can be submitted by the government or House of Representatives, or by joint session. The two chambers of parliament can only make decisions either individually or collectively in a joint session if more than half of the members are present. Decisions can only be taken by majority vote. The Act of Parliament must go through the government or parliament. Draft laws may be presented by or on behalf of the King or by House of Representatives. Draft legislation that requires joint session can be submitted by or on behalf of the King or by joint session from parliament. Design originating from the House of Representatives or joint session must be submitted to House of Representatives or to both chambers by one or more members.49

Joint session conducted to discuss several plans Act of Parliament with certain materials or at the request of the government. A number of Act of Parliament requiring joint session are those that contain material regarding the removal of one or more people from the right to be King from generation to generation, the determination of the King's successor if there is no successor from his descendants or in the event that the King dies and a successor has not been determined, the appointment of the King's guardian if the King is in a minor condition, the abolition of the King's prerogative rights due to his incapacity and the appointment of a guardian who holds these rights.50

Government or members of the House of Representatives or members of parliament in joint session can propose changes to the government's plans that are

48 Chorus, Introduction to Dutch Law.
49 Project, “Netherlands’s Constitution of 1814 with Amendments Through.”
50 Project, “Netherlands’s Constitution of 1814 with Amendments Through.”
being discussed at the House of Representatives or joint session. As for the plan proposed by Second Chamber Which is being discussed with the government, changes can only be made at the suggestion of one or more members House of Representatives or parliament as a whole in the case of such a draft from joint session. After the House of Representatives After completing the discussion of a draft law, the draft is submitted to First room. First room discusses whether to approve or reject this draft without the right to make changes. The House of Representatives can send one or more members to defend the draft presented to the public First room.51

A bill will be Act of Parliament after going through discussion in parliament and ratified by the King. Enforcement Act of Parliament must be published as regulated by Act of Parliament. Act of Parliament not yet valid as positive law before publication. Based on the power held by First room and House of Representatives, According to Lijphart, a parliamentary system like this is included in medium-strength bicameralism with characteristics symmetrical and congruent.52

3.2.3. Austria

Austria was originally part of the rule of the Romans, Huns, Lombards, Ostrogoths, Bavarians, and Franks. Austria was part of the Austro-Hungarian dual-monarchy in 1867. This dual-monarchy broke apart after losing the first world war, and formed the Austria that exists today. Austria is a federal country whose constitution strictly divides legislative and governmental authority between the federal government and the states. There are matters who’s regulatory and implementation powers are vested in the federal government. It is regulated by the federal government and implemented by the states, and matters which are generally regulated by the federal government while the implementing regulations and implementation are by the states. The states have both regulatory and implementation powers for agricultural, forestry and educational matters.53

The Austrian Constitution states that federal legislative power is exercised by National dish with the Federal Council, which if in a joint session called with Federal Assembly. Federal Council are representatives from each state who are elected based on the number of citizens in each state. Member Federal Council as many as 64 people. The state with the largest population is represented by 11 members, but each state is represented by at least three members. Other states are represented based on comparisons obtained from the states with the largest populations. Member Federal Council elected by the state parliament for a term corresponding to the term of office of the state parliament that elected him, based on the principle of proportional representation.54

Member National Council a total of 183 people were elected nationally with the principle of proportional representation based on the principles of equality, direct, secret

51 Project, “Netherlands’s Constitution of 1814 with Amendments Through.”
52 Lijphart, Patterns of Democracy: Government Forms and Performance in Thirty Six Countries, 212.
and personal. Who can become a member National Council is every citizen who is 21 years old and has not had their rights revoked based on a court decision. Member term of office National Council is for four years. National Council elect a President and two representatives from its own members. Member selection Federal Council, although carried out by state parliaments, is based on a balance of population and the strength of political parties in each state. Even the term of office of members Federal Council also adjusted to the term of office of the state parliament that elected him. This results in composition Federal Council related to the strength of political parties in the state. There are only slight differences in political composition between Federal Council and National Council. Thus, the Austrian parliament is bicameral when viewed from the composition of representation between the two chambers congruent. The following is a comparison of power between Federal Council and National Council:

1) Federal Council
   - Legislative function
     a) Proposing bills and accepting bills proposed by the government. The finance bill was only discussed in National Council;
     b) Amending the bill and deciding whether to accept or overrule objections Federal Council;
     c) Reject or approve the bill;
     d) Deciding on the enactment of international agreements of a political nature, adding to or changing existing rules;
     e) Approval of the internal war resolution joint session; and
     f) Participates in determining policies regarding transportation, postal, telegram, telephone rates, monopoly commodity prices, and federal employee salaries.
   - Oversight function
     a) Debate, ask questions, and conduct investigations;
     b) Give a motion of confidence or submit a motion of no confidence which results in the fall of the cabinet or the resignation of the Minister;
     c) Proposing the dismissal of the president; And
     d) In joint session decides on a referendum on the dismissal of the president.

2) National Council
   - Legislative function
     a) Receive the bill that has been discussed by National Council and if there are objections submitted to National Council, except the finance bill; And
     b) Approval of the internal war resolution joint session;
   - Oversight function
     a) Debate questions, and conduct investigations;

55 Lijphart, Patterns of Democracy: Government Forms and Performance in Thirty Six Countries, 212.
b) Submitting a motion of no confidence National Council; and
c) Deciding on a referendum on the dismissal of the president (joint session).

The power comparison shows that the Federal Council does not have the same power as the National Council. The powers of the two chambers of parliament are asymmetrical.\(^{56}\)

### 3.2.4. Indonesia

Indonesia is a unitary state as stated in the constitution. The MPR has agreed not to make changes to the form of the Indonesian state and to maintain the form of the Unitary State of the Republic of Indonesia. As for its relation to the parliamentary system, the authority of legislative institutions in Indonesia is given to the DPR and DPD. In this case, Indonesia can be called a country that implements a parliament with two chambers, because the DPR is a representation of the people's political representatives, while the DPD is a representation of the people's representatives in the regions. These two institutions are elected directly by the people through a general election mechanism.\(^{57}\)

The DPD is a new representative institution owned by Indonesia after the third amendment to the 1945 Constitution which was elected through elections in 2004.\(^{58}\) The formation of the DPD was the result of demands for reform in 1998 with the main aim of eliminating the centralized state administration that had been going on for a long time from the old order to the new order. This is the cause of local people's disappointment with the central government, and is also a strong indication of the failure of the central government in managing the country as the basis for the founding of this nation.\(^{59}\) The existence of the DPD is a form of critical reflection on the existence of regional delegates and group delegates in the MPR in the pre-reform era, where they were appointed using an undemocratic system, thereby obscuring the representative system which should reflect democratic state life.\(^{60}\)

Basically, the birth of the DPD aims to build a strong and effective bicameral system (strong and effective bicameral). The DPD is not the same institution or reincarnation of the Group/Regional Utusan faction, where all its members are elected using an appointment and appointment mechanism by the ruling party.\(^{51}\) The presence of the DPD should be able to provide solutions to the centralized political system throughout the last five decades. However, in reality, the DPD only has authority that is no more than an accessory to democracy in the representative system. This can be seen in the articles that explain the DPD's authority. Constitutionally, the position of the DPD in the constitution can be said to be subordinate to the DPR. The authority possessed by the DPD still has

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\(^{57}\) Hidayat, “Penerapan Sistem Soft Bikameral Dalam Parlemen Di Indonesia,” 2.


\(^{59}\) A.M Fatwa, *Potret Konstitusi Pasca Amandemen UUD 1945* (Jakarta: Kompas, 2009), 314.

\(^{60}\) Dewan Perwakilan Daerah Republik Indonesia, *Konstitusi Republik Indonesia Menuju Perubahan Ke-5* (Jakarta: Dewan Perwakilan Daerah, 2009), iii.

very discriminatory elements, if we see that the public's expectations of being able to participate widely and competitively in this institution are quite high.\textsuperscript{62} The following is a comparison of the authority possessed by the DPR and DPD:

1) House of Representatives (DPR)
   - Legislative function
     a) Preparing a National Legislation Program (Prolegnas)
     b) Prepare and discuss Draft Law (RUU)
     c) Accept the bill proposed by the DPD regarding regional autonomy; central and regional relations; formation, expansion and merger of regions, management of natural resources and other SDE; as well as the balance of central and regional finances
     d) Discussing bills proposed by the President or DPD
     e) Enact laws together with the President
     f) Approve or disapprove of government regulations in lieu of laws proposed by the President to become laws
   - Budget Function
     a) Giving approval to the Bill on the APBN (submitted by the President)
     b) Pay attention to the DPD's consideration of the Bill on the APBN and bills related to taxes, education and religion
     c) Following up on the results of the examination of the management and responsibility of state finances submitted by the BPK
     d) Providing approval for the transfer of state assets and agreements that have a broad impact on life related to the state's financial burden
   - Oversight function
     a) Supervise the implementation of laws, APBN and government policies
     b) Discuss and follow up on the results of supervision submitted by the DPD (regarding the implementation of laws regarding regional autonomy, formation, expansion and merger of regions, management of natural resources and other SDE, implementation of the APBN, taxes, education and religion)

2) Regional Representative Council (DPD)
   a) Submit to the DPR draft laws relating to regional autonomy, central and regional relations, formation and expansion and merger of regions, management of natural resources and other economic resources, as well as those relating to the balance of central and regional finances.
   b) Participate in discussing draft laws relating to regional autonomy; central and regional relations; formation, expansion and merger of regions; management of

natural resources and other economic resources as well as balancing central and regional finances.

c) Provide consideration to the DPR in selecting BPK members.

d) Prepare a National Legislation Program (Prolegnas) relating to regional autonomy, central and regional relations, the formation and expansion and merger of regions, management of natural resources and other economic resources, as well as those relating to the balance of central and regional finances.

e) Supervise the implementation of laws regarding regional autonomy, formation, expansion and merger of regions, central and regional relations, management of natural resources and other economic resources, implementation of the state revenue and expenditure budget, taxes, education and religion and convey the results of the supervision to the DPR as material for consideration for follow-up.

f) Monitoring and evaluating draft regional regulations (Raperda) and regional regulations (Perda).\(^{63}\)

With the birth of the DPD in 2004, the parliamentary system in Indonesia which was initially unicameral changed to bicameral (consisting of the DPR and DPD). If viewed using the theory put forward by Lijphart, the parliamentary system in Indonesia can be classified as medium-strength bicameralism with buildings asymmetric and incongruent. The asymmetrical structure in this case shows that the DPD has subordinate power to the first chamber.\(^{64}\)

3.3. Effectiveness of Legislative Institution Performance Based on the Parliamentary System

The legislative institution is one of the main institutions in the country whose function is to formulate laws and regulations. The effectiveness of the performance of legislative institutions can be analyzed from the parliamentary system implemented. Arend Lijphart classifies bicameral systems into three types, namely strong bicameralism (strong bicameralism), medium-strong (medium-strength bicameralism) and weak bicameralism (weak bicameralism). Based on this classification, France is a country that falls into the category Medium-Strength with characteristics asymmetrical and incongruent. The Netherlands included medium-strength bicameralism with characteristics symmetrical and congruent if you look at the power possessed by the First room and House of Representatives. The so-called Austrian legislative body Federal Council does not have the same power as National Council. The powers of the two chambers of parliament are asymmetrical. Meanwhile, the parliamentary system in Indonesia can be classified as


\(^{64}\) D.J Mahesa, DPR Offside (Otokritik Parlemen Indonesia) (Jakarta: RMBOOKS, 2013), 24.
medium-strength bicameralism with buildings asymmetric and incongruent. In this case, the asymmetric structure shows that the DPD has subordinate powers to the first chamber, namely the DPR.  

Giovanni Sartori also differentiates bicameral systems into three types which are classified based on the comparison of strength between them the lower chamber dan the upper chamber that is:

a. Weak bicameral system (asymmetric bicameralism or weak bicameralism/soft bicameralism), namely if the power of one room is much more dominant over the other rooms.

b. Strong bicameral system (symmetric bicameralism or strong bicameralism), that is, if the strength between the two rooms is almost the same

c. Perfect bicameralism when the power between the two chambers is exactly balanced.

Based on the classification of parliamentary systems by Giovanni Sartori, the French, Austrian and Indonesian parliamentary systems fall into the category of weak bicameral systems. Meanwhile, the Netherlands is in the category of a strong bicameral system. A parliament whose authority is almost equally strong is considered an ideal parliamentary system. Meanwhile, a weak bicameral system is considered not ideal due to the loss or absence of control between the two chambers, so it is not much different from a unicameral parliamentary system. Likewise with perfect bicameralism which cannot be considered an ideal parliamentary system because the power between the upper house and the lower house is equally strong, which often causes deadlock in the decision-making process in parliament.

In addition to the bicameral division based on the level of strength or power, Giovanni Sartori also divided the bicameral style based on the composition or membership structure between the two chambers, namely:

a. Bicameral with the same elements (similar bicameralism), a parliament with the same elements or composition between its two chambers which will change its form to become unicameral.

b. Bicameral whose elements are somewhat different (likely bicameralism).

c. Bicameral whose elements are very different (differentiated bicameralism).

The composition of a parliament consisting of elements that are so heterogeneous will cause difficulties and deadlock in the work process in parliament. This is caused by too many elements and variations in the aspirations of society. To realize an ideal bicameral system, there must be integration between strong bicameralism with likely bicameralism. This ideal combination can be implemented by having an upper house that
shares authority and mutual control with the lower house to carry out the functions and duties of parliament, but without tripping each other up.

After the amendment to the 1945 Constitution of the Republic of Indonesia, Indonesia is said to adopt a bicameral parliamentary system. However, if you look at the function of the DPD as a second chamber (second chamber) over territorial representation, the DPD can only submit a draft law proposal relating to regional autonomy, central and regional relations, formation and expansion and merger of regions, management of natural resources and other economic resources, as well as those relating to the balance of central and regional finances; participate in discussing draft laws; and provide consideration to the DPR on the drafting of laws. The DPD does not have the authority to approve or disapprove draft laws. Based on the duties and functions of the DPD, it can be said that the DPD is an additional chamber (which has a weak position) compared to the duties and authority of the DPR itself, as confirmed in the 1945 Constitution of the Republic of Indonesia. So that Indonesia is at the level of weak bicameralism, even though the composition of the parliamentary elements is different (some are from political party representatives, and some are from territorial representation).68

France, the Netherlands and Indonesia are unitary countries, while Austria is a federal country. Basically, a unitary state is identified with a unicameral system, while a federal state is identified with a bicameral system. Some arguments stating that a unitary state is better using a unicameral system include:

a. The two-chamber system is unrepresentative because the members of the legislative body are elected and serve the same constituents.69
b. The unicameral system is preferred by most countries because it has a simpler, more direct and open structure and process.70

Lawmakers in a unicameral system are more accountable for their duties to the people, because of the simplicity and continuity of the process of popular support in this system.

d. A unicameral system can eliminate conflict and competition between chambers in the legislative body. This is because sharp debates often occur between legislative members under the pretext that each of them has a constitutional right to express an opinion.71

e. Legislative institutions in a unicameral system can act firmly and clearly in accordance with the authority they have, this is because their duties and authority are not shared by other chambers.

70 Richard Verma, One Chamber or Two? (Deciding Between a Unicameral and Bicameral Legislature (National Democratic Institute, 2015), 3.
f. The unicameral system is more efficient in terms of implementation so it can reduce the budget.\(^{72}\)

Basically, the list of draft laws that will be drafted is contained in a National Legislation Program (Prolegnas). Prolegnas is a planning instrument for the law formation program which is prepared in a planned, integrated and systematic manner in accordance with the national development program.\(^{73}\) In the 2015-2019 Prolegnas, 125 bills were registered, but only 17 bills were completed. In detail, 11 bills are proposals from the DPR and 6 bills are proposals from the government. Meanwhile, in the 2020-2024 Prolegnas, there are 215 bills registered, and only 17 bills have been completed.\(^{74}\) Throughout 2022, there are 2,358 legislative proposals in the French parliament, 1,311 proposals have been completed, and 1,047 proposals are in pending status.\(^{75}\) This fact shows that there are different impacts and effects in Indonesia and France, which both adhere to the weak bicameral system. There are times The system adopted is able to make parliament an effective and efficient institution or vice versa. This is proven by France which in one year was able to complete more than 50% of the proposed law. Meanwhile, what happened in Indonesia was the opposite, because in the 5 (five) years from 2020-2024, only 17 bills were completed, this figure was only 7.9% of the total draft laws submitted. This shows that the performance of parliamentary institutions in Indonesia is less than optimal.

In essence, a democratic system provides broad freedom for parliamentary entities as one of the institutions that exist as a pillar of democracy.\(^{76}\) The state has the right to determine the form or system of parliament it adopts. This parliamentary system is likely to experience changes or developments that are different from the initial concept. This is commonplace because of the consideration that each country has different political, cultural, social and economic conditions. This is one of the strong reasons for the differences in parliamentary systems in each country. However, if it is found that the parliamentary system adopted is not capable of turning parliament into a better, clearer, more efficient and open legislative institution, then the system can be re-evaluated by considering the existing concept of an ideal parliament.

4. Conclusion

Based on the discussion that has been carried out previously, it can be seen that France is a country that falls into the category Medium-Strength with characteristics asymmetrical and incongruent. The Netherlands includes medium-strength bicameralism


\(^{75}\) The Federal Assembly, “Database of Parliamentary Proceedings,” https://www.parlament.ch/.../french-parliament%0A.

with characteristics symmetrical and congruent. The so-called Austrian legislative body Federal Council does not have the same power as National Council, so that the powers of the two chambers of parliament are asymmetrical. Meanwhile, the Indonesian parliamentary system can be classified as medium-strength bicameralism with buildings asymmetric and incongruent. Based on the classification of parliamentary systems by Giovanni Sartori, the French, Austrian and Indonesian parliamentary systems fall into the category of weak bicameral systems. Meanwhile, the Netherlands is in the category of a strong bicameral system. The results of this research found that there were different impacts, which occurred in Indonesia and France, which both adhere to the weak bicameral system. The French Parliament during one year was able to complete more than 50% of the proposed laws. Meanwhile, what happened in Indonesia was the opposite, because in the 5 (five) years from 2020-2024, only 17 bills were completed, this figure was only 7.9% of the total draft laws submitted. This shows that the performance of parliamentary institutions in Indonesia is less than optimal.

Basically, a parliament whose authority is almost equally strong is considered an ideal parliamentary system. Meanwhile, a weak bicameral system is considered not ideal due to the loss or absence of control between the two chambers, so it is not much different from a unicameral parliamentary system. Likewise with perfect bicameralism which cannot be considered an ideal parliamentary system because the power between the upper house and the lower house is equally strong, which often causes deadlock in the decision-making process in parliament. This concept is not absolute because the practice and implementation of the parliamentary system is carried out in accordance with the needs of the country, because each country has different political, cultural, social and economic conditions. This research is very far from perfect, so the author hopes that further research will emerge that can add insight and knowledge in the field of parliamentary systems.

5. References

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