European Journal of Law and Public Administration
ISSN: 2360-6754 | e-ISSN: 2559-7671
Covered in: Erih Plus; HeinOnline; CEEOL; RePEc; CrossRef; Google Scholar; KVK; WorldCat; ICI Journals Master List - Index Copernicus; EBSCO

2022, Volume 9, Issue 1, pages: 69-77 | https://doi.org/10.18662/eljpa/9.1/171

The Parliamentary Majority in Contrast to the Opposition

Gabriela NEMȚOI[1]

[1] Associate Prof. PhD, "Ştefan cel Mare" University of Suceava, Faculty of Law and Administrative Sciences, gabriela.nemtoi@fdsa.usv.ro

Abstract: Legislative body Parliament through its representatives plays the decisive role in the democratic development of the rule of law. In order to establish a constructive line leading to a constitutional democracy, the Parliament was made up of two electoral cores, the parliamentary majority, those under the auspices of the government, those who exercise power and the opposition, minorities from an electoral point of view but who have critical dialogue and sanctioning acts that do not target the interest of the voter.
Thus, the binomial opposition/parliamentary majority has always been based on the principle of dualism, in which the one who makes a mistake is corrected in the issue of governance. The two cores can also be viewed as an effective contrast that through democratic means participates in the governance of the rule of law

Keywords: *parliamentary opposition; parliamentary majority; constitutional democracy; representative democracy; political power.*

How to cite: Nemţoi, G. (2022). The Parliamentary Majority in Contrast to the Opposition. *European Journal of Law and Public Administration*, *9*(1), 69-77. https://doi.org/10.18662/eljpa/9.1/171

Introduction

In general, the governance process is based on two pawns, namely the parliamentary majority which must assume the responsibility of giving the vote of confidence to the formation of the Government, and the opposition, the party which made all the efforts to be in power but had the misfortune of not being elected by the electorate which should balance the majority starts.

It is obvious that constitutional democracies have made these tools available primarily to ensure a check on the exercise of power and to establish a balance based on democratic procedures.

As Prof. Cristian Ionescu mentions, "politically organized societies are based on two cores of influence: the one concentrated around the centre of power and the one that is reclaimed by groups that do not have access to power but which, through the critical aspect, develop the balanced connection between the people and power.

The development of the governing act also imposes new specific ways of expressing public opinion, a fact that indirectly defines the different way of reporting between the majority and the opposition, these carrying out a coherent activity that aims to access or possibly maintain access to power (Ionescu, 2019, pp. 449-453).

The parliamentary majority can be defined as *the ability of a group or groups of parliamentarians to impose by vote their initiatives, which are debated in the legislative forums* (Duhamel & Mény, 1992, pp. 617-619). *The opposition* is generally defined as *the force consisting of political parties or groups that disagree with the government or political regime* (Surel, 2011).

Starting from the classic definitions, the two cores of the exercise of power can be outlined under different more concise or more complex labels. Thus, the parliamentary majority - must be perceived as the unanimous will of the entire people and through parliamentary representatives, it establishes a guideline regarding the legislation of some of its own projects, while the opposition - defined as the set of political groups, parties or alliances which, taken separately or as a whole, are politically opposed to the regime in office or the policy of the government in power (Ionescu &Madariaga , 1992, pp. 20-26). From the perspective of the given definition, the opposition can be classified into: parliamentary opposition - those parties or alliances that have met the criteria for promotion in Parliament but which do not have access to the values of the exercise of power but are at odds with the majority and the extra-parliamentary opposition - which is tolerated by the parties in

power but whose form of manifestation is the civic groups, the NGOs that are against the current of government.

In a parliamentary regime made on the basis of uninominal voting, the delimitation of the opposition majority is easily perceived. It is characteristic of such a regime that the party that wins the parliamentary elections holds the majority core, and the government in this situation benefits from permanent support in the legislative forum.

If we talk about a proportional representation of political parties in the parliament, we admit the idea that several parties with similar electoral weights are represented, it being extremely difficult for one of them to always obtain the absolute majority of mandates. As a rule, in such a situation, alliances of the parliamentary parties are formed: on the one hand, that of the majority, and, on the other hand, those that form the opposition. Of course, in the stated hypothesis, the minority parties that do not accept to become components of the majority can be considered individually opposition parties. The main consequence of the formation of a loyal parliamentary majority is the provision of political stability, thanks to which governments can easily impose their governing programs (Ionescu, 2006, p. 14).

The establishment of a "communication channel" between the Government and the parliamentary majority allows for self-stimulation, i.e. to exercise a *de facto* dominance over the Representative Assembly, either through the rapid voting of bills sent to its voting machine in the parliament, or by trivializing the idea of parliamentary control. However, in such a situation, the Government managed by a parliamentary majority will be subject to concessions directed by private interests that will lead to a stagnation of state development. It will be all the more difficult in the situation where we are talking about a majority made up of coalitions, several parties reaching common governance indices, in such situations the Government will find itself in a permanent dispute and a veritable lobby of parliamentary persuasion in order to achieves its goal, the development of the government program established at the time of his investment by the vote of confidence of the Parliament, of the majority. We conclude by saying that in real political life, political actors adapt their game according to the concrete conditions, but without violating the constitutional framework for the exercise of power. These games do not negate the importance of the majority or the opposition.

II. The effect of the majority/opposition binomial in parliament

In general, the modern Parliament is inevitably made up of the binomial majority/opposition as a self-control mechanism over majority decisions. While the parliamentary majority mainly holds the legislative function, the opposition is limited to the permanent contestation of the legislative activity, especially to the legal texts that generate contradictions, and implicitly to the contestation of the executive - the Government - and to the statement of a program of alternative government, preparing to take power. However, although as an opponent, the opposition is not obliged to come up with solutions to correct the possible errors written by the majority, however it registers its presence by vehemently criticizing the majority.

The existence of the opposition and opposition parties is a guarantee that the bills and, in general, the parliamentary initiatives (programmes, statements, reports, etc.) of the government will be the subject of the careful expertise of the opposition from a potentially critical and constructive perspective. Through such a constitutional mechanism, it is even possible to strengthen the democratic character of the legislative forum and, as a whole, of the political system.

The "dialogue" of the majority versus the opposition consolidated the "political struggle" on which the efficiency of the government is based in establishing a framework as constitutional and as democratic as possible in the exercise of power. Thus, the Parliament which is configured in the opposition-majority binomial will be put in a position to allow the establishment of a balance in the situation where the balance attributed to the majority is deficient or only targets private interests, without taking into account the original purpose of the quality of representative.

It is, moreover, an important function of any parliament, namely to facilitate the expression of a real and credible opposition as a possible governing alternative. Such a function is apparently at odds with the interests of the majority who would like to keep in power as many legislatures as possible. In reality, however, the parliament being the supreme representative of the people stands - as a representative institution - above the interests of the party, being faithful to the aspirations of the citizens to be governed as well as possible, regardless of the party that would assume this task (Ionescu, 2021).

The relationship between the majority and the opposition is not defined based on a subordination relationship, both components constitute the Parliamentary unit that was created through an electoral procedure through which the people elected their representatives as governors.

The parliamentary majority and the opposition have a certain legitimacy, conferred by the number of votes obtained in the parliamentary elections. Given that the contemporary constitutions prohibit the mandatory mandate and consider the parliamentary mandate to be representative, it can be argued that the electorate is practically represented by both the majority and the opposition. It is essential that both the majority and the opposition act by legal means provided for in the Constitution and the parliamentary regulations.

If the parliamentary majority is constituted on the basis of a mathematical calculation in the sense that it represents the party that has the largest number of votes or, in the worst case, the coalition that is estimated on a common denominator on opinions or on political nuances, the opposition is the nucleus that finds institutionalization through a series of social, political, etc. factors.

Although the opposition does not have regulations or rules by which to claim its opposition status, it has a multitude of ways of intervening in the parliament.

In the specialized literature, some authors claim that the opposition risks becoming a figurehead in some Western parliaments, as the parties in power are less and less available for a real and constructive dialogue with the opposition, abandoning the traditional ways of negotiations, political compromises, consensus (Dahl, 1966, p. 238), the majority/opposition binomial is necessary for the democratic functioning of parliaments.

The democratic functioning of parliaments depends crucially on the creation and observance of a statute for the opposition designed to enable it to play a responsible and constructive role.

The opposition has democratic mechanisms such as: acquiring the presidency in commissions of inquiry, establishing commissions of inquiry, when necessary, with members from the opposition, dialogue with the majority through commissions to establish decisions, all these tools prove that the opposition cannot be ignored of the majority.

It is also easy to understand that the opposition can use less parliamentary mechanisms such as the media or the pressure of civic groups, or the pressure of the street crowd to be heard.

So, we must emphasize the fact that a democratic government in a state of law is achieved only in the situation where a balance is established between the parliamentary majority and the opposition, a balance generated by the activity of the two cores which must be to the detriment of the voter.

Both the ruling majority and the opposition are active participants in the legislative process and can positively influence this process as long as the control function of the parliament is maintained.

Moreover, the numerical inferiority of the opposition cannot reduce it to silence or ignorance towards the majority for the simple reason that it can approach the political struggle in a competitive style, based on three main rules:

- the opposition is an institutional factor and an essential element of parliamentary democracy;
- the opposition has the formal role of contesting the government program in an official and organized manner;
- the opposition constitutes a political alternative for the parliamentary majority.

The parliamentary regulations or other rules of internal order create the functional context of the opposition, but nevertheless the majority of votes can always limit the activity of the opposition in the legislative process.

The idea launched by the French Constitution for the opposition to gain constitutional status was not taken over in the Romanian Constitution, but this strengthens the status of the opposition (Jensel-Monge, 2018), generating through the rights it can exercise, its safety and necessity in the governmental life of the democratic state. And yet the Regulation of the Chamber of Deputies and that of the Senate contain a set of provisions regarding the rights of the opposition.

It is an essential requirement, however, that in representative democracies, the majority recognize the status of the opposition and, above all, guarantee its rights.

Some of the opposition rights that caught our attention:

a) the right to support a reasoned opinion about a matter of parliamentary interest and to effectively participate in an organized and transparent debate;

b) the right to decide by vote on the solution proposed to solve the debated problem;

c) the right to criticize with reasonable arguments the solution adopted by the modern majority from the parliamentarian;

d) the right to control the way in which the solution decided by the majority is put into practice;

e) the right to propose and support one's own political vision on matters of parliamentary interest

Consequently, the opposition is not only a balancing element of the majority power, but has rights that strengthen its constitutional status.

Establishing a status of the opposition within the parliamentary democracy, based on the values of the rule of law, is a long-term approach, in which the rules contained in the Chambers' Regulations are supplemented over time with a custom accepted, both by the majority and the opposition.

In contemporary parliamentary systems, two major types of opposition are distinguished:

a) an opposition regime based on open confrontation - within the limits of the democratic game - specific to Great Britain and France. This system is inflexible, conflicts between the two parties being resolved, in the last resort, by vote;

b) the opposition regime based on political compromise in order to reconcile divergent positions. This system is specific to Federal Germany, Italy, Belgium, the Netherlands and Denmark.

The establishment of a certain status of the opposition depends, mainly, on the characteristics of the political regime, on socio-political factors and on the type of party system: two-party or multi-party.

III. General principles regarding the relations between the majority and the opposition in the romanian parliament

The relations that are established between the majority and the opposition are based on conciliation, resorting without consultation and with ease to resolving differences of opinion through voting, a mechanism that will fuel the majority's desire for power.

The role of the opposition must be manifested in the entire mechanism of the parliamentary activity, such as:

a) participation, within the limits of the political algorithm, in the management and organization of the Legislative Chambers, as well as the parliamentary committees;

b) exercising the right of legislative initiative, without the risk that, automatically, the legislative proposals of the opposition are "*received*" negatively by the majority and, consequently, rejected by the Chambers, based on the proposals made in this sense by the specialized commissions;

c) participation in parliamentary control procedures;

d) the initiation of the procedure to control the constitutionality of the laws and regulations of the Chambers.

Moreover, the most plenary statement of the opposition should not be limited to traditional aspects (questions, interpellations, initiation of simple motions or censure motions, parliamentary investigations, etc.), but resort to new ways of control, which to be extremely intensively and skilfully

publicized, concretely at extra-parliamentary mechanisms. We mention some such mechanisms that can bring the opposition out of anonymity:

a) development through the central and local press, conferences, interviews, statements of the content of the questions and interpellations addressed by the deputies and senators of the opposition, emphasizing the parliamentary activism of the opposition and its responsibility towards the expectations of the electorate;

b) organizing at the headquarters of two Chambers, as well as in the constituencies, collection points for petitions from citizens and non-governmental organizations;

c) the presentation and wide popularization of the interventions of parliamentarians belonging to the opposition, on the side-lines of parliamentary control actions;

d) initiating simple motions in matters of public notoriety, supported by the Majority, but condemned by public opinion, by the press, in order to provoke the Parliamentary Majority to defend or decline its own conflicting positions in the position of the voters;

e) the extremely active role of the opposition representatives in the investigation commissions;

f) requesting the hearing in the parliamentary commissions of ministers and leaders of other authorities of the local public administration;

g) press statements of the parliamentary opposition (not only of the Press Offices of the opposition parties), from which it can be concluded whether its representatives were prevented from exercising their right of parliamentary control.

A vibrant activity will make the opposition known, but at the same time the opposition will try to identify with the expectations of the electorate.

IV. Conclusions

The binomial parliamentary majority/opposition constitutes the necessity and the evolution towards a representative democracy that allows the electorate to sanction that majority, in future elections.

An institutional factor and an essential element of democracy, parliamentary opposition is a political alternative for limiting and controlling government power.

Criticizing the activity of the Government in an organized and official manner, supported by the majority, the opposition guarantees transparency and the efficiency of the exercise of power.

References

Dahl, R. A. (1966). *Political Opposition in Western Democracies*. Yale.

Duhamel, Y., & Mény, O. (1992). *Dictionnaire constitutionnel*. PUF.

Ionescu, C. (2006). Analysis of the theoretical and political foundations of parliamentary control. Comparative law study. *Romanian Pandectele*, 3.

Ionescu, C. (2019). *Treatise on contemporary constitutional law* (3rd ed.). C.H. Beck Publishing House, Bucharest.

Ionescu, C. (2021). *The sharing of power between the parliamentary majority and the opposition*. Legal Universe. https://www.universuljuridic.ro/departajarea-puterii-intre-majoritatea-parlamentara-si-opozitie

Ionescu, G., & Madariaga, I. (1992). *The Opposition*. Humanitas Publishing House.

Jensel-Monge, P. (2018). Les groupes d'opposition et minoritaires de l'article 51-1 de la Constitution et la „conception moderne" de la séparation des pouvoirs. *Revue française de droit constitutionnel, 116,* 803-819. https://www.cairn.info/revue-francaise-de-droit-constitutionnel-2018-4-page-803.htm

Surel, Y. (2011). L'opposition au Parlement. Quelques éléments de comparaison. *Revue Internationale de Politique Comparée, 18*, 2, 115-129. https://www.cairn.info/revue-internationale-de-politique-comparee-2011-2-page-115.htm