

SENATE OF THE ITALIAN REPUBLIC. ESTABLISHMENT, FUNCTIONS AND REFORMS OF THE SECOND CHAMBER OF THE PARLIAMENT

Summary

This doctoral dissertation is devoted to the Senate of the Italian Republic, its establishment, internal organization, functions and the reforms implemented so far. The aim is to describe the political position of the Senate within the framework of the parliamentary system adopted in the Italian Republic and an attempt to identify the most important features that determine its identity. An additional reason for undertaking research on the Italian Second Chamber were the country's numerous unsuccessful attempts to set aside its tradition of the perfect bicameralism. Reconstruction of the Italian parliamentary system's evolution leads to some interesting conclusions, therefore it was important to show the continuity of the Second Chamber and some main directions of its reforms.

The main assumption of this doctoral dissertation is the conviction that the Parliament of the Italian Republic was faced with the challenge of enacting an extensive institutional reform. First of all, it is necessary to pass a major amendment to the second part of the Constitution of 1947, in the part in which it regulates the structure and functions of the Second Chamber. The key element needed to understand the causes of postulated changes is to recognize the phenomenon of specific federalization, which appears to be a new systemic tendency in this country. The research goal is to determine what are the main directions of reforms aimed at increasing the efficiency of the functioning of the state authorities system and how these reforms will affect the Senate.

Despite several attempts to reduce the characteristic of Italy excessive fragmentation of the political scene, with the use of appropriate provisions of electoral laws, this goal has never been achieved. Election laws have unfortunately become a tool allowing politicians to consolidate phenomena that weaken the Italian parliamentary system. On the other hand, the same politicians perceive the bicameral system, introduced by the Constitution, as the source of the problem.

The range of topics included in this thesis made it necessary to use several research methods, including the legal-dogmatic method, analytical method, legal-comparative method as well as historical method.

This dissertation is divided into an introduction, seven chapters and a summary.

The first chapter describes the history of the Italian Senate. The core of the chapter are reflections on the transformation of Italy's political system after World War II. An extensive part of the chapter concerns the activity of the Italian Constituent Assembly, which was to develop the draft of the Constitution of the Italian Republic. The last part raises the issue of the Italian Republic's membership in the European Union and contains an analysis of the constitutional regulation regarding European integration. The second chapter provides the analysis of the Senate's internal organization and mode of work. It also describes the position of Senate in the perfect bicameralism of the Italian Parliament. The chapter is completed with a thorough analysis of the constitutional regulations and the Rules of the Senate. What is important, the author took into account the changes adopted in the Rules of the Senate in 2017. The following chapter is devoted to the functions of the Second Chamber, it presents the scope of the Chamber's works and its relations with the European Union. The fourth chapter is devoted to the evolution of Election Law in the Senate of the Republic. The next, fifth chapter of the dissertation provides a detailed analysis of institution of senators for life. Problems regarding the interpretation of art. 59 of the Constitution are also presented there. The sixth chapter describes the evolution of the Italian Senate. The author analyzes the Parliament's special procedure to adopt constitutional laws, including laws which amend the Constitution together with the supplementary referendum procedure. An extensive part of the chapter concerns the challenges of reforming the Italian Senate, especially the most important attempts to amend Constitution of 1947 and all the amendments that have been passed successfully. The last chapter contains research on the characteristics of the Italian model of perfect bicameralism. It presents the main features differentiating both houses of the Parliament, various forms of mutual relations and cooperation between both Chambers and their importance for the seamless performance of the functions entrusted to the Parliament. Then, the chapter is focused on selected reform postulates that can help to improve the Italian bicameral model.

The conclusions of the dissertation summarize all conclusions presented by the author in every chapter. So far, the Senate's internal organization has not undergone any significant changes. This stability is ensured mainly by the Rules of the Senate. The changes introduced to it intend to adopt the Rules of Senate to the evolving needs of the Second Chamber. The Parliament effectively uses its competences and does not allow to weaken its position in the highest state authorities system by a fairly strong executive power. The Italian Republic is characterized by the multi-party nature of Parliament and the necessity to form coalition governments.

The Senate attempts to neutralize these phenomena by amending its Rules in order to strengthen party discipline and the role of parliamentary groups. Moreover, Second Chamber is introducing new forms of fighting parliamentary obstruction. Although the perfect bicameralism is considered to be an obstacle to the efficient performance of Parliament's legislative function,

the Senate is a Chamber that works efficiently and effectively. However, the difficulty that arises from the concept of bicameralism adopted in Italy is the reduction of the governability. It is certain that Italy needs a significant institutional reform and that it should implement the already started federalization of the state by entrusting representatives of the regions with the right to sit in the Second Chamber. Nevertheless, all previous attempts to reform were not sufficiently compromise.