

Josipa SUDAR: Parliamentarism in the Interwar Period (1918–1941)

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1. Introduction

In my paper I present parliamentarism in the interwar period, the period between two World Wars. The main goal of this paper is to show difficult process of development of parliamentarism in Croatia.

The concept of parliamentarism and accompanying concept of accountability of executive authority has its roots in English impeachment as an institute for limiting the power of ministers. In Europe in general, legal accountability began to be introduced primarily in France after the French Revolution and other continental countries, while mainly political accountability was introduced in England. The reason was different position of English parliament in relation to other European parliaments.¹ On the European continent, the demands for executive accountability therefore culminated only in 1848 as a result of the culmination of liberal movements.²

2. Development of parliamentarism in Croatia before 1918

¹ ČEPULO, Dalibor: Odgovornost i položaj bana i članova Hrvatske zemaljske vlade 1868-1918. i ministarska odgovornost u Europi. [Accountability and position of the ban and members of the Croatian provincial government 1868-1918. and ministerial accountability in Europe]. *Zbornik Pravnog fakulteta u Zagrebu*. 1999, vol. 49, no. 2, p. 234.

² *Ibid.*, pp. 235–236.

Development of parliamentarism in Croatia was long and complex process. Over the years there have been several attempts to introduce government's accountability. The main reason why Croatia couldn't have introduced accountability of executive is that there wasn't proper body to be taken as government. Of course, in a short period of time from 1767 to 1779, the Croatian Royal Council acted but it was accountable to the queen in Vienna only.³ New hopes for possible changes emerged during the Croatian National Revival, but there was no demand for the introduction of ministerial accountability. The key moment for Croatia was in 1848 with the adoption of the document Demands of the People, which for the first time demanded, among other things, the responsibility of the government. This document represented the basis for the work of Croatian Diet in 1848 and it had great meaning for the further development of Croatia too. Next important moment were Mažuranić's reforms when legal accountability of the Ban was introduced. The Act of Accountability of the Ban and Department Heads was enacted in 1874 by Croatian Diet at the suggestion of ban Ivan Mažuranić.⁴ This document was made according to the Austrian Act of Ministerial Accountability from 1867.⁵

It was the first time that members of the executive may be held accountable and that illegal action by the government had been prevented. According to the law, the ban could have been charged for intentional violation of the basic state law, which meant a violation of the Croatian-Hungarian settlement committed during official duty or for knowingly inflicting or causing serious danger to the state independence of the Kingdom of Croatia and Slavonia or the Hungarian-Croatian community. The legal accountability included elements of civil, disciplinary, and criminal accountability with unclear political dimension.⁶ Unlike the ban, department heads responded only subsidiarily. They could have dissociated themselves in writing from the ban's orders.

³ *Ibid.*, p. 239.

⁴ ČEPULO, Dalibor: *Hrvatska pravna povijest u europskom kontekstu [Croatian Legal History in the European Context]*. Zagreb, 2021, Pravni fakultet Sveučilišta u Zagrebu, p. 193.

⁵ *Ibid.*, p. 259.

⁶ *Ibid.*, p. 264.

Unlike legal accountability, political accountability did not have conditions to arise at that time because of strong influence of Central Government and weak significance of the Croatian Diet.⁷

3. Parliaments in the Interwar period

In the period from 1918 to 1941 several state forms changed. Each one had its own state structure and organisation. In addition, parliaments changed depending on the state system as well. Therefore, there were: Provisional Assembly, National Assembly according to the Vidovdan Constitution, National Assembly according to the Constitution of Yugoslavia and Parliament of the Banovina of Croatia.

4. Provisional Assembly

Provisional Assembly was temporary legislature or pre-parliament of the Kingdom of Serbs, Croats, and Slovenes. It met for the first time on 1st March 1919 by decree of the regent. Provisional Assembly is considered as the first parliament of the union of Serbs, Croats, and Slovenes. Its main task was to prepare elections for the Constituent Assembly. Provisional Assembly divided into two sides, centralists and antcentralists, according to their nationality. The Government determined number of representatives and appointed them. Accordingly, representatives weren't elected by people.

Due to strong opposition in the Provisional Assembly the most laws in this period were enacted as executive regulations. Still the most important one, the Act on the Election of National Representatives for the Constituent Assembly was passed by the Provisional Assembly on 3rd September 1920.⁸ At that time the representatives of

⁷ *Ibid.*, p. 267.

⁸ *Ibid.*, p. 271.

the Provisional Assembly exercised their right to file interpellations and that way tried to call ministers to the political accountability, although the Government was appointed by and responsible to the regent only. The Provisional Assembly was dismissed on 28th October 1920 by king's decree after nearly ten months of activity.

5. National Assembly according to the Vidovdan Constitution

On 28th June 1921 the new constitution was passed by the Constituent Assembly. It was called the Vidovdan Constitution according to the saint Vid who was celebrated on the same day. It was based on the constitution of the Kingdom of Serbia from 1903.⁹ The constitution brought in the new state organisation of the Kingdom of Serbs, Croats, and Slovenes. It was constitutional, parliamentary, and hereditary monarchy. According to the Vidovdan Constitution the legislative body was National Assembly. It was an unicameral body with elected representatives for 4-years term. Each representative represented the whole nation, not only the one that elected him. Work of the Assembly was restricted as the king had to confirm all laws. Powers of the Assembly were enumerated in the Constitution. Some of them were right to propose and pass laws, right to confirm treaties made by the king, etc.¹⁰

The important power was power to file interpellations and questions to the ministers. Ministers were obliged to respond during the same convocation of the National Assembly, and within the time limit set by the Rules of Procedure. Ministers were politically and legally accountable to the king and the Assembly. Again, it is way of challenging the work of government.

6. National Assembly according to the Constitution of Yugoslavia

⁹ *Ibid.*, p. 273.

¹⁰ *Ustav Kraljevine Srba, Hrvata i Slovenaca [Constitution of the Kingdom of Serbs, Croats and Slovenes]*. Beograd, 1926, Državna štamparija Kraljevine Srba, Hrvata i Slovenaca, pp. 20–25.

On the 6 January of 1929 the king dissolved the National Assembly and proclaimed dictatorship. The difficult economic situation and external pressures influenced the king to abandon dictatorship and to enact the Constitution of the Kingdom of Yugoslavia in 1931.¹¹ According to the new constitution, the state was constitutional and hereditary monarchy, but it wasn't parliamentary anymore. The powers of the king and the National Assembly differed from those they had under the previous, Vidovdan Constitution. Role of the king was much more emphasized. National Representation was bicameral body consisting of the Senate and the National Assembly. Representatives for National Assembly were elected in general and direct election, by public and oral voting for a 4-years term.¹² Therefore, voting could had been easily controlled. Parties which had support of the regime had advantage in elections. As country wasn't parliamentary, the Government was politically accountable only to the king. Ministers were only legally accountable to the National Assembly.

7. Parliament of the Banovina of Croatia

Banovina of Croatia became autonomous by the Decree on the Banovina of Croatia in 1939 which was based on the article 116 of the Constitution of 1931 which enabled the king to enact emergency decrees. Political basis of the Decree was Cvetković – Maček agreement.¹³

The Decree was important legal document as it represented a *de facto* revision of the Constitution of 1931. Banovina of Croatia was supposed to have its own parliament as legislative body. The Parliament had to be representative body with 100

¹¹ ČEPULO, *op. cit.*, p. 280.

¹² *Ustav Kraljevine Jugoslavije [Constitution of the Kingdom of Yugoslavia]*. Zagreb, 1931, Knjižara St. Kugli, pp. 13–18.

¹³ ČEPULO, *op. cit.*, p. 289.

representatives elected in general, secret, equal and direct elections for a 3-years term. The electoral system limited the right to vote to men only and to the age limit of 24 years for active voting rights, and 30 years for passive voting rights. However, the parliament never met since elections for the parliament were never held. At the end it had to be pointed out that the king was the only one who could dismiss the Parliament and that the Ban as head of the Banovina's government was politically accountable only to the king.¹⁴

8. Conclusion

The process of introduction of ministerial accountability had been a long process for Croatia, which was not yet an independent state. Parliamentarism in Croatia is an ongoing process for which there is still space for development. As we could see through my paper, not all legislatures had an equal role and influence in the political life of the state. In the period between the two World Wars, many things changed and so parliamentarism developed, as well as the accountability of the executive power.

¹⁴ *Ibid.*, p. 292.