The Institutionalization of the Opposition: -The Opposition Between the Presidential and the Parliamentary Majority-

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Abstract:

The institutionalization of the opposition in the Algerian constitution raises practical issues regarding the possibility of exercising its constitutionally mandated rights and its standing against the governing majority, whether presidential or parliamentary. This research aims to study the influence of the alternation between the two majorities on the status of the opposition.

The study, based on an analytical method with a socio-political approach concluded that The difficulties facing this institution stem not only from the disparities established by the Algerian constituent, but also from the legal mechanisms prescribed for triggering oversight procedures. These mechanisms are often disproportionate to the opposition's composition, which results from the electoral system adopted for selecting members of both chambers. Consequently, the opposition plays a dual role.

Keywords: *opposition; presidential majority; parliamentary; government; alternation.*

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Introduction

The Algerian constituent recognized the opposition as an official institution. Formally, the constitutional system was modified to accommodate another institution but the centralization of power has not changed. The situation of minorities is always ambiguous with heterogeneous composition and limited mechanisms —because of the party system's fragility and the electoral system that leads to the fragmentation of parties—.

Either way, this will inevitably lead to legal and political consequences. But the variability of the government institution in cases of presidential and parliamentary majority raises many paradoxes, especially regarding the ability of governing institutions to operate with a formal power that opposes its program. The guarantees of system stability rely on harmony between public institutions united by the President of the Republic's program.This variation will have direct implications for the opposition's work.

Therefore, the constituent retained the monopolistic model that grants special priority to the executive authority. Here, the definition of the majority is large, opposition is further constrained by mechanisms that inhibit its work. As for the applications of parliamentary majority, it remain far from being established under the current pluralistic party model in Algeria.

So, does the variation between two possibilities (parliamentary and presidential majorities) affect the functioning of the opposition? Certainly, the opposition in the Algerian constitution can not be considered as an effective control institution due to the limited mechanisms incompatible to its composition, which makes it a doubly affected institution: an indirect supportive guarantee in the case of a presidential majority, and it turns into a deterrent factor for the parliament in the case of a parliamentary majority.

To answer this problem, with an analytic method and socio-political approach, we study the composition of the opposition, which presents many paradoxes given that the conditions for initiating procedures are incompatible with its composition. –I– This affects its standing in the face of the majority, inevitably creating a variability in its role between the presidential and parliamentary majorities. –II–

I- The Institution of the Opposition in Algerian system

Citizens do not accept laws unconditionally unless they serve their interests, which leads to form different political trends, some aligned with the governing majority and others with the opposing group(Rouseau, 1996,75). This latter constitutes an integral part of the political system, enjoys the legitimacy that allows the minority to act constitutionally and contributes to correcting the exclusionary violence produced by the electoral process, thereby ensuring governmental

stability through two mechanisms: oversight and political education(Burdeau,1971,258,262) .

So, the rule of the majority is subject to several constraints essentially a contractual relationship between the majority and the minority requiring respect for the latter's views and participation in deliberations, this means that the opposition does not require recognition. Nevertheless, the Algerian constituent chose to institutionalize the opposition —(1)—while the determination of its composition remains linked to unstable political considerations—(2).

1. Constitutionalization of the Opposition

Between three types of opposition: opposition to the regime, opposition to political forces (outside the system), and opposition that competes for power through legitimate methods(burdeau,1971,157); this latter that constitutes the focus of constitutional law analysis, despite the difficulty of providing a precise definition of opposition(Naquet,2009,158), as it is not a strictly legal concept .

As an institution forming part of the legal structure of parliament, the opposition participates in all procedures, however, defining it encounters significant legal difficulties[1]-a- due to paradoxes of successive amendments affecting governing institutions, which have deeply influenced the concept.-b-

A-The Political Approach

The opposition has been negatively defined as the political grouping outside the majority(Naquet,2009,158). This definition raises questions in situations where the President confronts a government supported by a parliamentary majority, as occurred during the cohabitation in France.

Duhamel, defines opposition as "the deputies who, through their votes, place themselves in the minority within the assembly"(Naquet,2009,159). From this perspective, opposition is determined by the parliamentary majority, but this approach depends on voting methods (public or secret vote) and party discipline.

For this reason, opposition has often been defined more pragmatically by its negative stance toward the government. In France,The crisis of cohabitation prompted the governing majority to reconsider its status should it become a minority(DC,2006,537).This approach was later abandoned with the constitutional amendment introducing Article51-1.

Thus, the concept of opposition crystallized from the perspective of the governing majority. Two main methods are generally used to identify opposition(Naquet,2009,155):

-The governmental perspective (through vote system specially censure motion) only clear in the representative chamber and combining individual votes is not practical. The parliamentary perspective is also ambiguous (through voting on specific legislation: conventions, finance law...).

-A declaratory system:opposition consists of those who declare themselves as such.

While the declaratory criterion offers clarity, it requires legal regulation to prevent opportunistic shifts in position. The Algerian constituent, characterized by an attempt to constitutionalize political phenomena in all their dimensions, sought to define opposition within the constitution and organic laws.

B.Opposition in the Algerian system

The result of constitutionalizing the opposition is the recognition of an official oppositional program . Nevertheless, its foundations exist also in the Preamble, Articles16 ,57, 115, and provisions on proportional representation (21/01,191,2021): So no legal superiority for the majority beyond political reality.

Before2016,this concept was ambiguous due to the hesitant strategies of minority, which often declared themselves oppositional while simultaneously joining government coalitions.However, the regulation of the nation's Council resolved this ambiguity by adopting a declaratory criterion, whereby parliamentary groups state whether they are part of the opposition (58, internal reglumentation, 2017).

It is a clear criterion that is not subject to political changes but this does not prevent the emergence of practical issues regarding the nature of its relationship with the government. In a traditional parliamentary system, there are two institutions: the Parliament and the Government, whereas the affiliation of the Head of State does not affect the political balance. But in semi-presidential systems such as Algeria's, the presence of three institutions complicates the identification of opposition.That was the origin of the political phenomenon of cohabitation,even though the French constituent tried to resolve by the 2000amendment(French constitution,2008), but the question remains.

In the Algerian system, the opposition does not legally correspond to the concept of the minority in parliament. Rather, it is the parliamentary groups that officially declare themselves as such(72,Official journal of Discussions,2018]. Even the majority can declare itself an opposition if it is hostile to the government, as the latter remains an institution of a special nature that differs from parliamentary governments. The constitution in this regard vary between the government being headed by a Prime Minister or by a First Minister who implements the program of the President(103,Algerian constitution); in both cases, the government is responsible before the parliament, which means that the functional distinction of the opposition is not subject to precise criteria, and it largely depends on the

organic criterion. However, even the latter prompts a question about the nature of the relationship between parties and parliamentary groups, given that the special rights of the opposition were granted to the groups(116,a constitution).

Even if the declarative criterion is practical, it remains subject to the will of the parliamentary groups.With his double role,it can guaranty the power alternation. Althought, this possibility is not available due to the fragmenting effect of the electoral system.

2. Impact of the Electoral System

National People's Assembly is elected through proportional representation with preferential lists. While this system amplifies the representation of majority parties, it underrepresents smaller parties and fragments minority forces(131,Louchene,2019). Conversely, this leads to the fragmentation of political orientations whose chances rise each time at the expense of parties with low representation. The decrease in the representation percentage of the leading party is only due to the consequences of political change since 2019.

Proportional representation according to the Algerian model(135,Louchene,2019)negatively affects minorities as they remain permanently divided. In each electoral cycle, new movements appear, taking from the share of minority parties in a way that leads to the expansion of single seats in the assembly, which subsequently makes the coalition process to form a strong opposition difficult.

Comparing electoral results from 2017 and 2021 demonstrate a significant increase in the number of political tendencies represented, particularly parties holding one or two seats, making the formation of a coherent opposition coalition extremely difficult. Is it possible for 65 movements, with only one, two, or three seats each, to form a coalition against the majority? And can they effectively exercise the oversight function? This possibility necessarily remains contingent upon the ability of these movements to reach a consensus. This is what the following table confirms:

2017 legislatives(jo34,2017)		2021 legislatives(jo51,2021)	
Number of political trends:57		71	
1		1	98
2		2	65
3		3	58
4		4	48
2seats	2	5	39
one seat	39	6	4
		3seats	7
		2seats	16
		one seat	42

While the opposition is formed after the government is appointed,it consists of the parties outside. In proportional representation, parties typically resort to coalitions to form a government; however, in Algeria, according to election results since 1997, the leading party usually does not need a coalition to form a government or to pass projects related to ordinary laws. Conversely, it requires support for organic laws and other special voting cases to avoid responsibility, leading it to form a coalition government with other parties. Furthermore, the parties in subsequent parliamentary rankings follow a confused coalition policy: they participate in forming the government, while in return, they relinquish the oversight role to the weaker parties in the lower ranks.

Before studying the opposition's domain of action, we must address its composition resulting from the electoral system. We must also examine the impact of voting results on its cohesion and its ability to achieve the majorities required for oversight procedures:

If a minority party succeeds in forming a cohesive parliamentary group, the issue of the opposition's program does not arise. However, the fragmentation of minority parties leads to difficulties in unifying the opposition's direction. Taking the current Algerian parliamentary composition as an example clearly illustrates this problem. Nevertheless, following the constitutionalization of a new political model, it has become necessary to scrutinize the minority's position in both cases.

When comparing the results of presidential and legislative elections, it is difficult to anticipate the state of the 'parliamentary majority'. Since 1997, independent candidates have consistently won the presidency, with a wide gap remaining between them and other party candidates. Changing this political map is not easily achieved given the unique nature of the Algerian electoral system and the structural weakness of political parties. As for the opposition in the second chamber, the situation is not much different, as the 'presidential third' (appointed members) serves as a guarantee for the stability of the presidential majority, thereby discouraging the declarative formation of an opposition within it.

-In any case, even if the opposition is unable to guarantee a power alternation due to its numerical and structural weakness, its composition is supposed to be proportional to the majorities required to exercise its functions. The Constitution provides for oversight mechanisms through which Parliament monitors government actions; these are the effective legal means to balance the numerical disparity between the represented political trends. In procedural terms, this means that the opposition, despite its minority status, should be able to vote on oversight mechanisms or provide a specific percentage of votes to pass its initiatives regarding amendments or referrals.These mechanisms are supposed to accomplish two criteria:

1. Constitutional rights must be effective through confirmed guarantees: The discipline associated with the phenomenon of the majority may lead to the limitation of these theoretical competencies(154,Naquet,2009).

2. Renewal of the theory of separation of powers: Within the framework of the majority, there is a fusion of the legislative and executive powers, which negatively impacts the idea. Recognizing the opposition, however, allows for a separation between the government—supported by a majority in the elected assembly or the other chamber—and the minority represented in Parliament(338,Favoreu,2004).

The indicator for achieving these two criteria is the convenience of the opposition's composition to its powers.The analysis of this possibility has been significantly affected by the explicit provision for alternating between two distinct systems: a **presidential majority** that leads both institutions (the government and parliament), placing the opposition in a minority status both legally and in practice; or a **parliamentary majority** where the opposition finds itself between adopting the President's program or maintaining its position, which would then be even weaker.

II-The Discretionary Ambiguity of the Opposition

The Algerian model does not satisfy the core democratic criterion of alternation of rulers and objectives following changes in majorities(298,Tocqueville,1988).While interests may change, the system itself is designed around a fixed majority(262,burdeau,1971).

By formally recognizing the opposition, the constitution established a dual structure of majority power and oppositional power. However, the monopolistic and non-competitive nature of the system makes it difficult to accommodate an institution whose function is inherently constraining. It does not provide constitutional possibilities to enable it to participate in decision-making.1-In contrast,it established a new institutional structure that raises a question about the opposition's position.-2-

1.Constraining Guarantees of Opposition Rights

Traditionally, the opposition performs a function of obstruction (*empêchement*). Yet many systems limit this role to legislative initiative at a rate of one session per month. However, its function of control remains hostage to its political standing and to the number of its members.

Since the entire democratic process is built on mathematical equations, defining constitutional justice through the idea of separation between majority and monitoring opposition;decision-making power and oversight power—is also illogical, as achieving balance becomes difficult. It is not enough to explicitly state special rights; laws must also ensure their effective implementation. This isn't the

case in the Algerian system. It explicitly stipulates special rights for the opposition, yet it does not provide legal possibilities agree with its specific composition:

- The opposition enjoys rights that enable it to participate effectively in parliamentary proceedings and political life, notably:
  -Freedom of opinion, expression, and assembly.
  -Benefit from financial subsidies granted to elected members.
  -Effective participation in legislative proceedings and controling government activity.
  -Referral to the Constitutional Court (by 40 deputies or 25 members of the Council of the Nation)...(116,Aconstitution).
- Among these, the rights of initiative (a) and oversight (b) appear to be the most important guarantees, but the conditions for initiating prevents such effectiveness. This is confirmed by the following provisions:

a- Rights of Initiative

- Each chamber allocates a monthly session to discuss an agenda presented by an opposition group or groups.The proposed draft agenda is submitted by the group's chairperson to the Bureau of the Council. In the event of rejection, the refusal must be justified by a decision and notified to the chairperson(86,IRCN).This implies that the right is not absolute but is subject to the will of the majority .
- Deputies or members of the Council of the Nation have the right to initiate legislation(143,Aconstitution). This right is inherently restricted by governmental priority in legislation, enforced by the law 23/06(5,37law23/06).
- As for initiating revision, the right belongs to the Government, the competent committee, or 10 members (139,AConstitution,71,61internal regulations)
- Amendments to texts and legislative proposals are submitted by the Government, the competent committee, or the members of Parliament(28,law23/06). The amendment must be briefly justified and must relate to an article of the submitted text, or have a direct connection to it if it involves an additional article. . However, all procedures are broadly subject to the Government's will(147,Aconstitution,4,29,36,37,law23/06)
- Legislative proposals must be initiated by 20 deputies or 20 members of the Council of the Nation(22,law16/12).
- Presidential Ordinances be voted upon without debate(37,law23/06).
- Approval of the Finance Act must occur within 75 days(44,law16/12).

One of the opposition's most important tools is the ability to obstruct parliamentary work through amendments. However, restricting the amendment and voting process to the Government's will empties this right of its substance. In exchange, the opposition bears responsibility in case of failure, particularly regarding the budget vote. Obstructing procedures is the primary means for the opposition to influence governmental action, as it forces the majority to adopt some of its amendments within government projects. However, it loses this weapon entirely in the case of the budget vote, where the deadline is fixed at 75 days. If no vote is taken, the President of the Republic issues it as an Ordinance with the force of a Finance Act.

In this case, the opposition's role turns negative, as it bears the responsibility for the Parliament being stripped of its jurisdiction, regardless of the reasons for refusal.

B- Rights Related to Oversight

The procedural conditions regarding the opposition's oversight rights are not aligned with its composition, as follows:

- A motion for a resolution concerning the General Policy Statement must be signed by at least 20 deputies(53,Law16/12).
- **Motion of Censure:** must be proposed by at least one-seventh of the deputies(58,Law16/12)and must be approved by a two-thirds majority vote of the deputies(62,law16/12).
- **Vote of Confidence:** is decided by a simple majority(65,law16/12). Observing the difference between the two majorities, what favors the Government requires only a simple majority, whereas the opposite (censuring the government) requires a qualified majority (two-thirds).

- The interpellation shall be signed by 30 deputies or 30 members of the Council of the Nation.(66,law23/10)and(92,IRCN).

· A commission shall be established in both chambers by voting on a proposal for a resolution submitted to both offices,and signed by at least 20 deputies or 20 members of the Council of the Nation.(78,law16/12)

· The law didn't specify the voting method for the Government's Action Plan or the Government's Program.(49,Law23/10).

· To accept a proposal for a resolution regarding the Government's Action Plan, it must be signed by 30 members.

- Constitutional system requires, for the acceptance of a referral by deputies or members of the second Council, that it be signed by 40 deputies or 25 members. Although this ratio represents about 10% of both chambers, it is not aligned with their composition. Furthermore, the additional essential requirement

regarding the justification of the referral letter prevents the utilization of this procedure, especially given the specific nature of the constitutional rule.

The percentage rises significantly regarding oversight mechanisms, which can only be triggered if the opposition succeeds in gathering 30 votes. According to the minimum requirement, this necessitates the coalition of three parliamentary groups, each consisting of 10 members(51,IRPNA). Thus, the electoral system leads to the fragmentation of the opposition. While such a ratio might be logical in other systems, in Algeria, it is increadible.

Generally, constitutions of semi-presidential systems do not aim to grant special rights to the minority as much as they aim to ensure the participation of all parties in democratic life to restore institutional balance(;173NAquet,2009). Although the Algerian Constitution explicitly stipulates these special rights, their activation remains subject to the will of the parliamentary majority through the Internal regulations, and the Government through the organic law23/10.

But the recognition of political shifts in majority trends have changed the levels of analysis, the issue is what will be; the constituent must anticipate all possibilities and enact laws accordingly. The impact on the institutions of the Presidency, the Government, and the Parliament is a given, and the opposition will not be immune to these transformations. Its legal status under a presidential majority becomes clearer, even if limited in effectiveness. However, if the majority is parliamentary, the opposition will inevitably find itself in an ambiguous position: between being an opposition to the parliamentary majority only, an opposition to both the parliamentary and presidential programs, a supporter of the presidential institution, or potentially transforming into a majority itself in case the government formation fails or its dismissal?

2. Divergence of the opposition's role between presidential and parliamentary majorities

The Algerian system struggles to accommodate the opposition because it is built on dominance of the presidential institution, which monopolizes initiative powers. If it is unable to exercise its role of initiative and oversight due to direct legal reasons (the restrictive conditions for initiating procedures) and indirect reasons (proportional system), then it is impossible, under current circumstances, for it to be a guarantee for the alternation. Therefore, the idea of variation between presidential and parliamentary majorities excludes it from this possibility, that minority parties always remain in a low numerical position.

The constitutional system has decided provisions that support the ruling majority through its composition and mechanisms of action at the expense of the opposition institution in both chambers, as long as the majority is presidential-based-a-. However, if the legislative elections result in a hostile majority, and with a parliamentary government, the concept of opposition becomes ambiguous,

because it presents various scenarios that fluctuate based on its position towards the President's direction-b-.

a- Institutional reinforcement for the position of the presidential majority against the minority

The constitutional system provides legal mechanisms that allow for supporting the cohesion of the majority through institutions at the parliamentary level(A-1). Furthermore, voting procedures positively affect its position in the face of the minority(A-2). This is confirmed by the role of the Council of the Nation as a supportive institution for the presidential majority (A-3).

A-1- In terms of Composition

Constitution, organic laws, and the internal regulations operate in one direction: achieving greater cohesion for the majority supporting the President:

- Forfeiture of mandate: Any elected member belonging to a political party who changes their political affiliation shall be stripped of their electoral mandate(117,Aconstitution)preventing "political nomadism". Although this appears to be established in favor of the opposition, it does not serve it at all due to its fragmentation among several trends that are difficult to coalesce; even if a coalition is achieved, it remains fundamentally unstable.
- Formation of parliamentary groups: a parliamentary group shall consist of at least ten (10) deputies. A deputy may not join more than one group, nor can any party establish more than one group. This ensures that the representatives of a majority party do not split into several groups(51,IRPNA).
- The President of the PNA shall be elected by secret ballot in the event of multiple candidates. The candidate who obtains the absolute majority of the deputies shall be declared the winner. In the event that none of the candidates obtains an absolute majority, a second round shall be held to compete between the first and second candidates who obtained the highest number of votes, and the candidate who obtains the majority shall be declared the winner. Consequently, the President of the Assembly will logically hail from the majority(134,Aconstitution,11,law23/06).

A-2-Working mechanisms:

The dominance of the executive branch over legislative work has become well-established due to the parliament's inability. Consequently, democracies rely on the opposition to monitor the extent of the government's commitment to protecting the public interest. Prioritizing the government is not inherently undemocratic as long as oversight mechanisms are effective. However, this is precisely what the oversight algerian system lacks. Therefore, it is not expected

that this model will play the same role as the opposition in Britain, because it is characterized by two distinct features that set it apart:

· It is in a position of a factual minority (in Britain the voting margin is limited).

· It never transitions into majority parties;The english opposition does not reject the political structures knowing it will govern in the future.

So, the opposition in Algeria:

- Finds itself in a numerical minority position, making it impossible to be in a competitive stance against the majority.
- Is fragmented among several parties with divergent programs.
- Has never been able to achieve a majority; consequently, it turns into an opposition against the style of governance. Its practical means fluctuate between abstention, boycotting, or joining the majority.
- Regarding the Action Plan, program, the motion of censure, and the vote of confidence: no legal chance to express its rejection(simple majority)
- No way to propose amending constitution due to unreasonable conditions(219,221,221,222,Aconstitution)

The status of the opposition has not significantly changed from what it was previously, as the Algerian constitutional system has maintained the core institutional balances upon which it was established following the adoption of pluralism.

A-3-The nation's Council: a Guarantee to Paralyze the Opposition?

Since 1996, The council has maintained its composition: one-third appointed by the President, and two-thirds elected from and by the members of local assemblies. This profoundly affects the composition of the minority in parliament, which remains divergent between the two chambers, preventing it from uniting on a single decision. Conversely, the majority in the upper house is more cohesive due to the provisions that ensure this:

-The candidate who obtains the highest number of votes shall be declared elected to the Council(127,ordinance21/01).Thus, a candidate originating from local assemblies—which are formed via a proportional representation system—is chosen for the Council according to a simple majority system(218,ordinance21/01). This significantly influences the political affiliations of the winners in the Council elections, as minority trends are unable to secure a majority of votes except in exceptional cases.

-The Constitution, Organic Law 16-12, and the internal regulations of the Council allow for supporting the cohesion of the majority within the Council through the following:

- The Presidential Third may not form more than one group,and its members cannot belong to any other group.
- A parliamentary group shall consist of at least ten (10) members.
- No political party may establish more than one group.
- A member may choose not to belong to any parliamentary group(56,IRCN)
- An elected member of the Council may not change their parliamentary group(57,IRCN)
- In the event that a parliamentary group loses the required number of members, it shall be dissolved(59,IRCN)

-Members of a party who do not meet the requirements for establishing a group may choose a representative to express their concerns and attend meetings of the Coordination Body upon invitation from the President of the Council, without the right to vote(61,IRCN)

In principle, this provision could be interpreted positively in terms of empowering the opposition; however, it leads to its fragmentation and the granting of rights without effectiveness.

In all cases, the minority cannot exercise its oversight role in the presence of a presidential majority, as it lacks the legal means to challenge the President's program, while it is supported by two institutions: the government and the majority parliamentary groups.

B- The ambiguous Role of the Opposition in confronting the parliamentary majority

Answering the question regarding the status of the opposition— majority in parliament—is premature, as the experience has not yet allowed for this possibility. However, the Algerian system permits some indications regarding the nature of its function. The institutions are designed according to a cumulative model, all converging in the president's institution, who serves as the key to all organs and decisions (holding the power of appointment and final decision-making).This creates the probability that the opposition would remain an institution supporting him.

To compare the French experience with the 2020 amendment we must define the positions of each institution, particularly the President, his role in cohabitation differs. This implies that he would not transform into an "arbiter" between institutions if he lost the majority; rather, he would remain a dominant authority over the rest of the institutions through these possibilities:

· -The minority cannot provide the majority required to invoke the government's responsibility. Even if this were to occur, it would mean that the new government would be formed from the minority; however, the current model of the opposition does not allow for this possibility. Consequently, if the government were to depart,

the President would find himself compelled to dissolve the elected assembly and organize new elections, which renders the opposition's actions a deterrent factor.

· In the case of a parliamentary majority, three potential trends:the parliamentary majority's program, the President's program, and the traditional wick opposition with an unstable program.

The constituent attempted to preserve the status of the President in both cases—presidential or parliamentary majority—by establishing guarantees that prevent the parliamentary majority or the minority from obstructing his program, as follows:

- Requires a two-thirds majority vote of both chambers to ratify a law for which the President has requested a second reading(149,Aconstitution)
- **T**he President shall resort to dissolving the elected assembly before accepting the government's resignation (111,Aconstitution).
- The Head of Government presents his program in the Council of Ministers(110,algerian constitution).
- The President appoints the Prime Minister or the Head of Government and terminates their functions(91,constitution).
- The Authority of the President of the Republic to deffer the Constitutional Court regarding Organic Laws
- Power to block institution without initiative, such as:

-Referral to the Constitutional Court regarding the Finance Law.

-Referral to the Constitutional Court regarding a law enacted with procedural errors.

In the case of a presidential majority, constitutional mechanisms reinforce majority cohesion at the expense of the opposition, particularly through the structure and powers of the Council of the Nation. In the hypothetical case of a parliamentary majority hostile to the President, the opposition's role becomes politically ambiguous, as institutional safeguards preserve presidential dominance regardless of parliamentary composition.

Conclusion

The Algerian system does not allow for alternation between majority and opposition, primarily because the opposition remains a factual minority. This has reflected on the fundamental constitutional balances of the ruling institutions that monopolize decision-making power; they cannot function in the presence of an effective opposition. Furthermore, the formally established "special rights" are not aligned with the opposition's weak composition resulting from the proportional electoral system, hindering their activation unless the majority desires so, thus, his role is to validate the majority's actions. Therefore, the establishment of the opposition was enacted to confer more legitimacy upon the majority:

- The opposition, in its current form, cannot exercise the prescribed competencies.
- The majorities for voting on the Finance Law, the motion of censure, etc., remain unchanged despite the institutionalization of the opposition.
- The effectiveness of the opposition institution's performance requires a balanced competitive environment between parties.
- The opposition remains weak as long as the majority supports the President.
- In the Algerian system, the more cohesive the majority becomes, the weaker the opposition gets. So the opposition will be strong if the second-ranked party positions itself as an opposent.
- The current laws do not allow the opposition to effectively exercise its legislative and oversight functions, due to the mismatch between its current composition—resulting from the electoral system—and the conditions required to activate its procedures.
- The Algerian constitutional system does not establish a state of cohabitation in accordance with the French model; instead, it allows for a form of consensus between the institutions of government and parliament under a majority framework.

The legal status of the opposition is theoretically affected by the variation between presidential and parliamentary majorities, in practice,it may play the same role but in confrontation with different institutions. So, the constitutionalization of the opposition as a formal institution in parliament do not suffice; the constitutional mechanisms prevent its role from being activated, turning it instead into an inclusion of all parties.In sum, constitutional recognition alone is insufficient. Without institutional mechanisms adapted to its composition, the opposition in Algeria remains structurally constrained, oscillating between symbolic inclusion and functional marginalization.

Recommendations

- Adopt a two-round majority electoral system to consolidate political tendencies.
- Reduce the majorities required for motions of censure.
- Reduce majorities for proposing legislation, motions...
- Reduce the numerical thresholds required for proposing bills, motions, and interpellations, as they are not compatible with the composition of the opposition under the Algerian constitutional framework.
- Reduce the number of deputies or members of the Council of the Nation required to refer matters to the Constitutional Court, and eliminate the additional justification.

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