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# Rethinking representative democracy in Croatia

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The article analyses the development of representative democracy in Croatia from its independence to today. During the 1990s, Croatia changed its electoral system several times and had a bicameral parliament. With the constitutional changes implemented in 2001, the legislative power was organized on a unicameral principle. At the same time, the previous semi-presidential system was replaced by a parliamentary one. These changes represent only the basic framework within which representative democracy in Croatia developed over time. An important milestone in this development was the introduction of preferential voting at the national elections in 2015, which allowed the voters to vote for a particular list and a specific candidate on that list. According to some, this improved the problematic state of inner-party democracy, although, for others, the reform was not far-reaching enough. Given that representative democracy does not function in a vacuum, the article also considers the impact of direct democracy on the functioning of representative democracy in Croatia. Referring to the Croatian experience, it argues that this complementary form of democracy had a positive impact on the quality of representative democracy in the country. Nevertheless, in the face of representative democracy in Croatia, many open questions still need to be addressed. The most important one is how to increase the turnout in the elections, which is still comparatively low and arguably related to the low trust in politics.

## KEYWORDS

representative democracy, electoral reforms, political parties, Croatia, direct  
democracy, voter behavior

## Introduction and methods

The first decade of democratic consolidation in Croatia during the 1990s was turbulent, witnessing frequent early elections and several electoral system changes. The Homeland War (1991–1995), which Croatia fought on its territory, slowed down democratic development and implementation of the needed reforms (Dolenec, 2008, p. 34). The period was marked by the dominant role of the Croatian Democratic Union (HDZ), which remained in power for the entire decade. Such conditions prevented proper democratic consolidation and resulted in deficient democratic outcomes (Dolenec, 2013; Maldini, 2015; Finn, 2019). After the 2000 parliamentary elections, Croatia obtained a new government and substantially changed its political architecture. This, coupled with the start of the EU accession process, demanding further legal and institutional changes, contributed to rapid progress in its democratic growth and consolidation (Finn, 2019). The culmination of this positive trend was the EU accession in July 2013. 2015 marks the start of another significant trend concerning democratic developments, which concerns the rise of new populist and protest parties. This disrupted the dominant position of the two main political parties and brought instability to the government formation process (Nikić Čakar and Čural, 2022).

This article examines the evolution of representative democracy in Croatia primarily by evaluating changes in its electoral system. However, it also looks beyond to the role of direct democracy, with its corrective impacts on the main political actors. From that broader perspective, it makes conclusion about strengths and weaknesses of representative democracy in the country. In that context, the principal research question is to determine: What are the primary obstacles on the country's path towards strengthening its representative democracy? The starting hypothesis is that Croatia successfully consolidated its representative democracy in the period between the Homeland War and joining the EU. Nevertheless, in the last decade, the country witnessed a certain democratic deterioration, manifested in a lower electoral turnout, sinking trust in politics (Čular and Šalaj, 2019), and the rise of populism. The origins of this situation could be traced back to the 2009 financial crisis with its distorting economic and social impacts on the country and the absence of EU conditionality in the post-accession period.

The article analyses secondary academic works published in journals and books identified through a systematic review of databases and search engines. Additional sources used concern relevant legislation and official election and referendum results. In order to describe and interpret the theme in focus, the author relies on qualitative content analysis. To a much lesser extent, quantitative content analysis is also applied. The article contributes to the cumulative understanding of representative democracy in Croatia by identifying key drivers behind various changes, creating an accessible point of departure for future research.

Croatia was chosen as a single-country study due to unique aspects of its democratic transition, such as frequent electoral reforms during the 1990s. Furthermore, the war and post-war transition paradigm during the first decade of its democratic transition set Croatia apart from other post-socialist European countries. Although there is a small number of former socialist countries in Europe that, in their recent history, have experienced war aggression, such as Ukraine or previously Bosnia and Hercegovina, Croatia is the only post-war state that succeeded in joining the European Union. Therefore, its experiences concerning democratic consolidation bear particular relevance for the non-EU countries currently or recently at war.

Compared to previous similar research, the added value of the article is its broader perspective, which allows it to observe representative democracy beyond the usual narrow focus on elections. Additionally, this article analyses adaptations of the electoral system in Croatia implemented in 2023, which has not been done so far. While the present state of the art analysis of representative democracy in Croatia describes various institutional features and patterns of cooperation between political actors it does not go far enough in explaining the processes of long-term institutional change. By relying on the historical institutionalist approach, this article examines institutional configurations which influenced the development of representative democracy in Croatia during three distinct historical periods.

Although mostly robust in their analysis, the political science literature addressing the topic of representative democracy in Croatia pays insufficient attention to the deteriorating quality of democratic processes following the EU accession. Similarly, this article aims to fill the existing gap in the literature concerning relations between representative and direct democracy in Croatia, which may also

be instructive for other countries. Such a perspective draws on work on compatibility between representative and direct democracy (Budge, 2006). The limitations of this research relate to the fact that the issue of representative democracy in Croatia is too complex to be explained in its entirety within a scholarly article of a limited size. Therefore, future research should focus on more granular interpretations of particular aspects identified here as important.

Following the introduction, the article brings a theoretical section aimed at securing a better understanding of the following analysis. It presents the main topics of relevance concerning the functioning of representative democracy and related trends. The main section brings the obtained research results concerning Croatia in the form of synthesized findings divided into three subsections: i) general framework, ii) main challenges, and iii) role of direct democracy. While the first two subsections analyse the main characteristics and principal implementation problems in the ambit of representative democracy, the third one focuses on direct democracy and its relationship with the representative democracy. The latter is deemed relevant for Croatia due to the relatively frequent usage of the various instruments of direct democracy. The article ends with a discussion and conclusion section, which connects insights from the previous parts into one coherent whole, provides conclusions and some recommendations.

## Theoretical background

The analysis of representative democracy in Croatia in this article is founded on historical institutionalism, which sets it apart from the great majority of research published on this topic, which follows behaviorist approaches or other types of institutional analysis. The historical institutionalist approach to studying politics and social change analyses "organizational configurations" instead of looking at particular institutions in isolation (Pierson and Skocpol, 2002, p. 1). It strikes a balance between the rational choice approach and sociological institutionalism. The former argues that institutions are important because individuals frame their strategic behavior through them, while the latter believes that important institutional rules govern individual behavior and social interaction (Steinmo, 2008; Emmenegger, 2021). Historic institutionalism stands between these two views, arguing that people are both norms-abiding and self-interested rational actors and that one's actions depend on the individuals, the context and the rules (Steinmo, 2008, p. 126).

The concept of critical juncture plays a pivotal role in the historical institutionalist approach. It represents the moment of the "punctuated equilibrium" of the institutional order, allowing for the institutional framework to change (Weik, 2015). Critical junctures increase the causal role of agency and reduce the degree of social embeddedness. Under such conditions, the agents can adopt a calculating position concerning the previously existing rules (Emmenegger, 2021, p. 615). Another important concept in the framework of historical institutionalism is path dependency, which suggests that what has occurred in the past persists because of resistance to change (Weik, 2015).

Historic institutionalism takes history seriously, believing that political events happen within a historical context. In other words, the position of historical institutionalism is that behavior, attitudes, and strategic choices cannot be adequately understood outside of the

temporal or even cultural dimension (Steinmo, 2008, p. 127). Historic institutionalism also argues that institutions are political legacies of historical battles and reflect fundamental societal conflicts (Mahoney and Thelen, 2010). Nevertheless, this approach avoids historical determinism by showing that path dependent behaviors can persist even after the change is introduced. That subtle shifts beneath the surface of seemingly stable institutions over time can completely redefine the purposes they serve (Thelen, 2016, p. 101). A scholar in historic institutionalism is primarily interested in explanations and not predictions, taking a position that meaningful predictions in social science are hardly possible (Steinmo, 2008, p. 134).

Before exploring the particularities of representative democracy in Croatia within various historical periods, it is necessary to briefly review some crucial concepts and institutional practices that have evolved in liberal democracies since the 19th century, as observed by some of the leading scholars in the field. The aim of this exercise is to enable better understanding of the problems which currently slow down the development of representative democracy in Croatia.

Representative democracy implies an indirect relationship between citizens and the process of political decision making usually conceptualized in terms of principal agent framework. The citizens, as principals, delegate the authority to make public policy to their representatives, i.e., to the agents (Dahl, 1966; Powell, 2004; Andeweg and Louwse, 2020). This delegation chain is accompanied by a chain of accountability from the policymakers directly or indirectly to the citizens (Andeweg and Louwse, 2020, p. 95). Popular decision-making refers to the literal meaning of representative democracy based on the principle of political equality. This implies equal and free participation of citizens in elections as instruments of representative democracy where their votes have to be equally counted (Van Ham, 2020, p. 113; Elklit and Reynolds, 2005). Elections are complex processes, and irregularities can occur at various stages. Therefore, the conceptualization of electoral integrity varies from positive definitions, which indicate the desirable properties of elections, such as fairness or election quality, to negative definitions, which emphasize their absence (Van Ham, 2020, p. 115). Assuming that there is electoral integrity, the question of which basic model of political representation (majority or proportional system) better suits its purpose remains debated. From a majoritarian perspective, it matters the most that government parties translate their mandate into government policy. From the perspective of a proportional system, representation of both opposition and government parties' views in parliament is essential for democratic quality (Louwse, 2011; Merkel, 2011; Beyme, 2013).

The dilemma between majoritarian and proportional electoral systems has emerged as an important issue in Central and Eastern European countries that transitioned from state socialism to democracy. In his seminal book on the transformation of political systems, Merkel (2011, p. 105) notes that the majoritarian electoral systems often prevent larger social and political groups from accessing political power. On the other hand, the problem with proportional systems is that they tend to make the formation of stable government majorities difficult. Merkel underlines some previously reached conclusions (Kasapović and Nohlen, 1996; Birch, 2003) that the spectrum of electoral systems that promote democratic consolidation extends from proportional electoral systems with a higher electoral threshold to mixed majority-proportional electoral systems that balance the elements of both systems. Based on these observations he concludes that the proportional system is generally more conducive

to democratic consolidation as it produces lower fragmentation and polarization and increased stability in the party system (Merkel, 2011, p. 104–108). An essential factor in democratic consolidation in Central and Eastern Europe was the process of EU enlargement, which produced external democratization pressures that impacted these countries' overall democratic quality (Grabbe, 2006; Maldini, 2015; Finn, 2019). Nevertheless, the democratizing potential of the EU enlargement policy has also been criticized with the argument that it restrained from going further than meeting the criteria of formal democracy, i.e., demanding more substantive changes (Maldini, 2015).

Models of democracy can be divided into two principal types: representative or liberal models, where citizens choose their political representatives on regularly repeated elections, and participatory models, where citizens participate directly in political decision-making (Kriesi, 2005). Direct democracy, which belongs to this later model, can be implemented using three principal instruments. The first refers to citizens' initiatives initiated by the MPs or the public by collecting a prescribed number of the citizens' signatures. The second is a referendum initiated by the government or the parliament. Thirdly, there is the obligatory referendum, which is launched automatically whenever a decision needs to be reached on a prescribed constitutional matter (Merkel, 2014). Although citizens' initiatives are present in most Central and Eastern Europe countries, in Western Europe, they are used only in Switzerland, Liechtenstein, Italy, and San Marino (Blagojević and Sesvečan, 2019, p. 851).

Direct democracy traditionally divided scholars and still divided them regarding its positive or negative implications on representative democracy. While critics underline the tension between representative and direct democracy, supporters view these two forms of democracy as complementary (Colombo and Kriesi, 2020, p. 435; Budge, 2006, p. 3). One of the most prominent criticisms of direct democracy points to the fact that it recognizes only winners and losers, leaves no room for negotiations, and has the potential to endanger minorities (Sartori, 1992; Lijphart, 1999). Critics also consider citizens insufficiently equipped to decide on increasingly highly complex topics (Sartori, 1992). For supporters, the decisions reached using direct democracy strengthen the legitimacy of a democratic political system in the eyes of the citizens. Furthermore, the possibility of a referendum changes the behavior of those in government who tend to anticipate the majority positions of the citizens and incorporate them into parliamentary decisions (Longchamp, 2002; Altman, 2010).

Analysing features of the contemporary representative democracy, Budge (2006, p. 2) concludes that parliamentary representatives are no longer elected based on their merit but on the basis of their support for the party's medium-term policy program. Therefore, representative democracy needs direct democracy in a mediated form to extend the 'necessary democratic connection' between popular preferences and public policy (*ibid.*: p. 8). Other scholars, along a similar line of thinking, conclude that sharp contrasts between mechanisms of representative and direct democracy are often exaggerated. While direct democracy brings an additional element of unpredictability into the political system, such decision-making remains deeply rooted within the power structures of representative democracy (Colombo and Kriesi, 2020, p. 448; Smith, 2009, p. 123; Budge, 2006, p. 10).

All general reflections on representative democracy in the 21st century must also address the rising phenomenon of populism, which has been deployed so widely that it is not always clear what exactly it refers to (Norris, 2020, p. 546). According to Mudde (2004, p. 543), one

of the leading scholars on that topic, populism represents a thin-centred ideology that separates society into two homogeneous and antagonistic groups, 'the pure people' and 'the corrupt elite'. The populists argue that politics should express the people's general will. There is a tension between populism and liberal representative democracy because populism tends to undermine the legitimacy of liberal-democratic checks on executive power and, in that way, prepares the ground for soft authoritarian leaders (Norris, 2020, p. 548). The challenges posed by populism and other issues, such as a drop in electoral participation, made some authors conclude that the future of representative democracy looks bleak (Simon, 2015; Foa and Mounk, 2016). Others, however, concluded that the growth of critical citizens, which is closely related to populism, is not necessarily detrimental to representative democracy since it could ultimately bring about democratic improvements (Klingemann, 1999; Norris, 2020).

## Results

### General framework

Croatia's first free multi-party elections were held in April 1990 while the country was still part of the federal Yugoslavia. Elections were announced for the Council of Municipalities, Council of Associated Labour and Socio-political Council that made up the Parliament of the Socialist Republic of Croatia. The first elections were held according to the French-type two-round majority system, meaning the country was divided into constituencies, each electing one representative. To the Socio-political Council, 80 representatives were elected; to the Council of Associated Labour, 156; and to the Council of Municipalities, 115. Altogether, a total of 351 representatives have been elected.

In the first round, the number of votes received by the winning candidates could not be less than one-third of the number of voters registered in the particular electoral unit. If no candidate received the required majority, all candidates who received at least 7% in the first round entered the second round two weeks later. If only one candidate received at least 7%, the next candidate who received the most votes would still enter the second round (Herceg Zeba, 2016, p. 124). With 42% of the votes, the centre-right Croatian Democratic Union (HDZ) won 205 (58%) seats in the parliament. The Communist Party of Croatia - Party of Democratic Changes (SKH-SDP) obtained 26% of votes and 107 (30%) of seats, and therefore went into opposition (SECRC – State Electoral Commission of the Republic of Croatia, 2024).

Based on the election results on the 30 May 1990, the first multi-party parliament was constituted. That parliament passed many historic decisions, including the Croatian Constitution on 22 December 1990, the Constitutional Decision on Independence on 25 June 1991, and the Decision on Termination of All State Legal Ties with the former Yugoslavia on 8 October 1991. Croatia's political and economic transition context during the 1990s differs significantly from that of most other former socialist countries. The creation of the state was marked by the Homeland War (1991–1995), in which thousands of citizens lost their lives. During the Homeland War, the Serbian rebels occupied one-third of the state territory. In the remaining territory, the country had to take care of several hundred thousand refugees from the occupied territories and the neighboring Bosnia and Herzegovina, also at war.

Croatian Constitution from December 1990 (Art. 71) established the Croatian Parliament as a bicameral body composed of the House of Representatives as the lower house and the House of Counties as the upper house (Constitution of the Republic of Croatia, 2024). The Constitution further stipulated that representatives to both houses are elected for 4 years (Art. 72). The plural voting rights which previously allowed election of representatives for three chambers of the parliament have been abolished. From the perspective of representative democracy, arguably one of the most critical provisions in the 1990 constitution refers to prescribing the number of members in the House of Representatives to a minimum of 100 and a maximum of 160. The number of representatives in the House of Counties was prescribed at 68. The Constitution noted that each of the 21 counties was to elect three representatives to the upper house while an additional five representatives were to be appointed by the president of the republic from among particularly deserving citizens. Throughout the 1990s, elections for the House of Representatives were held separately from those for the House of Counties.

The 1990 constitution established a semi-presidential system with all the characteristics of such a system, as defined by Podolnjak (2022, p. 124). Accordingly: i) the president was elected directly, ii) a political decision of the parliament could not terminate the mandate of the president, iii) the president was the real head of the executive power, iv) the basis of his key position in the executive power was constitutional prerogatives (dissolution of the parliament, appointing and dismissal of the government and leadership position in the party which holds parliamentary majority).

The first parliamentary elections in independent Croatia occurred in August 1992 as elections for the House of Representatives. The elections were held according to a mixed majority-proportional electoral system. Accordingly, 60 representatives were elected in constituencies, in which one representative was elected according to the majority system. The additional 60 representatives were elected by a proportional system from one state list using the d' Hondt method of calculating votes into mandates with an electoral threshold of 3%. This system particularly suited the ruling HDZ at the time, whose candidates won in 54 out of 60 constituencies in which representatives were elected by the majority system (Kasapović, 2014).

In 1995, following the victorious end of the Homeland War, Croatia held the early parliamentary elections for the House of Representatives. On that occasion, the election laws were amended to retain the mixed system. However, the number of votes distributed in the proportional and majority segments of the election was changed in favour of the proportional segment. Therefore, 28 representatives were elected by a majority system in constituencies, while 80 representatives were elected proportionally from a one-state list, with the electoral threshold being increased to 5%. In these elections, a new constituency was introduced in which citizens without residence in Croatia (diaspora) elected 12 representatives to the House of Representatives based on a special list. This was particularly favorable to the ruling HDZ, which won all 12 seats reserved for the diaspora (Podolnjak, 2013, p. 165). The clear victor of these elections was the ruling HDZ, which later formed its sixth government.

The elections for the House of Representatives in January 2000 took place in thoroughly changed political circumstances following death of Franjo Tuđman, Croatia's first president and founder of the HDZ. These elections were particularly significant for the country because the new electoral model adopted then, with minor corrections, has remained

valid until today (see Table 1). Therefore, they mark the end of the first and start of the second historical period in development of Croatia's representative democracy. Since the year 2000, elections in Croatia have been conducted according to the proportional system in 10 constituencies, which differ from the existing subnational administrative units, with 14 representatives being elected from each constituency using the d' Hondt method of calculating votes into mandates. It is a closed-list proportional system, meaning that voters vote for one of several lists of candidates, usually prepared by the political parties. The adopted electoral threshold of 5% (at the level of electoral units) for all individual candidates, parties and coalitions remained valid until today.

In the 2000 parliamentary elections, the HDZ lost power for the first time since Croatia's independence, and the majority was obtained by a six-party centre-left coalition led by the socialist SDP (legal successor of the Communist Party of Croatia). The changes to the Croatian Constitution in November 2000 abolished the semi-presidential system and introduced a parliamentary system with a stronger role for the government and the prime minister (Constitution of the Republic of Croatia, 2024). Furthermore, constitutional changes in March 2001 abolished the House of Counties and made the Croatian parliament unicameral.

The current system of electing national minority representatives is codified in the Law on Election of Representatives to the House of Representatives (LERHR - Law on Election of Representatives to the House of Representatives, 2019) and the Constitutional Law on the Rights of National Minorities (CLRNM - Constitutional Law on the Rights of National Minorities, 2011). The national minority representatives are elected in six separate electoral districts (Raos, 2023, p. 43). Considering their number in the general population (more than 1.5%), three parliamentary seats are reserved for representatives of the Serbian national minority. These are elected from a separate three-mandate electoral district by a majority block voting. This means that voters can round up at least one and at most three national minority candidates and that the party that nominates a candidate which gets the most votes wins all the seats (Podolnjak, 2013, p. 179). The remaining five seats reserved for the national minority representatives are divided among all other national minorities, none exceeding 1.5% of the general population. These representatives are elected by a relative majority voting in five separate electoral districts. In other words, in each of these districts, the candidate who wins the most votes gets elected (Raos, 2023, p. 43). Members of national minorities are not allowed to vote twice for both general and minority candidates. Instead, they have to choose between voting as a regular citizen or voting as members of the national minority (*ibid.*).

In 2010, the method of electing representatives of the diaspora in the Croatian Parliament was inscribed in the Constitution and further elaborated in the LERHR. Accordingly, in the parliament, there are three representatives of Croatian citizens which have no residence in the country. These citizens exercise their right to vote at the polling stations opened for elections in Croatia's diplomatic and consular missions. The electoral unit for the diaspora is the whole world (Kasapović, 2012). This, in practice, means that the Croats from Bosnia and Herzegovina, as the most numerous single groups of citizens without a residency, have a decisive role in the election of these representatives (Podolnjak, 2013, p. 173).

Croatia retained the direct election of the republic's president even after the November 2000 constitutional changes. In this aspect, the country follows the tradition of most former socialist states, which directly elect their presidents (Smerdel, 2019). Ever since 1990, the mandate of the president has lasted for 5 years, whereby the same person can be elected a maximum of two times. The president is elected by the majority electoral system. If no candidate gets over half the majority in the first round, the election is repeated after 14 days. Since November 2000, the powers of the president have been substantially reduced. Nowadays, according to the Constitution, the president of the republic represents Croatia in the country and abroad, takes care of the regular and coordinated activities as well as the stability of the state and acts as a supreme commander of the armed forces (Art. 94). Furthermore, it is also important to mention that according to the Constitution president of the republic and the government cooperate in shaping and implementing the country's foreign policy (Art. 99).

Local elections in Croatia decide who will exercise power in 21 counties (regional self-government), 128 cities and 428 municipalities (local self-government). Regular local elections are held in the country on the third Sunday in May every fourth year. Despite the multitude of its local units, it should be emphasized that Croatia is not a federal but rather a centralized state and that the powers of local bodies are primarily administrative. The local election underwent a major reform in 2009 when the direct election of the local leaders, county prefects, mayors, and municipal chiefs was introduced. Before 2009, these local leaders were elected based on the majority's will in the local representative bodies. The 2009 reform resulted in the situation whereby local elections are conducted according to two different electoral systems (see Žižić, 2013). Elections for local representative bodies are conducted using a proportional electoral system, with each local self-governing unit representing a separate electoral unit. These are elections with closed lists where the electoral threshold is 5%, and

TABLE 1 Current composition of Croatian Parliament.

Type of MPs	Type of electoral system	Legal base	Number MPs
Regular MPs	Proportional voting in constituencies I-X	Law on Elections of Representatives to the House of Representatives (LERHR)	140
Diaspora MPs	Proportional voting in constituency XI	Constitution and LERHR	3
Serbian national minority MPs	Majority block voting in one non-territorial electoral district within constituency XII	Constitutional Law on the Rights of National Minorities (CLRNM) and LERHR	3
Other national minority MPs	Relative majority voting in five non-territorial electoral districts within constituency XII	CLRNM and LERHR	5
Total number of MPs			151

Source: authors compilation based on Podolnjak (2013) and Raos (2023).

the distribution of mandates is done according to d' Hondt method. Leaders of local and regional bodies are elected by a majority electoral system with elections between the two best candidates in the second-round if none of the candidates wins an over-half majority in the first round.

Croatia's first European Parliament elections were held in April 2013, before it acceded to the EU, which took place on 1 July 2013. The representatives who were then elected had a mandate of only 1 year instead of 5 years because the next regular European Parliament elections were held in 2014. Croatia elects 12 representatives to the European Parliament using a proportional electoral system from one electoral unit – the country as a whole. At the European Parliament elections, the Croatian populist parties and candidates tend to obtain a higher vote share than at the national elections. Nevertheless, these gains are hardly translated into higher representation due to excessive fragmentation among these parties (Butković and Šelo Šabić, 2023). After joining the EU, the Eurosceptic discourse within the two major mainstream parties occasionally came to surface when these parties were in the opposition (Arapović, 2020). Simultaneously, Eurosceptic arguments became much more prevalent within the populist parties which used it as an element of wider discourse against the current political and economic system (Butković and Šelo Šabić, 2023).

## Main challenges

One of the most significant problems faced by the parliamentary system since 2000 was the unequal weight of voter's vote. In 2010, the Croatian Constitutional Court noted in its report that there is an unequal weight of the voter's vote in various constituencies, contrary to the legal provisions prescribing that the number of registered voters in individual constituencies must not deviate more than  $\pm 5\%$ . In other words, the political power of the vote differed significantly between different electoral constituencies and was weakest in those with the most voters (CCRC - Constitutional Court of the Republic of Croatia, 2010). All governments since 2010 admitted that there is a problem with dividing the country into constituencies. This covered major and smaller parties (Čular, 2018a, p. 8).

Furthermore, numerous experts analysed the unequal weight of the voters' votes, proposing different solutions. It is known that d' Hondt method of calculating votes into mandates is most beneficial to the large political parties. Therefore, it was suggested to replace it with the Sainte-Laguë method and organize the country's whole territory into a single electoral constituency (Palić, 2012). Other authors argued for constitutionalizing the electoral system to incorporate its basic principles into the constitutional text. This would prevent electoral combinatorics because electoral system changes would only be possible with a 2/3 parliamentary majority (Podolnjak, 2013; Žugaj and Šterc, 2016).

The left-liberal association GONG proposed a reform of the electoral system in order to address the unequal weight of voters' votes and other issues. Accordingly, Croatia would be divided into six constituencies instead of ten while keeping the existing constituencies for the diaspora and national minorities. The boundaries of the electoral constituencies would not break the existing county borders, and the City of Zagreb would not be divided into several constituencies but united into just one (GONG, 2014). On two occasions (2014 and 2018), the right-wing conservative association "In the Name of the

Family" participated in civil initiatives to call a referendum demanding a constitutional referendum on comprehensive electoral reform. They demanded constitutionalizing the electoral system. Furthermore, among other things, they requested new criteria for establishing electoral constituencies, lowering the electoral threshold and banning pre-electoral coalitions (Podolnjak, 2015a). Both of these referendums were not held because organizations failed to collect sufficient signatures for the initiatives to be valid.

In February 2023, the Constitutional Court published a decision which repealed the Law on Constituencies for the Election of Representatives to the House of Representatives (LCERHR) as of October 2023 due to the violation of the equal weight of the voter's vote principle (CCRC - Constitutional Court of the Republic of Croatia, 2023). Based on the government's proposal, in October 2023, the HDZ parliamentary majority, backed by some additional MPs, adopted the new LCERHR. It included minor modifications to existing constituencies, whereby only 22% of voters will change the constituencies in which they have previously voted (LCERHR - Law on Constituencies for Election of Representatives to the House of Representatives, 2023). The opposition parties and some civil society organizations criticized the approach taken by the government (Croatian Parliament, 2023). They viewed the changes as minimalistic and as a missed opportunity to fix the electoral system once and for all times. Significant criticism was directed at the fact that boundaries of electoral constituencies will most likely need to be changed again when, due to demographic changes, the problem of the unequal weight of the voter's vote reappears. In other words, Croatia missed the opportunity to create a more flexible system where the number of representatives elected in various electoral units could periodically be adjusted to the actual number of voters. Furthermore, critics lamented that an independent working group was never established to draft the new law. Instead, the draft law was prepared by anonymous experts on behalf of the Ministry of Justice. Last but not least, critics warned of the need to harmonize the voter register with the population census, given the discrepancies.

Participation in elections for the House of Representatives has been declining ever since 1990, although there were elections which stood out from this general trend, such as the crucial 2000 election, where the turnout was relatively high (see Figure 1). Moreover, a below 50% turnout in the 2020 elections should be viewed in the context of the COVID-19 pandemic, which influenced some voters' decision to stay home. Such voters had no alternative to voting in person since postal or electronic voting is not recognized in Croatia. It is difficult to find an answer to the extent to which the drop in participation in elections is caused by Croatian circumstances and to what extent it is an expression of the general trend of decreasing participation in almost all European countries (Čular, 2013, p. 9). Nevertheless, the drop in participation represents a challenge to the legitimacy of representative democracy in the country and, as such, needs to be addressed by concrete action on behalf of political actors. Local elections have been particularly hard-hit since some local leaders are currently being elected with as little as 10–15% of the voters' support. Such an alarming situation resulted in some experts calling for the installment of obligatory voting at the local level.

Analysing the effects of the electoral system since the year 2000, which was proportional, Herceg Zeba (2016, p. 135) concluded that these are more similar to the effects attributed to the majority system. Namely, there was a dominance of two large political parties, the

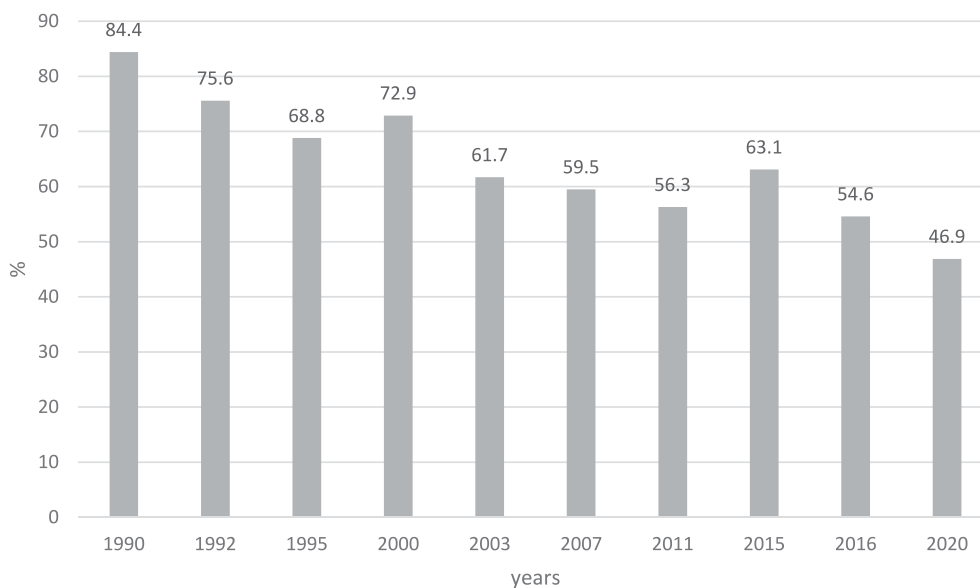


FIGURE 1

Turnout at the elections for the House of Representatives. Source: SECRC – State Electoral Commission of the Republic of Croatia (2024).

centre-right HDZ and the centre-left SDP, each joined by smaller parties in various coalitions. This, in practice, meant that the government formation process in Croatia had been relatively simple and that governments used to be stable (Nikić Čakar, 2021). This situation changed following the 2015 parliamentary elections, which marked the beginning of the third historical period in development of Croatia's representative democracy. The period is characterized by the rise of new, mostly protest and populist parties which got elected on their own (without entering pre-electoral coalitions with the mainstream parties). These parties succeeded in mobilizing volatile voters and reducing wasted votes, which before 2015 used to be significant (Nikić Čakar and Čural, 2022, p. 571).

Presence of the populist parties brought instability and uncertainty to the process of government formation, which was most visible in the 2015–2017 period. At that time, Croatia went through two short-lived coalition governments between the centre-right HDZ party and the new populist right MOST party as its junior partner. In 2017, Prime Minister Andrej Plenković concluded that further cooperation between the HDZ and MOST was impossible and managed to replace its coalition partner with the liberals, which, before that period, never formed coalitions with the HDZ. According to some analysts the coalition government between the HDZ and MOST failed “mostly due to MOST's schizophrenic attempts to act as the opposition while in government” (Grbeša and Šalaj, 2017, p. 12).

Since the installment of democracy, the practice has been established according to which most parties at the time of elections form pre-election coalitions. This means that numerous small parties that would otherwise have no chance of winning seats in the parliament still obtain it, thanks to the fact that they entered the election competition as part of broader multi-party coalitions. A direct consequence of this state of affairs is significant fragmentation of the parliament, which as such is always in danger of producing political instability (Podolnjak, 2015a, p. 107; Čular, 2013, p. 8). Almost each new parliamentary convocation introduced four to seven political parties not represented during the previous mandate. Moreover, three to four parliamentary parties often did not get

re-elected (Čular, 2018b, p. 281). Such a fragmented composition of the parliament is not synchronized with the notion of democratic consolidation conceptualized by Merkel (2011).

Research on intra-party democracy in Croatia indicated that the participation of ordinary members in the decision-making process is very low. In addition, it has been shown that within the parties, decisions are often made informally, and also that the problem of concentration of power in the hands of the party leadership exists in all parties, regardless of their size (Čelap and Nikić Čakar, 2017). Perhaps this was one of the most essential reasons for introducing preferential voting in the country. Preferential voting in Croatia was first introduced in 2013 as part of the European Parliament elections, and since 2015, it has also been introduced at the national parliamentary elections. The introduced system is relatively simple because, in addition to voting for the electoral list, the voter can also circle one of the candidates on the list for which he/she voted to prioritize that candidate over the other candidates. After the election, the proposed initial order of candidates on all lists is changed to the order based on the number of votes won by each candidate. However, this applies only to candidates who won at least 10% of the total valid ballots for that particular list. In short, this means that the elections with closed, blocked lists have been transformed into elections with closed, non-blocked lists with the possibility of one preferential vote.

Although in Croatia, not more than 10% of representatives have ever been elected through preferential voting, it seems this method achieves greater effects than in other European countries with the same type of preferential voting (Čular, 2023). At the national elections, two-thirds of the voters circle the desired candidate in addition to the party list, while at the European elections, that percentage is even higher (*ibid.*). The fears that introducing preferential voting would result in more invalid ballots and potential electoral fraud did not materialize (Raos, 2015). However, it seems that preferential voting only slightly improved the legitimacy of the elections in Croatia. According to one prominent opinion, much more would be achieved if a preferential voting system was introduced with up to three votes and a lower threshold within lists. In this way, voters

could influence the composition of the representative body to a much greater extent than now (Herceg Zeba, 2016, p. 145).

The current model for the election of the national minority and diaspora representatives, as well as the role of the national minority representatives, have been sharply criticized. The most criticized was the practice where these representatives play a vital role in the constitution of governments by siding with one political option during a vote of confidence (Bali and Podolnjak, 2009, p. 54). Furthermore, the fact that in the election of the Serbian national minority representatives, the list that receives the relative majority of votes has the right to all three seats was seen as problematic (Podolnjak, 2013, p. 179). Regarding diaspora voting, criticism refers to the fact that by limiting the number of representatives elected by citizens without residence in the country, the equal voting rights of Croatian citizens have been violated. Thus, citizens living abroad, who comprise more than 10% of the total electorate, can elect only 2% of representatives in the national parliament (*ibid.* 169).

Some political actors do not support the direct election of the republic's president. Therefore, they advocate for the installment of the so-called pure parliamentary system, which would imply the election of the president in the parliament and not directly. However, such ideas are promoted mainly by those political actors who have negligible chances of winning in the immediate elections (Smerdel, 2019, p. 767). A much more serious problem with the institution of the republic's president is that its relations with the prime minister in the areas where they share powers are not regulated in sufficient detail, which sometimes creates functional problems or even leads to conflict situations (Cipek, 2024).

## Role of direct democracy

Direct democracy is deeply rooted in modern-day Croatian statehood because the political decision to break all legal ties with the former Yugoslavia and declare independence was confirmed on a nationwide referendum (see Table 2). Furthermore, direct democratic decision-making is explicitly stipulated in the Croatian Constitution (Art.2). Accordingly, "the Croatian Parliament or the people directly, independently, by the Constitution and the law, decide on the arrangement of economic, legal and political relations, on the preservation of natural and cultural wealth and its use, and about forming alliances with other states" (Constitution of the Republic of Croatia, 2024).

However, until 2010, the development of direct democracy in the country was halted by very restrictive implementation requirements, which prescribed a participation quorum of at least 50% of voters registered in the country and also at least 50% acceptance quorum of all registered votes in case of association or dissociation (Butković, 2017, p. 55). In 2010, the Croatian Constitution was changed, abolishing all requirements for participation quorum on the national level referendums or citizens' initiatives. This move, supported by all major political parties, was made in order to save the upcoming EU membership referendum from possibly failing (Podolnjak, 2015b, p. 134). The results of the EU membership referendum held in January 2012 showed that the concerns of political parties over turnout had been justified because, without prior constitutional changes, that referendum would not have passed (see Table 2).

The 2010 constitutional changes obliged the government to harmonize the Law on Referendum (LOR - Law on Referendum, 2009) with the Constitution within 6 months. However, to this day, LoR and other relevant legislation have not been harmonized, which produces problematic legal effects due to different requirements for implementing direct democracy instruments at the national and local levels. While at the national level, the participation quorum has been abolished, at the local level, the participation quorum of 50% of locally registered voters still holds (Butković, 2017, p. 55; Blagojević and Sesvečan, 2019, p. 847). Furthermore, provisions of the Law on Local Self-Government (LLSG - Law on Local Self-Government, 2020) prescribe that in order for the local-level citizens initiatives to be launched, citizens need to collect signatures from 20% of the total number of voters, while the national obligation is set at 10% (*ibid.*). Such strict requirements prevent the implementation of most local-level citizens' initiatives.

Implementation of the national-level citizens' initiatives is hindered by organizers having a 15-day timeframe to collect signatures of about 400.000 citizens (10% or registered voters). This, in practice, means that organizers without massive organizational capacities have slim chances of success (Butković, 2017, p. 58). The strict 15-day timeframe for collecting the signatures contrasts with the undetermined period that, according to LoR, the Ministry of Public Administration has for their validation (Blagojević and Sesvečan, 2019, p. 854). Further deficiencies originate from the fact that the LoR says nothing about the situation when the government changes relevant legislation in the period between the initiation of the citizen's initiative and the actual voting (Periša and Zelić, 2012). The role of the Constitutional Court in the implementation of direct democracy at

TABLE 2 Successful national-level referendums and citizens' initiatives.

No.	Topic	Date of voting	Type of voting	Turnout	Percentage for/against
1.	Independence referendum	19.05.1991.	Obligatory	83.56%	93.24% for 4.15% against 1.18% non-valid
2.	EU membership referendum	22.01.2012.	Obligatory	43.51%	66.27% for 33.13% against 0.60% non-valid
3.	Marriage initiative	01.12.2013.	Obligatory	37.90%	65.87% for 33.51% against 0.57% non-valid

Source: SECRC – State Electoral Commission of the Republic of Croatia (2024).



the national level is crucial as this Court has the power to supervise the constitutionality of the referendums and initiatives throughout the entire process of their implementation (Gardašavić, 2015).

The restrictive framework for implementing the citizens' initiatives which includes both strict technical requirements as well as positive assessment of the Constitutional Court resulted in only one national-level initiative being successfully implemented. This was the so-called Marriage initiative put to vote in December 2013, which changed the Constitution by adding the article prescribing that in Croatia, marriage represents a union between a woman and a man (see Table 2). The organizer of the initiative was a conservative civil society organization, "In the Name of the Family" which claimed that the institution of marriage needs constitutional protection against its possible extension to homosexual couples. Human rights organizations criticized the initiative for being discriminatory, but the Constitutional Court allowed it to pass.

After success of the Marriage initiative eight additional national level citizens' initiatives covering highly relevant economic and political topics have been launched. These ranged from preventing outsourcing auxiliary services in the public sector and extending the retirement age to changing the electoral system and stopping the euro adoption. Although in the end unsuccessful, most of these initiatives had at least some political impact. On five separate occasions, the organizers of these citizens' initiatives (trade unions and civil society organizations) were so successful in collecting the required number of signatures that the government under immense political pressure immediately abandoned the totality of its plans. In that way, the contested issue was resolved before hearing the Constitutional Court's opinion (Butković, 2017). On other occasions, some symbolic successes were achieved, such as in the case of the initiative, which tried to prevent ratification of the Istanbul Convention concerning violence against women and domestic violence. Although the Croatian Parliament ratified the Istanbul Convention, in the end, the government introduced an interoperative statement, nothing that by ratification, Croatia does not accept any element of gender ideology (Čepo and Nikić Čakar, 2019, p. 44).

The corrective role of direct democracy within the Croatian political system is arguably of great importance, given that other forms of active citizens' participation in political decision-making processes between the elections have not been well enough established. In addition, the government is sometimes inclined to make decisions that have no basis in valid strategic and operational documents and have not been sufficiently well argued (Prkut, 2015). Nevertheless, better regulation of direct democracy is needed because the current system lacks coherence. Some authors have argued in favour of making explicit thematic limitations to what can be decided by means of direct democracy (Gardašavić, 2015; Smerdel, 2019). Although seemingly reasonable, such an approach always runs the danger of being too restrictive and, therefore, in the end, abolishing direct democratic decision-making.

## Discussion and conclusions

This article explores long-term institutional circumstances which influenced the development of representative democracy in Croatia. It distinguishes between three distinctive historical periods in the development of representative democracy in the country, which are consequences of two most important critical junctures – the death of

Croatia's first president, Franjo Tuđman, at the end of 1999 and the dissolution of its stable bipartite organization of political life following the 2015 national elections. The analysis shows that institutional conditions shaping the representative democracy in Croatia, including the type of electoral system, differed significantly in the first historical period as opposed to the second and third. The distinction between the second and third historical period is less evident since this transition was not marked by a change in the electoral system or any major legislative or constitutional reform. Nevertheless, the national-level introduction of preferential voting in 2015 coincided with the sinking trust in politics and the appearance of the new middle-sized populist challenger parties. It could even be argued that preferential voting was introduced by the government in order to reverse the sinking trust in politics and growing popularity of the populist parties. Following the 2015 elections these new parties disrupted the position of two major political blocks, the centre-right Croatian Democratic Union (HDZ) and the centre-left Social Democratic Party (SDP), which have dominated the political landscape since the country's independence. Another distinction of the third historical period compared to the first two is more prominent role of direct democracy in the form of citizens' initiatives, which binded the government to pay closer attention towards public sentiments. Last but not least, the third historical period coincides almost perfectly with Croatia's membership in the European Union, which created new cleavages between political parties and opened up additional topics for the political debate.

Various scholars argued that the semi-presidential system in Croatia during the 1990s experienced frequent changes and resulted in deficient democratic outcomes with the institutionalization of semi-authoritarian regime (Dolenec, 2013; Maldini, 2015; Finn, 2019). Others added that democratic institutions established during the 1990s were able to improve only post 2000 (Čular, 2000; Maldini, 2015). However, some were of the opinion that relations between the parliament, the president of the republic and the government would not be any more fundamentally different if the Croatian Constitution in the 1990s had accepted a parliamentary system instead of a semi-presidential one. The only difference would be that political authority and power would be concentrated within the government and personalized by the person of its president and not in the person of the president of the republic (Sokol, 1993). Still, the semi-presidential system during the 1990s did not rest on a consensus between the main political actors. The ruling HDZ supported it, while political opposition wanted to replace it with a proportional system (Kasapović, 2001). For that principal reason, the installment of proportional electoral institutions in the year 2000 was of fundamental political importance. It contributed to democratic consolidation (see Merkel, 2011) by lowering polarization between two main political parties and reducing the frequency of early elections.

One of the main problems of representative democracy in Croatia in the post 2000 period was the unequal weight of the voters' votes in electoral constituencies. It is incomprehensible that this issue was known and acknowledged by all political actors for some 15 years before it was finally addressed through minimal corrections of the borders of several constituencies. Although a fairer relationship between votes and mandates will now be assured, the fact that corrections were adopted without a consensus between main political actors casts a shadow on this solution. It points towards path dependency in the understanding of democracy by political actors in Croatia, i.e., that democracy is still understood formally and not in a substantive way (see Maldini, 2015). It seems that with the EU's

accession and the disappearance of its conditionality as an exogenous source of change (see Laffan, 2008), Croatia witnessed a certain relaxation of attitudes regarding the fulfillment of democratic standards, which confirms our starting hypothesis. Moreover, these insights provide answers to our research question concerning the obstacles to strengthening of representative democracy. They also show that the electoral architecture installed in 2000, despite its occasional vagueness, was not perceived by the political actors as a starting point towards adopting better and fairer solutions. Therefore, it could be concluded that Croatia needs an electoral system that would be less prone to changes made unilaterally by the parties in power. This could be achieved by inscribing the basic principles of the electoral system into the constitutional text or by adopting the system where the existing subnational administrative units would serve as electoral constituencies.

The excessive fragmentation of the Croatian Parliament directly results from the widespread practice of forming pre-election coalitions between larger and smaller parties. This path dependent practice used since the 1990s distorts the will of voters, can cause political instability and should, therefore, be prevented. As in many other countries, the political parties not yet represented in the parliament would then be obliged to collect a certain number of signatures from the citizens to qualify for the elections on which they would compete independently from other parties. The preferential voting introduced at the national parliamentary elections in 2015 represents a step in the right direction since it motivates the political parties to engage more deeply in intra-party democracy and perhaps helps in generating a greater turnout. Nevertheless, much more could be achieved if voters were granted more than just one preferential vote and with a lowering of the existing threshold within lists. The problem of populism and the middle-sized populist parties which appeared in Croatia around the year 2015 brought more uncertainty in forming a government. However, it somewhat rearranged relations between the mainstream parties and tested their resilience.

One way to strengthen representative democracy in Croatia would be to adopt better legislation concerning the application of its direct democracy, which is currently somewhat contradictory. That new legislation would have to create similar conditions for the application of direct democracy instruments at the national and local levels, which is currently not the case. It would also need to formalize a dialog process between organizers of the citizens' initiatives and the government or the local authorities. This would allow both sides to reach a political compromise before the involvement of the Constitutional Court, which often reacts with delays. The technical requirements for implementing direct democracy instruments, contrary to some opinions, should not be tightened up. Such actions

could suffocate this important democratic channel with its valuable corrective potential vis-à-vis the government and the parliament. The adoption of a more coherent framework for direct democracy is further important as it might ultimately increase the trust in politics and improve the election turnout. Direct democracy is not the only complementary form of democracy which allows citizens to participate in the policy-making in periods between elections (see Kriesi, 2005). Croatia could also profit from institutionalizing the so-called citizen's assemblies as forms of participatory democracy, where citizens discuss topics that can later be worked into legal proposals, referendums or citizens' initiatives. However, in Croatia practically all national experience with complementary forms of democracy is limited to direct democracy, which makes it particularly important when considering future solutions.

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