

## The mechanism of submitting petitions as an aspect of enforcing the participatory democracy in the comparative experiences

آلية تقديم العرائض كمظهر لتجسيد الديمقراطية التشاركية في التجارب المقارنة

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### Abstract:

The participatory democracy depends on the wide participation of citizens in directing and managing the political system. In this line, to embody this participation in reality, we need mechanisms that differ from one state to another, such as the petitions. This paper sheds light on this mechanism to show its efficiency, as it is one of the main aspects of enforcing the participatory democracy in the comparative experiences.

**Keywords :** participatory democracy; mechanism; experiences; petitions; regulations.

### الملخص:

من المعلوم بأن الديمقراطية التشاركية وبالنظر لكونها تعتمد على المشاركة الواسعة للمواطنين في توجيه وإدارة النظام السياسي، فإنها بهذا الشكل تحتاج إلى آليات لتجسيد هذه المشاركة على أرض الواقع.

وبرجعنا إلى التشريعات المقارنة فإننا نجد بأن آليات تجسيد الديمقراطية التشاركية تختلف من دولة إلى أخرى، ومن بين هذه الآليات نجد آلية تقديم العرائض.

وتأتي دراستنا هذه من أجل تسليط الضوء على آلية العرائض باعتبارها أحد أهم مظاهر تجسيد الديمقراطية التشاركية في التجارب المقارنة، وذلك من أجل الوقوف على مدى فاعليتها.

الكلمات المفتاحية: ديمقراطية تشاركية- آليات- تجارب- العرائض- ضوابط.

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## Introduction:

The participatory democracy is one of the prominent bases of the constitutional system in a state, as it allows citizens to actively participate in making the public policies individually or through organizations. In this context, the participatory democracy aims at achieving the functional complementarity between the representative democracy and the citizen participation. Therefore, it has been enforced by some states in their constitutions including Morocco in its Constitution of 2011, and Algeria in the constitutional reform of 2020.

In this regard, the elected local assemblies are a fertile ground for the embodiment of the participatory democracy as they allow the citizens to actively participate in decision making and evaluating the public policies. Nevertheless, the promotion of this democracy on reality requires some mechanisms; not only laws. In this line, the petitions submitted by citizens to the elected assemblies and public authorities are a good mechanism used in many states such as Britain, France, Spain, and Morocco which set some conditions for the exploitation of this right.

Based on what has been said, our study attempts to evaluate the efficiency of the petitions as a mechanism of enforcing the participatory democracy. Thus, we can raise our problematic saying: **“to what extent does the constitutional enshrinement of the petitions contribute to promoting and enforcing the participatory democracy in reality?”** To answer this problematic, we use the descriptive and analytical methods as they are the most suitable for the study. Besides, we divided the study into three sections: the 1<sup>st</sup> covers the conceptual frame, the 2<sup>nd</sup> sheds light on the constitutional and legal foundations of the petition submission, while the 3<sup>rd</sup> tackles the evaluation of the efficiency of petitions as a mechanism for the enforcement of the participatory democracy.

## First: The conceptual frame:

Before showing how the mechanism of petitions submission contributes to enforcing the participatory democracy, we must identify the meaning of the participatory democracy and, then, the meaning of petitions submission.

### 1. The concept of the participatory democracy:

It is among the most debated concepts regarding the meaning. Nevertheless, we shall show the main definitions given by the jurisprudence, all along with their dates and importance.

#### 1.1 Definition of the participatory democracy:

Many researchers tried to define the participatory democracy according to their objective visions. In this regard, some of them defined it as the mechanism of involving the citizens directly to making the decisions related to the management of their public issues and to controlling and evaluating their enforcement<sup>(1)</sup>. Besides, it is the individual participation by the citizens in the political decisions and policies that have a direct effect on their lives; instead of relying on the elected representatives<sup>(2)</sup>. Thus, the citizens' participation is

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<sup>1</sup> Al Amine Souiqat, the role of the civil society in enshrining the participatory democracy- case study of Algeria and Morocco-, politics and laws, No° 17, 2017, p. 244.

<sup>2</sup> Mohamed al Ajati, Kloufis Henry De Souza, Nouran Ahmed, from the representative democracy to the participatory democracy towards a new Egyptian constitution- experiences and visions,- Cairo, Rawafid for publication and distribution, 2011, p. 03





characterized with direct and active interaction and takes place in small communities that allow bigger chances of communication between the audiences<sup>(1)</sup>.

In addition, it is defined as making collective decisions that include elements of the direct and representative democracy. The citizens have the authority to set political proposals, which shall be implemented by the politicians. Moreover, the citizens can control the politicians' performance through comparing their submitted proposals and the policies implemented. In this line, the citizens' ability to affect the policies and identify the priorities increases with their involvement with these processes<sup>(2)</sup>. Furthermore, it is defined as a new form of democracy that manifests in the direct participation of citizens in discussing the public issues and taking the political decisions<sup>(3)</sup>. In addition, it is that process through which the citizens and bodies of the civil society are consulted in decision making and political policies enactment, monitoring, and evaluation<sup>(4)</sup>.

From these definitions, we see that the participatory democracy is a mechanism used in many comparative experiences to bridge the gap between the political parties and the social actors in the state<sup>5</sup>. On the other side, it has many characteristics mainly that:

- it starts from the base;
- it complements the representative democracy and does not substitute it;
- it is characterized with the direct and active interaction between the citizen and his representatives, and the citizen and his problems;
- it relies on the local assemblies for the enforcement.

### **1.2 The importance of the participatory democracy:**

It represents the highest form of the democratic practice as it basically aims at achieving the functional complementarity between the representative democracy and the citizen participation<sup>(6)</sup>. Thus, it targets the democratization of the representative democracy that showed some defects<sup>(7)</sup>, and because the political parties are the one who expresses the requirements and concerns of the citizens<sup>(8)</sup>. On the other hand, it aims at reinforcing the position of the citizen and at shaping the local and national policies<sup>(9)</sup> to make decisions that take into consideration the views and aspirations of the various parts. In this regard, it is a tool that creates vitality, enlarges the political participation, and reinforces the opposition that includes the citizens and the civil society to regain their trust in the policy and avoid the

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<sup>1</sup> Mouloud Agboubi, participatory democracy in the local elected assemblies in Algiers, journal of the law, the University Center Ahmed Zabana of Ghelizane, No° 06, 2016, p. 204.

<sup>2</sup> Walid Hussein Rajab Kacem, the role of the mechanism of the participatory democracy in empowering the citizens -case study of Brazil-, the international journal of the Faculty of Economic and Political Studies at the University of Alexandria, Vol. 08, No° 15, 2023, pp. 390-391.

<sup>3</sup> Al Amine Cheraïet, the participatory democracy: the bases and horizons, al Wassit journal, No° 06, the Ministry of relations with the Parliament, 2008, p. 46.

<sup>4</sup> Mossaab al-Tidjani, the Moroccan democratic development- the representative democracy and the participatory democracy through the constitutional text, the journal of the political sciences and law, the mechanisms of the participatory democracy in Morocco, Morocco, publications of the center of studies and researches in the parliamentary issues, Vol 03, No° 18, 2019., p170.

<sup>5</sup> The counselors' assembly, the mechanisms of the participatory democracy in Morocco, Morocco, publications off the center of studies and researches in the parliamentary issues, n.d., p. 07.

<sup>6</sup> The counselors' assembly, op. cit, p.06.

<sup>7</sup> Mossaab al-Tidjani, op. cit, p. 170.

<sup>8</sup> The counselors' assembly, op. cit, p.08.

<sup>9</sup> Mossaab al-Tidjani, op. cit, p. 171.





political abstention<sup>(1)</sup>. Therefore, it is a giant leap in the relation between the officials and the citizens as it paves the way for the citizens to discuss their public issues and decision taking<sup>(2)</sup>. In addition, it includes them within the self-development through the analysis, reports, planning, execution, and evaluation<sup>(3)</sup>, which help limit the negative socioeconomic phenomena, mainly those related to the deprived and marginalized people<sup>(4)</sup>.

## 2. The mechanism of petitions:

It is among the aspects of the participatory democracy. To shed light on it, we must show its concept and date of emergence.

### 2.1 Definition of the petition:

It is an important tool in achieving the justice and making convergent visions between the administration and the citizens. This process starts with making personal observations and individual complaints, until collective petitions signed by a number of citizens to the elected bodies to express their attitude about an issue; thus, they participate to decision making<sup>(5)</sup>. Besides, it refers to a formal demand written by one person or more to the ruler, the government, or the parliament<sup>(6)</sup>. As for Morocco, it may refer to any demand by which the citizens and organizations call the regions assemblies to integrate an issue of their competence in their agenda<sup>(7)</sup>. This issue is generally related to the citizens' daily life, demands, and needs. Hence, the citizens have the possibility of participating to managing the local issue and reinforcing the participatory democratic path.

In addition, it is defined as any written demand electronically<sup>(8)</sup> or on a paper to express demands, proposals, or recommendations of citizens residing in Morocco or abroad to the competent public authorities to take the suitable measures in the light of constitutional provisions, organizational law, and the procedures provided for in the organizational law 14.44<sup>(9)</sup>. Furthermore, it is that demand by the individuals to the public authority to get an answer about a certain issue or to provide observations related to their individual issues or the public ones. This allows the citizens and the public society to directly communicate with the public authorities to show their complaints<sup>(10)</sup>. Based on all these definitions, the mechanism of petitions contributes to promoting the citizens' participation in public decision making in a way that fosters trust between the state and its various formal and informal institutions from

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<sup>1</sup> Saida Ait Abdel Ali, the local participatory democracy through the mechanism of petition submission, research submitted for a master degree in the internal general law and the organization of the local communities, University of al Qadi Ayadh, Faculty of Legal, Political, and Social Sciences, Marrakech, 2016-2017, p. 122.

<sup>2</sup> Al Amine Souiqat, op. cit., p. 244.

<sup>3</sup> Najib Jiri, the participatory democracy and the developmental empowerment towards building a participatory public policy, journal of justice for legal and judicial studies, , No° 01, 2018, p. 322

<sup>4</sup> Najib Jiri, op. cit., p. 325.

<sup>5</sup> Saida Ait Abdel Ali, op. cit., p. 123.

<sup>6</sup> House of Commons Information Office; Public Petitions; August 2010 FS No. P7 Ed 3.8; P02.

<sup>7</sup> The General Directorate of the Local Communities, the local participatory democracy, submitting petitions to the local communities as a model, Kingdom of Morocco, n.d., p. 10.

<sup>8</sup> Article 02 of law 101.21.1 of 08 September 2021 on the execution of the organizational law 21.70 amending and supplementing the organizational law 14.44 determining the methods and conditions of practicing the right to submit petitions to the public authorities, 12 September 2021, official gazette No° 7021.

<sup>9</sup> Article 02 of the organizational law 14.44 on the methods and conditions of practicing the right to submit petitions to the public authorities, 18 August 2016, official gazette No 6492.

<sup>10</sup> Morocco, the participatory democracy in the light of the constitution and the organizational laws, n.d, p. 200.





one side, and the people from another side. This aims at finding the suitable solutions to the problems raised at the various levels of the public sectors<sup>(1)</sup>.

## 2.2 Emergence of the petitions:

The petition dates back to the experience of the British system in issuing the Magna Carta in 1215, in law 1406.1<sup>(2)</sup>. This document recognizes the right to submit petitions to King King Edward I, which shall be handled by two groups of people; the 1<sup>st</sup> receives the petitions while the 2<sup>nd</sup> studies them and refers them to the competent authorities<sup>(3)</sup>. Besides, the 1<sup>st</sup> petition written to the House of Lords dates back to the era of Richard II. However, it became widespread in the era of Henry V. Later in 1571, the Appeals Assembly had been established for the first time<sup>(4)</sup>. Moreover, the British House of Commons recognized in 1669 that the right of submitting petitions is for everyone residing in Britain. Hence, anybody can write a petition and submit it to the House of Commons to express a complaint that shall be considered by the House. This practice had been recognized in the Era of Jack II who, in 1687, issued a declaration that allowed practicing the religious rituals; but the Parliament refused. Later, the King ordered the Archbishop to promote the declaration and read it out loud on the podiums; nevertheless, the archbishop and 06 bishops refused through a petition to the King. Consequently, the King referred them to the jury, which acquitted them based on their natural right. This event was eternalized in a leaflet hung in the Parliament in Westminster, as it gave birth the real practice of the right to submit petitions<sup>(5)</sup>.

Furthermore, the Bill of Rights in 1688 clearly insisted on the right to submit petitions to the King. Usually these petitions are used to mobilize the public opinion and create a propaganda locally and nationally about a certain issue. In addition, the members of the parliament can use it to tell the government about a given issue where their voters have strong views about. Hence, it is a valuable tool that allows the members to question the executive branch<sup>(6)</sup>. The right to submit petitions had known a big change in Britain in 1787 when petitions about general issues such as slavery started being submitted. It was a period that witnessed many petitions, which obliged setting a legal system that regulates their submission<sup>(7)</sup>. In this line, the petitions submitted annually to the House of Commons during 1785-1789 reached 176. Later during 1811-1815, the number increased to more than 1100. Then during 1837-1841, it increased to 17600<sup>(8)</sup>.

As for USA, submitting petitions has been open to everybody since the 18<sup>th</sup> century, including those unqualified to vote. Thus, petitions turned into an important tool to express views, convince the legislators, and affect the political scene of the state. In this regard, we would like to draw attention to the fact that petition submission in USA was practiced a lot by

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<sup>1</sup> Kholoud Mohamed Rashed al-Daaja, the participatory democracy and the type of democratic shift- case study of the Kingdom of Morocco, the Tunisian Republic, journal of Arabic studies and researches, Vol. 46, No° 73, 2020, p. 43.

<sup>2</sup> House of Commons Information Office , op.cit, P02

<sup>3</sup> Mossaab al-Tidjani, the petitions as a mechanism to implement the participatory democracy- the Moroccan experience between the constitutional recognition and the legal adoption, journal of the constitutional law and the administrative sciences, the Arab democratic center, No° 02, 2019, p. 123.

<sup>4</sup> House of Commons Information Office , op.cit, P05.

<sup>5</sup> Mossaab al-Tidjani, the petitions as a mechanism to implement the participatory democracy, op. cit., p. 124.

<sup>6</sup> House of Commons Information Office , op.cit, P02.

<sup>7</sup> Mossaab al-Tidjani, the petitions as a mechanism to implement the participatory democracy, op. cit., p. 124.

<sup>8</sup> House of Commons Information Office , op.cit, P06





the deprived communities including the women, African-Americans, native Americans, etc<sup>(1)</sup>. The women's use of the petitions in USA had a special importance in the US history as their petitions were a main part of the important national social movements including anti-slavery movements<sup>(2)</sup> and those calling for the women's right to vote, as Congress received a petition signed by 30000 women from USA calling for their right to vote. Hence, petition submission campaigns became a distinct characteristic of the women movement for the right to vote<sup>(3)</sup>.

The 1<sup>st</sup> petition campaign recognized nationally in USA was an objection against the exclusion of the Cherokee Indians by the federal government from their native lands in Eastern USA in 1830. However, Congress turned a blind eye towards these petitions and forcefully excluded the Cherokees from the lands. This was a historical station known as the Trail of Tears<sup>(4)</sup>.

## **Second: the constitutional and legal foundations of the petition submission**

Many states worked to constitutionalize the petitions as a mechanism to enforce the participatory democracy. Besides, the laws show their conditions and regulations of practice.

### **1. The constitutional enshrinement of the mechanism of petitions as an aspect of participatory democracy:**

Many world constitutions, mainly the European and some Arab ones such as the Moroccan, devoted petitions for the enforcement of the participatory democracy. For instance, Article 28 of the Belgian constitution provides that the Belgians have the right to address petitions signed by one person or more to the public authorities, and that the constitutional bodies alone have the right to address petitions with a collective name<sup>(5)</sup>. Besides, Article 29 of the Spanish constitution provides that all the Spanish people have the right to submit a written petition individually or collectively. In this line, the form of the petition must correspond to the effects from which the law provisions result. In addition, the members of the armed forces, the military institutions, and the organizations under a military system can practice this right individually in accordance with their laws<sup>(6)</sup>.

Moreover, Article 50 of the Italian constitution states that all the citizens can write petitions to the parliament calling for legislative measures or to express public needs<sup>(7)</sup>. Furthermore, Article 52 of the Portuguese constitution states that any citizen has the right to submit appeals, objections, demands, and complaints alone or collectively to the sovereign authorities, the self-management institutions, or the other authorities to defend his rights, the constitution, or the public interest. Besides, he has the right to be notified about the results of considering his concern within a reasonable period. The law identifies the requirements to

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<sup>1</sup> Tiffany Middleton, Right to Petition, Insights on Law and Society, November 14, 2019, Volume 20, Issue 1, available on:

[https://www.americanbar.org/groups/public\\_education/publications/insights-on-law-and-society/volume-20/issue-1/learning-gateways--right-to-petition/](https://www.americanbar.org/groups/public_education/publications/insights-on-law-and-society/volume-20/issue-1/learning-gateways--right-to-petition/)

<sup>2</sup> Tiffany Middleton, op.cit.

<sup>3</sup> Tiffany Middleton, op.cit.

<sup>4</sup> Tiffany Middleton, op.cit.

<sup>5</sup> See the constitution of Belgium published on:

[https://www.constituteproject.org/constitution/Belgium\\_2014.pdf?lang=ar](https://www.constituteproject.org/constitution/Belgium_2014.pdf?lang=ar)

<sup>6</sup> See the constitution of Spain published on: [https://www.constituteproject.org/constitution/Spain\\_2011?lang=ar](https://www.constituteproject.org/constitution/Spain_2011?lang=ar)

<sup>7</sup> See the constitution of Italy published on: [https://www.constituteproject.org/constitution/Italy\\_2012?lang=ar](https://www.constituteproject.org/constitution/Italy_2012?lang=ar)





consider the common appeals in the general sessions of the national assembly of the republic and of the two legislative assemblies of the two sovereign regions<sup>(1)</sup>.

Article 17 of the German constitution provides that anybody, alone or with a group of people, has the right to write appeals or complains to the competent authorities and the legislative authority<sup>(2)</sup>. As for Morocco, it constitutionalized the participatory democracy in the constitution of 2011 because of the pressures of the international constitutionalism<sup>(3)</sup>, the Moroccan commitments towards the international society and the donor countries, and the social movements in the Kingdom<sup>(4)</sup>. In this regard, these movements opposed the political parties and the unions, leading to the emergence of a civil actor in the field<sup>(5)</sup>. Chapter 15 of the Moroccan constitution provides that the citizens have the right to submit petitions to the public authorities in a way that is clarified by an organizational law. Besides, chapter 139 states that the regions assemblies and local communities set participatory mechanisms for dialogue and consultation to manage the contribution of the citizens and associations in making and monitoring the growth programs. Thus, the citizens and associations can submit petitions to call the assemblies for integrating issues of their competency in their agenda.

From the above constitutional texts, we see that Morocco constitutionalized the mechanism of petition submission to the public authorities. At the same time, it recognized the mechanisms that help the citizens contribute to the management of the local public issues through dialogue, the participatory approach, and the petitions addressed to the local communities.

## **2. The legal enshrinement of the mechanism of petition submission:**

The constitutional coverage of the mechanism of petition submission is not enough for promoting the participatory democracy in reality because it needs conditions and regulations. Therefore, the constitutional founder must refer to the laws to show the conditions and mechanisms of promoting the participatory democracy nationally through submitting petitions to the public authorities, or locally through submitting petitions calling for integrating specific points in the agenda of the assemblies. This is applicable in many countries such as Morocco, USA, and Britain.

Back to the Moroccan constitution, the legislator set regulations showing how to submit petitions to the public authorities in the organizational law 44.14<sup>(6)</sup> which provides for some conditions related to the petitions, the body that submits the petition, and the region that receives the petition. For example, the petition must aim at achieving a public interest, be written in a clear way, and be attached with a detailed memorandum that shows the causes and objectives of the petitions<sup>(7)</sup>. Moreover, the petition is void if it includes demands, proposals, or recommendations that go against the principles of the Kingdom, Islam, unity,

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<sup>1</sup> See the constitution of Portugal published on:

[https://www.constituteproject.org/constitution/Portugal\\_2005.pdf?lang=ar](https://www.constituteproject.org/constitution/Portugal_2005.pdf?lang=ar)

<sup>2</sup> See the constitution of Germany published on:

[https://www.constituteproject.org/constitution/German\\_Federal\\_Republic\\_2012?lang=ar](https://www.constituteproject.org/constitution/German_Federal_Republic_2012?lang=ar)

<sup>3</sup> Mossaab al-Tidjani, op. cit., p. 177.

<sup>4</sup> Ibid, p. 179.

<sup>5</sup> The counselors' assembly, op. cit, p.06

<sup>6</sup> The organizational law 14.44 on the methods and conditions of practicing the right to submit petitions to the public authorities, 18 August 2016, official gazette No 6492.

<sup>7</sup> Article 03 of the organizational law 14.44, op. cit.





the regime, the democratic choice, or the liberties and basic rights in accordance with the constitution<sup>(1)</sup>.

Moreover, the Moroccan legislator provided for the necessity of submitting the petition by the Committee of Submitting Petitions, which is made up of at least 05 members chosen by the petition writers from within them<sup>(2)</sup>. Then, the Committee meets after a call from one or more members to choose a representative and a vice-representative to be the spokesman in front of the public authorities<sup>(3)</sup>. Later, the Committee collects at least 4000<sup>(4)</sup> signatures of the petition supporters instead of 5000<sup>(5)</sup>, as previously provided; the signatures must be accompanied by the ID number and date of expiry<sup>(6)</sup>. As for the petitions submitted to the communities, regions, prefectures, or territories, the aim must be calling the assembly to integrate a point of its competence in its agenda without offence against the principles provided for in the 1<sup>st</sup> chapter of the constitution<sup>(7)</sup>.

Furthermore, the legislator provides that the citizens who submitted the petition must be residing in the region represented by the community, or exercising an economic, commercial, or artistic activity, or be registered in the electoral lists, and have a direct interest in submitting the petition. Besides, the number of the people signing must be +100 for the community whose population is less than 35000, +200 for the other communities, and +400 for the communities under the system of provinces<sup>(8)</sup>. As for the regions, the legislator provides that the signatures must exceed 300 for the regions whose population exceeds one million, 400 for the regions whose population is between 01 and 03 million, and 500 for the regions whose population exceeds 03 million. In addition, the signers must be residing in the prefectures and territories of the region and their number must not be less than 05% of the required number in each territory or prefecture of the region<sup>(9)</sup>.

As for the prefectures and the territories, the legislator provides that the signers must not be less than 300 citizens<sup>(10)</sup>. As for the case of submitting the petition by the associations, the association must be authorized and in accordance with the applicable law for a period of more than 03 years. Besides, the association must abide by the democratic principles and political systems. In addition, its headquarter, or that of one of its branches, must be on the land of the region to whom the petition is addressed, and its activity must be related to the topic of the petition<sup>(11)</sup>.

Regarding the USA, the petitions take 04 forms:

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<sup>1</sup> Article 04 of the organizational law 14.44, op. cit.

<sup>2</sup> Article 02 of law 101.21.1 of 08 September 2021 on the execution of the organizational law 21.70, op. cit.

<sup>3</sup> Article 05 of the organizational law 14.44, op. cit.

<sup>4</sup> Law 101.21.1 of 08 September 2021 on the execution of the organizational law 21.70, op. cit.

<sup>5</sup> Article 06 of the organizational law 14.44, op. cit.

<sup>6</sup> Article 06 of law 101.21.1 of 08 September 2021 on the execution of the organizational law 21.70, op. cit.

<sup>7</sup> See: - Article 121 of the organizational law 113.14 on the communities.

- Article 118 of the organizational law 111.14 on the assemblies.

- Article 112 of the organizational law 112.14 on the prefectures and territories, op. cit.

<sup>8</sup> Article 123 of the organizational law 113.14 on the communities.

<sup>9</sup> Article 120 of the organizational law 111.14 on the regions.

<sup>10</sup> Article 114 of the organizational law 112.14 on the prefectures and territories, op. cit.

<sup>11</sup> See: - Article 125 of the organizational law 113.14 on the communities.

- Article 121 of the organizational law 111.14 on the regions.

- Article 115 of the organizational law 112.14 on the prefectures and territories, op. cit.



**The political petitions:** they have a specific form and take a determined base set by the state or the federal government such as the petitions of summoning the elected officials. These petitions are publicly shared to attract the signers who are usually US citizens and registered electors living in the constituency subject of the petition.

**The legal petitions:** They allow addressing a demand to the court to issue a given order in a judicial case. It is generally raised by lawyers in accordance with the rules of the court using specific models. These demands are not shared outside the court and the concerned parts.

**The public issues petitions:** They are addressed to the officials to ask them to take or abolish a specific measure. These petitions are publicly shared to collect signatures.

**Internet petitions:** They are through the internet and are generally not limited regarding the measures that must be taken. They are effective in raising the public awareness<sup>(1)</sup>.

Concerning Britain, the petition must be handwritten respectfully and addressed to the House of Commons with no omissions. In addition, it must be written according to the ancient formulation that had been compulsory before 1993. Moreover, the petition signer must include his physical address and use polite and formal expressions<sup>(2)</sup>. As for the number of the signatures, it differs. In this line, the petition submitted by an individual is valid as long as it includes his name and address. It is generally accepted and called an appeal. On the other hand, the appeal that gets many signatures is called a petition, such as the Ambulance Dispute submitted on 15 December 1989 that got 04 million signatures.

In addition, the House of Commons can submit formal appeals to the Lords without obliging anybody to do so; the members generally submit their appeals based on the requests of their voters. The appeals are submitted from Monday to Thursday directly before discussing the delay for half an hour in the end of each working day. Furthermore, the members may also submit informal appeals at any time when the House of Commons meets through putting the appeal in the big green bag hung on the chair of the speaker. The appellant must write his name on the document. However, when he wants to submit the appeal formally in the House, he must take it to the writer of the public petitions to ratify it and then sends a notification to the House office. On the other hand, if he wants to send it informally, he must put it in the bag as previously discussed.

When submitting the appeal informally, the appellant must briefly present the subject of the appeal and show the number of the signatures collected. Alternatively, he can ask the registrar of the meeting to read the text if he does not want to read. Besides, the members of the House of Lords have the right to submit appeals. Nevertheless, this right is rarely practiced and does not lead to any measure. In this context, only 28 appeals had been submitted in the House of Lords in the last 20 years; the last one was on 13 December 2000<sup>(3)</sup>. 2000<sup>(3)</sup>. We must point out that the House of Commons does not have any power to oblige the the government to make an observation about the appeal despite the government's commitment since 2007 to answer all the petitions and appeals<sup>(4)</sup>.

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<sup>1</sup> Tiffany Middleton, op.cit.

<sup>2</sup> House of Commons Information Office, op. cit, P02

<sup>3</sup> House of Commons Information Office, op. cit, P04

<sup>4</sup> House of Commons Information Office, op. cit, P 05





### **Third: evaluation of the efficiency of the petitions as a mechanism to enforce the participatory democracy:**

Upon our discussion of the petitions as a mechanism to enforce the participatory democracy in some comparative experiences, we feel an increasing interest by the citizens in the local issues and an increasing participation in managing them mainly in the states that opened the door for the individual petitions such as Britain. In this line, statistics show that submitting petitions is fluctuating, as it is high sometimes and low some other times. For instance, during 1989-1990, the appeals reached 960; 235 were formal while 725 were informal. In the same vein, the period of 1992-1993 witnessed a big increase as the appeals reached 2651; of which 137 were formal and 2514 were informal. Finally, in 2009-2010, the total appeals reached 393; of which 135 were formal and 258 were not<sup>(1)</sup>.

As for Morocco, statistics show that the total petitions submitted by the citizens and associations reached 212; of which 166 were submitted by the civil society associations and 46 were by the citizens. Besides, these petitions were submitted to 97 local communities from the 1590 national ones; i.e. to 06% of the total as follows:

- 80 communities out of 1503.
- 09 prefectures and territories out of 75.
- 08 regions out of 12<sup>(2)</sup>.

As for the end of the petitions submitted to the local communities, it is as follows:

- For the communities, the petitions reached 155; of which 83 are accepted, 66 are refused, and 06 are pending.
- For the prefectures and territories, the petitions reached 34; of which 18 are accepted and 16 are refused.
- For the regions, the petitions reached 23; of which 02 are accepted, 19 are refused, and 02 are pending<sup>(3)</sup>.

Nevertheless, we must point out that despite this positivity, we find many gaps in the laws that regulate this mechanism; which shall affect its efficiency. These gaps are as follows:

- Some laws provide that the petition submitters must be voters registered in the electoral lists; this shall deprive people not registered in the electoral lists from practicing this right and oppose democracy. In this line, their banning from participation in the elections to select their representatives should not necessarily deprive them from their right to the participatory democracy that is for every citizen.
- Some laws condition supporting the petitions with a high number of signatures by the citizens, such as 300 in Morocco; this limits the efficiency of the petitions as a mechanism to enforce the participatory democracy.
- Some laws limit the associations' right to provide petitions to their field of activity. This deprives some associations, mainly those with a general nature, from this right and paves the way for the assemblies to abuse their power in refusing the petitions of the associations, claiming that the subject does not correspond to the activity of the association.

<sup>1</sup> House of Commons Information Office, op. cit, P 10.

<sup>2</sup> The General Directorate of the Local Communities, op. cit, p. 14.

<sup>3</sup> Ibid., pp. 15-16.



## Conclusion:

In the end, we reached some results and suggestions as follows:

### 1. Results of the study:

- The right to submit petitions dates back to the British experience that enshrined the 1<sup>st</sup> models of the participatory democracy through the petitions in its political system. Currently, the petitions are used in many states.
- Submitting petitions is among the main bases that aim at a wide participation by the citizens in the local issue in order to call the locally elected assemblies and the public authorities for integrating a specific issue of their competence in their agenda. This shall contribute to their adherence to the real participation and to finding solutions to the raised issues.
- Prompting the petitions as a mechanism to enshrine the participatory democracy depends primarily on the existence of a strong civil aspiring society and on citizens who are aware of the meaning of democracy.
- The petitions contribute to developing the political culture of the citizens and empowers them to participate in decision making with their representatives through raising the issues of their competence in the assemblies.
- The success of the mechanism of petitions depends on the understanding and awareness of the citizens about this mechanism, and on how to use it without deviating from its aims. Besides, it depends on the acceptance of the elected assemblies to this mechanism that makes the citizen a partner in exercising their competencies.

### 2. Recommendations of the study:

- It is necessary to consider the petitions as a mechanism that contributes to promoting the citizens' participation in making, executing, and evaluating the public policies.
- It is necessary to raise the citizens' awareness about the importance of the petitions as a tool to participate in the management of the local issue through holding meetings and seminars to clarify how to submit a petition. This shall increase the number of the submitted petitions and the practice of citizenship locally.
- It is necessary to share information related to the petitions with all the citizens mainly those related to the causes of submitting or refusing the petition as applicable in Britain in order to foster transparency and avoid the refusal of the future initiatives of the citizens.
- It is necessary not to bind the petition submission to the registration in the electoral lists. Besides, it is necessary to reduce the number of the required signatures to accept the petition in the states that do not allow individual petitions such as Morocco.



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