

THEORETICAL AND POLITICAL FEATURES OF THE PARLIAMENTARY CONTROL. A COMPARATIVE LAW STUDY

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Motto

“Under the parliamentary regime, the Parliament’s control is constantly exercised due to the relations established between the legislative power and the executive one and due to the principle according to which the executive power cannot rule but with the deliberative power confidence.”

Maurice Hauriou,

Handbook of Constitutional Law, Paris, 1923, pp. 579-580

Abstract: *In this study, the author intends to make an analysis of the control function of the Parliament exercised over the authorities of the executive branch. Also, the author presents the general features of the parliamentary control. The study is divided into six features: the conceptual boundaries of the used notions; the theoretical framework of the parliamentary control; the political foundations of the control; the relationships between the parliamentary majority and the opposition; the theory of separation of powers as an institutional foundation of the control; the perception of citizens, of the civil society on the effectiveness of parliamentary control. The study is conducted from the perspective of comparative law.*

Key words: parliamentary control, simple motion, interpretation, ministerial responsibility, motion of censure, parliamentary majority, parliamentary opposition, constitutional democracy.

1. Conceptual delimitations

Putting together in an analytical approach the “theoretical basis” and “political basis” notions of the parliamentary control seems, apparently, a contradiction in terms. The analysis of the theoretical bases of the parliamentary control is, in itself, a scientific research, supported by categories of the political science, by norms and legal instruments, by parliamentary procedures, all of them having a scientific feature. Contrary to this approach, the political bases approach of the parliamentary control is less precise if based exclusively on the subjective element, issued from programs and private political interests of the parties represented in representative assemblies being, as the case may be, in power or in opposition. When the political bases of the parliamentary control are involved, we envisage the principle of the national sovereignty and the relations between the political power, the people being its incontestable titular, and the state power,

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