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Exploring Bicameral Dynamics: Comparative Institutional Frameworks in the Islamic World

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Abstract

Through the institutionalism perspective, this article presents a comparative description of the bicameral legislatures within the Islamic countries. Regarding the relationship between bicameralism and political systems, it has been observed that bicameralism is a phenomenon that is widely used in many global political systems. This is because the two houses of a bicameral system perform various tasks, such as maintaining power equilibrium, providing representation, and supervising the smooth functioning of the State machinery. However, the execution of bicameralism varies according to the priority placed on the Islamic countries' political systems as well as their unique historical, cultural, and political circumstances. Because of this, this study uses case studies from a variety of Islamic nations to explain and analyze the ideas of institutionalization of bicameral legislatures and the functions of bicameral legislatures in certain Islamic countries. It examines how bicameralism has evolved historically in Islamic countries and how they have considered incorporating it into contemporary political structures. Additionally, this paper explores the ideas of bicameralism and evaluates its positive and negative aspects, including issues with accountability, representation, and legislation. Because of this, this work challenges academics and practitioners to consider the characteristics and implications of bicameral legislatures in the Islamic setting, drawing on knowledge in legislative theory, Islamic politics, and comparative politics.

Keywords: *Bicameralism; Parliaments, Governance; Executive Accountability; Senate; Islamic World*

Introduction

The ideas of bicameralism, which are fundamental to the implementation of legislation, have been the subject of debate and analysis among academics and politicians globally. The bicameral system of legislatures in the Islamic world suggests a special fusion of innovation and tradition with the principles of government. It is necessary to comprehend the institutional framework and bicameralism in order to compete the effectiveness and functionality of the political systems of Islamic cultures and the processes of democratization. As a result, Islamic governing structures over time included sultanates and caliphate

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governments, each based on a unique set of laws and procedures for making decisions (Ali, 2017). With regard to their native customs and western democracy, the majority of Islamic nations have embraced the bicameral legislative structures that were established following the founding of modern governments (Kuru, 2008).

This study compares the historical background, constitutional features, and bicameral legislative operations of Islamic countries. Although the Islamic world is rich in diverse experiences, this study uses case studies from countries like Turkey, Pakistan, Indonesia, and Malaysia to identify the differences and similarities in the architecture and operational framework of bicameral systems (Mujani, 2006; Rahman, 2013). Also, this research work will also examine the theoretical framework of bicameralism and its relevancy within the principles of Islamic governance including ijma and shura in so far as they concern the legislative processes. Based on the findings of Islamic political philosophy, legal research and comparative politics, this research seeks to contribute to the understanding of the dynamics of the emergence, prospects and obstacles of bicameral legislatures in the Islamic region.

Additionally, this research will examine the socio-political conditions that impact the efficiency and operation of bicameral legislatures throughout the Islamic world. It will look at how institutional designs interact with aspects like socioeconomic marginalization, political culture, and historical and colonial erasures to form the results of law (Sadiki, 2004). By examining the relationships between contextual elements and institutions, the study aims to give light on the opportunities and obstacles that bicameralism faces in Islamic contexts.

Additionally, the study will look at how bicameral legislatures in Islamic countries promote democracy and political system stability. By using quantitative analysis and comparison, it will evaluate the degree to which bicameral systems aid in reaching agreements to resolve conflicts and defend the rights of minorities (Saeed, 2017). The aim of this study is to examine the effects of bicameralism on the durability of states, the process of democratization in various Islamic contexts, and the overall consequences of legislative institutional structure for the advancement of politics.

Stated differently, the goal of this comparative study of bicameral legislatures in Islamic countries is to advance our knowledge of the ways in which representation, democracy, and governance are intertwined in diverse cultural and religious contexts. By concentrating once more on the historical foundations, institutional frameworks, and difficulties of bicameralism, this study aims to contribute to the body of knowledge already available on political reform and institutional enhancement in Islamic nations.

Research Methodology

This study uses a combination of qualitative and quantitative research methods in an effort to give a thorough comparative analysis of the bicameral legislatures throughout the Islamic area. The research

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methodology studies institutionalism and historical and modern forms of bicameralism in Islamic contexts using both qualitative and quantitative methods of data collecting and analysis. This entails an examination of the body of prior scholarship on comparative politics, legislative studies, the administration of Islam, and bicameral systems. As a result, the purpose of this literature review is to outline concepts, clarify the theoretical framework, and place the study within pertinent academic discussions.

Literature Review

Among the most studied fields for the component of legislative structure known as bicameralism are comparative politics, law, and legislative and constitution studies. Regretfully, the majority of theories regarding the characteristics and consequences of bicameral institutions exclusively rely on instances from Western democracies. However, there has been a growing interest in non-Western nations, especially those in the Islamic world, regarding the manifestations and consequences of this phenomenon in recent times.

The historical development of bicameral systems and their evolution as institutions and cultures evolve is a particularly significant topic in the literature. Scholars like Lijphart (1999) and Shugart and Carey (1992) have studied the evolution of bicameral legislatures, which depends on historical dependence on pathways, social and political reality, and institutional history. This point of view (Fischer, 2003) is necessary to understand the emergence of bicameralism in Islamic countries, where traditional modes of government have intersected with contemporary state building processes.

There is also an enormous amount of literature on the roles and functions of the two houses concerning the functioning of bicameral legislatures in democratic regimes. The following responsibilities have been recognized from the research of Tsebelis (2002) and Cox and McCubbins (2005): bicameralism as a venue for discussion, check and balance, and check on all community niches. In light of the aforementioned arguments and the research conducted by Stepan and Robertson (2003), it is possible to concentrate on the ways in which bicameralism might be integrated into Islamic patterns of consultation (shura) and consensus (ijma) in the Islamic world, as well as the primary opportunities for interaction between customary norms and contemporary institutional forms.

Furthermore, a lot of literature about bicameralism in Islamic countries describes the extent, prospects, and challenges of these legislative systems. Once more, Ali (2017) examines how bicameralism affects political stability in Pakistan, highlighting the importance of disputes that have arisen between the upper and lower houses and how these affect the effectiveness of the government. Similar to this, Mujani (2006)'s study of Indonesia's bicameral legislature and Rahman (2013)'s study of Bangladesh's likewise center on questions of accountability and representation in addition to legislative effectiveness.

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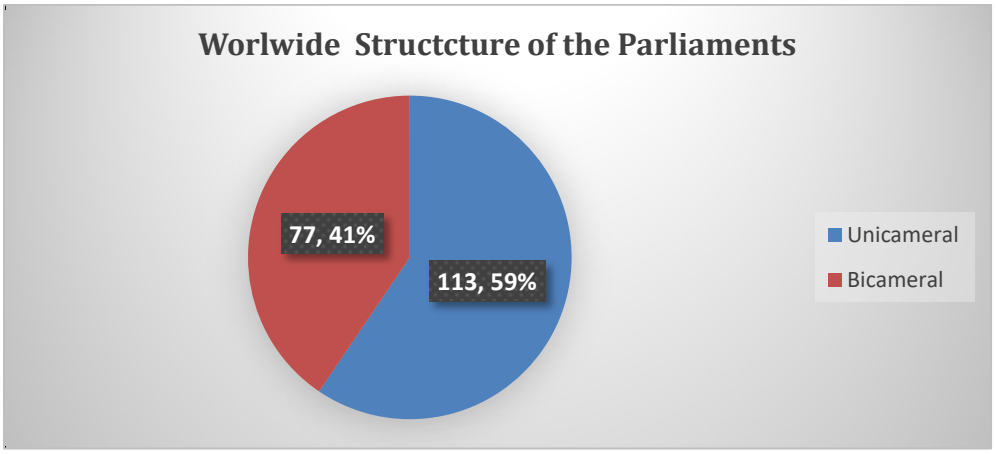
Bicameralism in Islamic Countries

It is noteworthy to mention that 113 of the 190 countries on the globe have unicameral parliaments when examining parliamentary systems. The fact that 36 Islamic countries have unicameral legislatures further increases the adoption rate of this type of parliament. The data shows a significant trend: according to this ratio, unicameralism is practiced in 66% of Islamic nations. 7%, indicating that it surpasses the about 59% global adult literacy rate as indicated by survey data. It is noteworthy, however, that several Islamic countries support bicameral legislatures. It is important to note, though, that a number of Islamic nations favor bicameral legislative assemblies. These relationships exist with Mauritania, Algeria, Bahrain, Egypt, Gabon, Jordan, Kazakhstan, and Malaysia, to name a few. Nonetheless, bicameral governments are in place in Morocco, Nigeria, Oman, Pakistan, Senegalese, Sudanese, Tajikistan, Uzbekistan, and Yemen (The Parliaments of OIC member nations, 2012).

It is important to point out that the Afghan bicameral parliament was disbanded by the Taliban shortly after they seized control in the nation. Furthermore, when the unicameral and bicameral parliaments are combined, it is seen that the 72 legislative chambers found in the nations where the majority of people are Muslims account for nearly 27% of the 267 parliamentary chambers worldwide. The information above provides additional insight into the parliamentary systems of the Islamic countries and their place in the contemporary world.



Source: Inter-parliamentary Union Website

Legislatures with one chamber, or unicameral legislatures, are more common in Muslim countries than those with two chambers, or bicameral legislatures; out of 100 countries, 74 selected unicameral systems, whilst 26 chose bicameral ones. This portends numerous noteworthy developments and outcomes. One possible explanation for the region's preponderance of unicameral legislatures is the historical and cultural impact of Muslims. In many Islamic countries that inherited older types of administration and decision-making processes, the traditional systems of governance may have benefited more from the more

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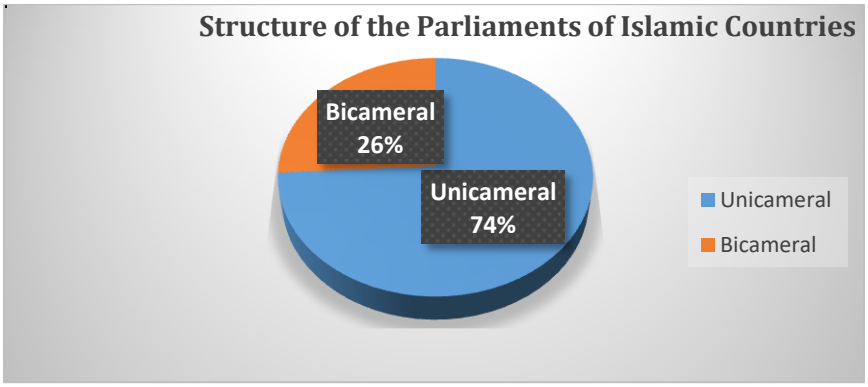
fundamental and complex structure of legislative assembly (Sadiki, 2004).



Source: Inter-Parliamentary Union Website

Most of the political science experts considered that nations with unicameral parliaments make better decisions because of their simpler, more efficient legislative processes. These systems lessen the likelihood of legislative gridlock and impasse, which makes them desirable in countries where political stability is valued highly (Lijphart 1999). The bicameral system can offer prospects for effective inclusivity and proper representation because of the division of powers. But considering how many Muslim countries have unicameral legislatures, one would wonder if countries would rather have alternative kinds of representation outside of the formal legislative system, including consultative committees or proportional elections (Stepan & Robertson, 2003). The choice between unicameral and bicameral parliaments may also be connected to other economic concerns in Muslim nations on the creation and modification of their national constitutions. Thus, a country's legislative institutions can be impacted by a number of things, such as prior colonization, Islamic beliefs, and external engagement (Kuru, 2008).



Source: Inter-Parliamentary Union Website

Despite their distinctions, institutions and unicameral and bicameral systems alike can support democratic accountability and governance. That is to say, unicameral systems prioritize direct representation and

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people's majority, but bicameral systems may have additional levels of checks and balances, member discussions, and consensus on issues (Dahl, 1989).

Having everything considered, the interaction of history, culture, politics, and institutions have resulted in the Muslim world's superiority in terms of unicameral legislatures. However, the adoption of bicameral systems by a number of Muslim nations indicates that there are multiple approaches to address the issue of legislative institutional design. Comprehending these procedures is imperative while evaluating the merits and demerits of diverse legal frameworks and their influence on the democratic prospects and political steadiness of predominantly Muslim nations.

Parliamentary Term of Legislative Second Chambers

The structure and number of terms in the second chambers of the Islamic countries on this list vary somewhat, which may be attributed to the unique features of these countries' political systems. Using credible sources of data, this research seeks to identify term length variations and analyze their importance with respect to each country. In Algeria, delegates to the Council of the Nation are chosen to serve six-year terms (IFES, 2019). This prolonged parliamentary term provides stability and predictability in the legislative affairs, with a timeframe long enough to carry out policy research and oversight. According to the Ministry of Foreign Affairs, Kingdom of Bahrain, n. d., the members of the Shura Council of Bahrain are also appointed for indeterminate periods. The government can adapt to changing circumstances by continuing operations beyond the scheduled term of office and without having to organize elections thanks to this flexible term structure. The Shura Assembly members of Egypt serve five-year terms in office and hold their positions concurrently with the lower house (El-Gazzar, 2012).

The two chambers function more harmoniously together as a result of this term duration synchronization, which also affects how the two chambers elect their members. The terms of the senators in Gabon are determined by the length of the presidential term, which is currently set at six years (Guichaoua, 2011). Thus, by ensuring that the missions of the key institutions are in agreement, this relationship between the legislative and executive branches maintains political balance and harmony in the exercise of state authority.

With respect to the situation in Jordan, the Senate's terms are equivalent to that of parliamentarians and typically last four years (Kassis, 2011). In line with the statutory framework, this alignment offers oversight and continuity. The members of the Kazakhstani Senate function as senators and are elected every three years, with half of the members serving six-year terms (World Bank, 2008). This facilitates the transfer of power while allowing the general public to choose their legislators during election seasons. The Senate is a body with a three-year tenure of office. Every three years, a third of the Senate is elected to power (Abdul Razak, 2019).

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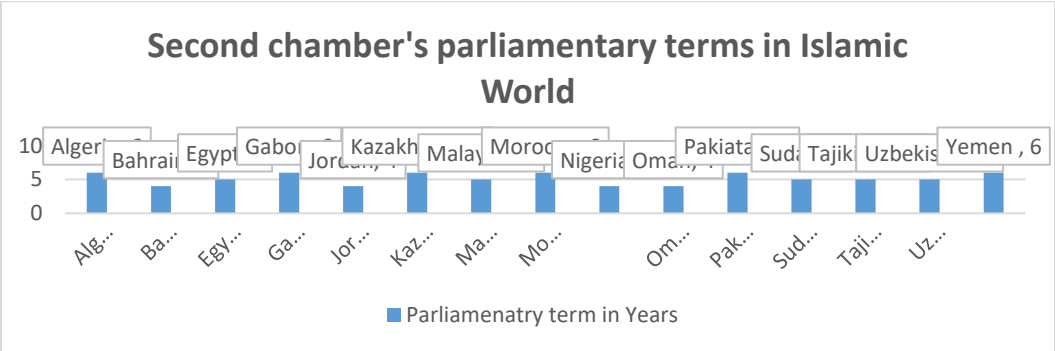
Consequently, the rotation mechanism maintains legislative continuity while also ensuring a steady replenishment of representation. Six years is enough time for members of Morocco's House of Councilors to be elected and take on legislative and policy-making responsibilities (Benslama, 2011). In order to ensure adequate synchronization between the two houses of the legislature, members of Nigeria's Senate are elected for four years concurrently with the lower house (Ogunmodede, 2013). degree of representational change. The State Council members in Oman are therefore appointed for a term of four years, with the option to be renewed once (Al-Busaidi, 2018), which adds to their longevity and experience in the legislative branch. Pakistani senators are elected to six-year terms, but half of the senate is rotated every three years to provide this chamber with both a degree of stability in representation and a degree of change in representation.

Pakistan's Senate members are chosen for six-year terms, although one-third of the body is re-elected every three years (Khan, 2009). This maintains a balance between the number of senators and the frequency of elections. Elhag (2013) states that the terms of the members of Sudan's Council of States are the same as those of the lower house, lasting five years, resulting in synchronization between legislative affairs and their tenure in office. Five-year terms for members of Tajikistan's National Assembly have been established by the (World Bank ,2005), which facilitates the implementation of state initiatives and the oversight of laws. Additionally, the five-year terms of the senators in Uzbekistan's (Narodnoe Sobranie Respubliki Uzbekistan) provide stability to the assembly, which is a branch of the legislature. In conclusion, the Consultative Council of Yemen excludes fixed terms of office. While this allows for freedom in the formation of governmental structures, it also raises potential issues with member responsibility and stability (Economist Intelligence Unit, 2005). The differing terms of the parliaments of the Islamic countries on the list provide insight into the intricate settings and structures of each nation's political and legal systems. Consequently, the disparities highlighted the need to take into account the meaning and context of term duration in relation to the specific conditions and goals of the governors and representatives for appropriate assessment.



Source: Inter-parliamentary Union Website

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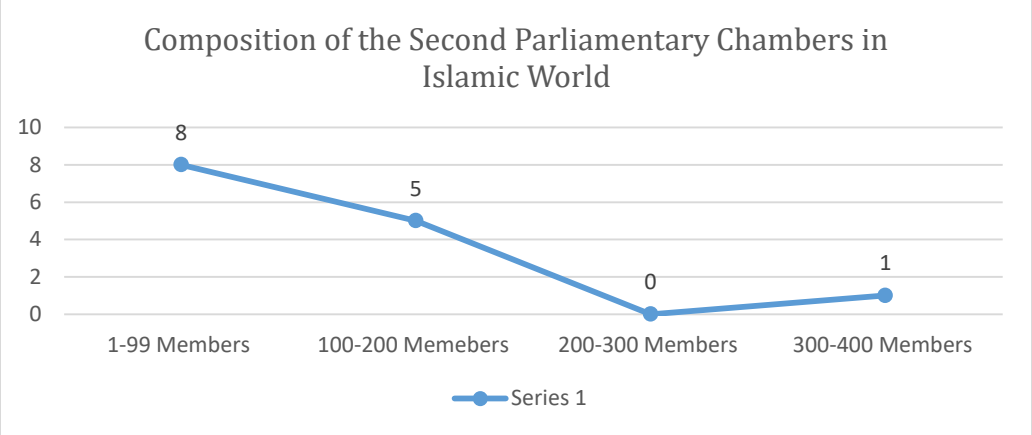
Composition and Membership Legislative Second Chambers

The legislative structures seen in the different Islamic nations include a wide range of second legislative bodies in terms of their composition and organizational design. With 144 members serving six-year terms, the Council of the Nation serves as Algeria's second house of parliament (International Foundation for Electoral Systems, 2019; Majidi, 2014). Similarly, a significant role in law is played by the Shura Council of Bahrain, which consists of 40 members nominated by the King (Ministry of Foreign Affairs, Kingdom of Bahrain).Conversely, 300 members of the Egyptian Shura Assembly, the country's upper house of parliament, are chosen directly, suggesting that the legislature is more representational in nature (El-Gazzar, 2012). Simultaneously, the 70 appointed senators in the Gabonese Senate are part of the nation's governing structure (Guichaoua, 2011). Jordan's Senate, which has 65 members and is largely involved in the country's decision-making processes, is all directly nominated by the King (Kassis, 2011). The 50 members of the Kazakhstani Senate, 50 of who are indirectly elected, are thought to have a major influence on the nation's legislative processes (World Bank, 2008). In a comparable way, the Malaysian Senate, which is composed of 70 senators chosen by the King, has the principal authority to investigate questions of state (Abdul Razak, 2019). Of fact, the 120-member House of Councilors of Morocco—117 of whom were chosen through indirect elections—plays a significant role in the country's political structure (Benslama, 2011). The structural basis of Nigeria's democratic system is held by the 109 elected senators that make up the body (Ogunmodede, 2013). However, the 86 appointed members of the State Council of Oman offer advising support to the nation's legislative system (Al-Busaidi, 2018).



Source: Inter-Parliamentary Union

According to the authors, the Senate of Pakistan consists of 100 senators who are indirectly chosen from various provinces and territories. As such, the Senate is recognized for fulfilling its duty of representing regional interests. Sudan has a federal system of government, and as Elhag (2013) notes, the Council of States, which consists of 32 elected members, indirectly oversees the country's fragmented governance

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structure.

Similarly, the National Assembly of Tajikistan, of which 33 members are indirectly elected, has considerable authority over legislative discussion and decision-making (World Bank, 2005). There are 100 indirectly elected senators in Uzbekistan, and their efforts are concentrated on regional representation and cooperation (Narodnoe Sobranie Respubliki Uzbekistan.). Last but not least, the 111-member Consultative Council of Yemen was established with the purpose of providing advice on political and legislative matters (Economist Intelligence Unit, 2005). The membership of the second legislative houses in Islamic countries is fairly varied. Depending on the unique political environment of each country, some members are appointed by higher authorities, while others are directly chosen by the populace.

Roles and Functions of Second Legislative Chambers

Referred to as the Council of the Nation, the upper house of Algeria reflects the various social and economic roles that are present in the state by implying a chamber of representation (Majidi, 2014). This entails taking on various duties like representing the local government and reviewing laws and treaties (International Foundation for Electoral Systems, 2019). Similar to this, the Bahraini Shura Council functions as the government's advisory body and play a significant role in the legislative branch by reviewing proposed legislation (Ministry of Foreign Affairs, Kingdom of Bahrain). One of Egypt's legislative houses, the Shura Assembly, has the authority to change laws passed by the lower house in addition to carefully examining and approving international treaties (El-Gazzar, 2012). As mentioned by Guichaoua (2011), the Gabonese Senate, on the other hand, is the local government and region that participates in discussion and consultation as well as being heavily involved in the legislative process. Jordan's Senate addresses matters pertaining to the country and accommodates the state's many socioeconomic groups (Kassis, 2011).

Similarly, within the framework of the nation's federal structure, the Kazakh Senate functions as a legislative branch and a member, playing a significant role in examining and amending draft laws (World Bank, 2008). Another instance is Malaysia, where the Senate, known as Dewan Negara, serves as the lower chamber of the government by evaluating proposed laws and governmental policies to safeguard the interests of the state (Abdul Razak, 2019). However, Morocco's House of Councilors monitors professional and regional interests as a discussion point for national issues (Benslama, 2011). The Nigerian Senate reviews bills, approves appointments, and ensures a just provincial balance as part of its oversight role of the executive branch (Ogunmodede, 2013). Similarly, the State Council of Oman participates in the creation of laws and provides legal views regarding laws and governmental policies (Al-Busaidi, 2018).

By examining and debating laws, the Senate of Pakistan fulfills a crucial role in providing provincial

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representation to the National Assembly for oversight (Khan, 2009). In reality, Pakistan's Constitutional Amendment No. 18 was designed to strengthen provincial autonomy across the nation. The National Assembly did not gain direct authority from this, but it did increase the province's representation in laws and government (Ahmad, 2022). In Sudan, the Council of States deals with constitutional issues and promotes decentralization and regional communication (Elhag, 2013).

This Tajikistani organization ratifies international treaties pertaining to legislative checks and international relations and safeguards regional interests (World Bank, 2005). Similarly, through legislative oversight and approved arranged operationalized conventions (Narodnoe Sobranie Respubliki Uzbekistan), the Uzbek Senate promotes interregional cooperation and ensures regional participation. The Consultative Council serves as an advisory body in Yemen, providing suggestions on legislation and national affairs. As a result, it assists government decision-making processes. (Economist Intelligence Unit, 2005). In summary, because each Islamic nation has a unique system of government, the upper houses of its legislatures perform a wide range of duties, from an advising capacity to that of a functioning legislative body.

s.no	Name of Islamic Countries	Political System	Upper House	Role of Second Chamber
1	Algeria	Presidential-Parliamentary	Council of the Nation	Review of legislation, approval of treaties, and representation of local authorities
2	Bahrain	Monarchy	Shura Council	Consultative role, providing governmental advice and reviewing proposed legislation,
3	Egypt	Presidential-Parliamentary	Shura Assembly	Reviewing and amending legislation proposed by the lower house, examining international treaties before ratification
4	Gabon	Transitional system	Senate	Represents local governments and regions, fostering dialogue and consultation, actively participating in the legislative process
5	Jordan	Monarchy	Senate	Deliberative body, ensuring representation from diverse societal segments and facilitating discussions on national issues
6	Kazakhstan	Presidential-Parliamentary	Senate	legislative chamber, review and amendment of proposed legislation
7	Malaysia(Federation)	Parliamentary system	Senate	Check on the lower house, safeguarding state interests by scrutinizing legislation and

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				government policies
8	Morocco	Monarchy	House of Councilors	Represents professional and regional interests, serving as a platform for dialogue on national issues
9	Nigeria (Federation)	Presidential system	Senate	Oversight on executive power, reviewing bills and confirming appointments while ensuring equitable provincial representation
10	Oman	Monarchy	State Council	Provides advisory input on legislation and governmental policies, actively contributing to the legislative process
11	Pakistan (Federation)	Parliamentary	Senate	Representing provincial interests, ensuring checks on the National Assembly through legislative reviews and debates
12	Sudan	Transitional system	Council of State	Promotes decentralized governance and regional dialogue while participating in constitutional processes
13	Tajikistan	Presidential system	National Assembly	Safeguards regional interests and ratifies international treaties, contributing to legislative reviews and international engagements
14	Uzbekistan	Presidential-Parliamentary	Senate	Fosters interregional cooperation and ensures regional representation through legislative reviews and hearings
15	Yemen (Federation)	Transitional system	Consultative Council	Advisory body, offering insights on legislation and national issues, thus aiding governmental decision-making processes

Electoral System in Legislative Second Chambers

The electoral systems that are used in the second chambers of the aforesaid Islamic countries contain the variety of the methods that may be seen as the result of the difference in the political context and institutions. In Algeria, members of the Council of the Nation are appointed rather than being elected as they act as interests' representatives in the different social economic domain (International Foundation for Electoral Systems, 2019). In the same regard, members of the Shura Council in Bahrain are selected by

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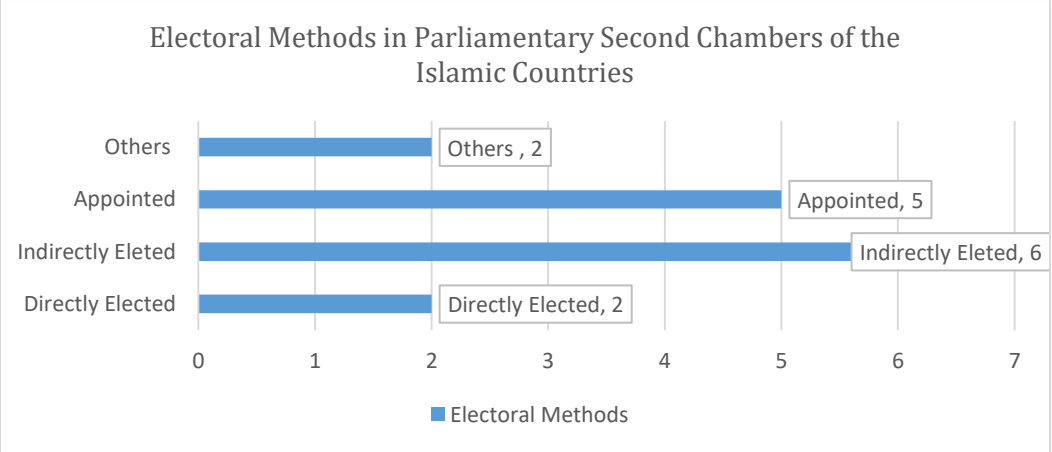
the King and the members' roles mainly involve consultation on legislation (Ministry of Foreign Affairs, Kingdom of Bahrain). On the other hand, members of Egypt's Shura Assembly are elected by the people; hence, there is a better check on representation (El-Gazzar, 2012). Gabon's Senate members, however, are appointed and the manner of appointment is used to achieve regional and governmental diversities (Guichaoua, 2011). Jordan's senate members are nominated by the King ensuring proportionality in the legislation house (Kassis, 2011). D) The members of Senate in Kazakhstan are indirectly elected which signifies that the regional and ethnic groups are involved in the legislation process – (World Bank, 2008). Senate members in the Malaysia are appointed by the King, while the Moroccan House of Councilors members are indirectly elected including, the representatives of the various professions and regions (Abdul Razak, 2019; Benslama, 2011). Nigeria's Senate members are directly elected by the people thus creating a direct relationship between the people and the legislative systems (Ogunmodede, 2013). In Oman, the State Council members are appointed by the Sultan and it involves recommendations for decisions making hence engaging the concept of the consultative system (Al-Busaidi, 2018).

The members of the Senate of Pakistan are also not directly elected instead are appointed by the provincial assemblies and the representatives belonging to Islamabad Capital Territory hence the provincial interests are well represented as well (Khan, 2009). Sudan has a decentralised system of the legislative representation of its members of the Council of States whereby they are indirectly elected (Elhag, 2013).



Source: Inter-parliamentary Union Website

The members of National Assembly in Tajikistan are indirectly elected whereas the Senate members of Uzbekistan are also indirectly elected for effective representation or cooperation at regional levels (World Bank, 2005; Narodnoe Sobranie Respubliki Uzbekistan).

Last, the Consultative Council members are unelected unlike the other countries instead the Yemen's Consultative Council members are appointed; this creates more of a consultative system of the

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government (Economist Intelligence Unit, 2005). It therefore becomes clear why the Islamic countries under discussion adopt different electoral systems to explain the relation between political structures and representation mechanisms in the second chambers.

Conclusion

Therefore, a comparative study of the characteristics of the upper houses illustrated at the given Islamic countries reveals that the Islamic world is made of a great number of nations and various political systems and institutions. While the Algerian Council of the Nation is assigned by the people, the Egyptian Shura Assembly is directly elected by them, yet in the second chamber they follow completely different approaches. Furthermore, the assigned tasks and authorities of the upper houses – from providing consultations to having the law-making powers – provide for the political particularities and evolution histories of the states. Moreover, the electoral systems which have been adopted in these second chambers describe more on the interaction between democracy and institutions. Some countries use the direct election to guarantee people's representation, while others utilize appointments or other indirect methods of election with the aim of reaching the representation of diverse and pluralistic society.

Also, using the comparison, the importance of bicameralism in providing political stability, representation, and efficient governance is highlighted. These upper houses involve themselves in the legislative function and in the affairs of the state by offering a forum for discussion, consultation, and evaluation of legislation, and thus they have an important part in the system of democracy. In summary, this brief comparative analysis emphasizes the need to study the strategic roles and structures of Islamic upper houses based on the various factors that exists in polity systems outlining the facets of exercising governmental power and illustration of representations in varieties of political systems.

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