

The Impact of Constitutional Amendments and Election laws on the Participation of Parties in the Moroccan Political System: A Comparative Analytical Prospective Study

By

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Abstract

This study aimed at identifying the constitutional amendments that took place in 2011 and the laws of elections during (2002-2021) related to the participation of the political parties in the Moroccan political system. The study addressed those amendments in a comparative analytical way and set a prospective study based on the currently implemented legislations. The study used three approaches: the analytical descriptive approach, systems approach, and comparative approach.

The results showed that constitutional amendments were performed in Morocco in 2011. In this vein, there had been more assertion on the participation of parties, where the election law includes a partial system which has been applied since 2002 after waiving the majority system. The partial system was implemented until the last elections in 2021, with some additional amendments concerning the number of seats in the house of representatives, the electoral threshold and the electoral denominator that was amended before the elections of 2021 and affected the constitutional amendment of 2011. The results confirmed the positive effect of partial system on the participation of the political parties in the Moroccan political system based on the legislative basis for that. The results revealed that the future of the participation of the political parties in Morocco will be closely related to the legislations governing them, these are constitution and election laws.

The study recommended the necessity of urging those in charge of political systems, that are based on the parliamentary systems, to amend their constitutions in order to encourage the partisan work as well as coming up with usual laws that have a supporting role to the constitution in promoting the establishment of more parties in the political life of the country, providing more partisan support based on the Moroccan constitution, especially in article (47) of the constitution, in addition to the necessity of using the partial representation system, known in Morocco as (regulation), since it obviously demonstrated the texts of the constitution, particularly the multiparty system, which has been lately devoted to what is known as electoral denominator.

Keywords: Moroccan constitution, Moroccan political systems, Moroccan political parties, Moroccan coalition government.

Introduction

The availability of the political parties in the Parliamentary councils is considered as a necessity in the modern political systems. Currently, almost all parliamentary or presidential

political systems include licensed political parties that are officially acknowledged by the state based on its legislations; however, the difference lies in the actual activity of those parties and their actual representation in the political systems, especially in the house of representatives. Indeed, currently, there is a variation in this representation, particularly in the Arabic political systems, where some of them encourage the existence of parties, but without a real representation in the house of representatives (Al-Tarawneh, 2021: 1-2).

In this context, Morocco has achieved several achievements since the 1990s in the domains of political and constitutional reforms, which were manifested by restructuring the political domain according to a constitutional approach and a political agreement, considering it as a condition precedent for the process of conversion between political actors (Zain Aldeen, 2020: 57). We think that political actors refer to those interested in political work, especially the political parties, where the political parties are considered are the most influential political actors in the Moroccan political system- they set the current stage of the political work in Morocco and will set the scene for the future.

Before 2011, events confirmed the high efficiency of the Moroccan parties and their ability to affect the regime, where several conflicts took place between the Palace (regime) and political parties which, in turn, resulted in government transition that started since the late 1990s. By the early 2011, the Moroccan constitution was amended for the first time during the reign of King Mohammad the sixth (Omairi, 2019: 68). Accordingly, coalition governments were established officially based on the constitutional amendment that took place and the new actors in the Moroccan political system, including the movement of the 20th February, 2011, which established for a new stage in Morocco that resulted in constitutional reforms.

Prior to that, we can notice that Morocco witnessed a transition in the elections related to the House of representatives since 2002, where Morocco adopted a new system based on partial regulation instead of the majority system. Based on the changes in the electoral system, the partisan experiences and the constitutional amendment that took place, Morocco recognized the real participation in relation to constitutional texts that encouraged the work of parties as well as an election law that converts the votes obtained by parties to seats in the Parliament. Indeed, the current study addressed this case in particular by focusing on the constitutional amendments and election laws in order to come up with results that demonstrate the actual participation of parties in the Moroccan political system and setting a prospective view to them based on the regulations governing their work, these are the constitution and election law, considering that the next elections will be in 2026; and thus we will address this issue in more detail.

The study problem

This study aimed to identify the reality of political parties in terms of participation in the Moroccan political system, especially since the year 2002, which is considered as the joint date that witnessed the change in the electoral system within the Moroccan political system. Also, based on the constitution of 2011, and after constant appealing to promote their role, parties officially formed the government, after the King's recommendations about the party that gains the highest votes in public elections – this gives the party more authority to form the government. Therefore, the researcher paid more attention to addressing this issue in order to identify it analytically, comparatively and prospectively, where more focus was given to an accurate scientific description and analysis for the Moroccan constitution of 2011, election laws as well as the size of parties participation in the house of representatives, the formation of

coalition government in Morocco and the circumstances and mechanisms of forming it.

The study importance

The importance of this study lies in introducing the Moroccan constitution of 2011 and election laws (2002-2021) and their importance in the participation of parties in the Moroccan political system. This is done by introducing the constitution of 2011 as well as the articles that negatively or positively affected the participation of parties in Morocco as well as introducing the election laws and clarifying how they contributed to participation, either positively or negatively. Here, the word "participation" refers to participation in elections and the participation of parties in forming the coalition government. Also, the study importance lies in identifying the multi-party-political system in Morocco, and how the Moroccan state requires establishing that political pluralism based on constitution and election laws, in addition to setting a future conceptualization for parties in the Moroccan political system until the next Parliamentary elections in 2026.

The study questions

The study aimed to answer the following questions:

- 1- What is meant by constitution and election systems in the political system?
- 2- What are the amendments that were made to the constitution of 2011 and the election laws (2002-2021) in Morocco?
- 3- What is the impact of constitutional amendments of 2011 and the election laws (2002-2021) in the participation of parties in the Moroccan political system?
- 4- What is the future of the participation of political parties in the Moroccan political system from the perspective of the current legislations (the constitution of 2011 and the election law 2021)?

The study objectives

The study aimed to achieve the following objectives:

- 1- Identifying what is meant by constitution and election systems in the political system.
- 2- Identifying the amendments that were made to the constitution of 2011 and the election laws (2002-2021) in Morocco .
- 3- Identifying the impact of constitutional amendments of 2011 and the election laws (2002-2021) in the participation of parties in the Moroccan political system.
- 4- Overseeing the future of the participation of political parties in the Moroccan political system from the perspective of the current legislations (the constitution of 2011 and the election law 2021)?

The theoretical framework and the previous studies

First, the theoretical framework

Constitution is considered a the main source for all the legislations inside the state. The constitution determines the structure of ruling system and the government, which is designed based on an election law that includes an electoral system that aims to provide a real representation of parties to form either majority or coalition governments, where adopting any of them depends on the state's policy and its level of political culture.

Constitution had several names, where some countries called it the state's basic law, other called it as the state's law and the constitutional law. However, despite those various titles, we can say that constitution is the state's basic law that is characterized by being superior as compared to the other applied laws in the state. Constitution has a considerable importance legally and politically- it refers to a set of legal rules included within the constitutional document and other constitutionally similar documents, such as the law of elections, the act of settlement and other laws that acquire the constitutional form by legislator. The constitutional document demonstrates the nature and structure of the applied political system in the state, represented by the economic, social, political, and cultural bases (Al-Dali, 2006:389).

Constitution can be defined more precisely as a set of supreme laws, customs, traditions and inherited practices, that determine the state's structure and the system of political governance. Constitution regulates public authority and determines the relationships between its agencies. It also states the basic rights of individuals and shows the methods of protecting them. Due to its supremacy over other laws, it is also known as " the law of laws" (Al-Shayb, 2017: 154-155).

Constitution is the highest law in the state, which means that it is the official document issued by the state in a way that corresponds with its internal conditions. The constitution organizes the governance affairs in the state, the work of institutions and the work of non-official organizations, including political parties and civil society institutions, and it also considers public freedom and rights in the state. Constitution is also considered as the most important pillar in the establishment of Parliamentary governments by dedicating a certain material related to the mechanism of selecting the head of the government based on the party that gained most votes in the public elections. Moreover, constitution is said to develop, where this development takes place through extrapolating customs, traditions, parliamentary discretion, and the judgments issued by courts within the political system- this development represents an attempt to making reforms to it (Al-Tarawneh, 2018:43).

As for the types of constitutions, they are usually divided into two types. In terms of source, constitutions are divided as documented and non-documented ones, and in terms of the way of amendment, they are divided into flexible and non-flexible ones (Al-Adaileh, 2020 :263). Constitution is the approach that determines the shape of governance system in the state, and based on it, the mechanisms that determine the work of official and non-official institutions are set.

The electoral system is known as the set of mechanisms that determine the electoral process and ensure the methods of nomination, collecting votes and converting them into seats (Hashi, 2014: 137). Elections are considered as one of the most important types of political participation in its positive image in order to establish the legitimacy of institutions, especially the legal ones that come based on an electoral system through which votes are converted into seats in the Parliament (Al-Tarawneh, 2019: 555). Also, electoral systems are defined as "converting the votes during the public elections into seats that candidates and parties acquire" (IDEA, 2008:5).

Based on the previous definitions, we can see that they revolve around one idea that takes place in reality; however, in this study, we can define the electoral system as "the electoral engineering through which gained votes are converted from the latency state in ballot boxes into the state of motion; this results in selecting representatives who convey people's messages and issues to the government, which has the public authority in the country ".

Electoral systems are considered amongst the most exposed topics to challenges, where they differ in terms of application within the political reality from one place to another, and from time to time even in the same place- sometimes, they don't perform the representative function for all the community sectors, and pave the way for the dominance of non-vast majority to manage affairs. Indeed, this makes the process of challenging, discussing and modifying the electoral system an inevitable one (Khodair, 2015:51). The design of electoral systems is governed by the considerations of each community as long as democracy requirements are available, popular willingness is expressed and all the community categories are represented (Baqsheesh and Yaqoub, 2018:82).

Electoral systems are represented by three main categories: majority systems, partial representation systems and semi-partial representation systems (mixed). These three categories include several sub-election systems (Ramadan, 2018: 118), as follows (Al-Mosai'din, 2015: 83):

Plurality/ majority systems:

these systems are based on the principle of the winning of candidates or the parties that gained the highest votes, (in addition to some conditions that might be required sometimes); however, this result can be, practically, achieved in various ways (the international agency of democracy and elections, 2012:12). This result can also be achieved through various ways, including: the system of one winner, the voting of the election group, alternative voting, the system of two rounds (Al-Mosai'din, 2015: 83).

Partial representation system:

This system is based on converting the votes gained by the political parties participating in elections into a corresponding ratio of the legislative commission seats. There are two types of partial election system, these are: the partial list and the system of one vote (Al-Mosai'din, 2015: 83).

Mixed systems:

These systems are based on making advantage of the positive characteristics that exist in the systems of plurality/ majority of partial representation. The mixed system includes two electoral systems that use different patterns and work in a parallel way. Voting is performed by the same voters and candidates are elected based on both systems. These systems are the plurality /majority system (often related to the system of the first winner) and the partial list system (the international agency of democracy and elections, 2012:13).

As for the effects of electoral systems on political parties in the political system concerning the causal relationship between the electoral system and the partisan system, adopting a certain design for the election system will result in a more or less stable partisan system. Also, there are other sub-objectives, such as enhancing the national political system or promoting the collective function of political parties. Several strategies are included in this domain, such as enhancing the roles of the parties represented at the national level and weakening the sector parties, the strategy of controlling and determining the number of political parties represented in the various representative institutions, enhancing the partisan organizations by establishing stable partisan organizations from the top to bottom – a case that is witnessed by some countries, in terms of primary elections in political parties; indeed, this objective is included within the renewal of the methods of selecting partisan leaderships and candidates, in addition to enhancing stability and harmony inside the Parliament (Abdul-Aali, 2014: 320).

The partisan map is formulated in several political systems, given the components and nature of the electoral system; therefore, the duality or plurality of political parties is closely related to the adopted election system. The system of majority had a prominent role in the emergence of the system of parties duality. Furthermore, the majority system resulted in the system of modified plurality, while the partial representation system resulted in the excessive partisan-plurality system (Sa'udi, 2017: 1). Additionally, election systems vary, but their effect on the political life, particularly the partisan system is high in all systems. Researchers demonstrated the nature of the relationship between electoral system and partisan system, in relation to majority system and partial representation system- majority system has the capability of providing the system of the two parties. In the light of the existence of two strong parties and a third weak party, the latter would be forced to unify with one of the two strong parties or take its candidates away so as to be excluded. In this context, it is considered as a system that doesn't reflect the real political representation- the case of Britain is an example of the role of the majority system in dedicating the duality between the labor Party and the Conservatives party. Duverger suggested that the system of partial representation has a role in alleviating the polarity that results from the majority system, then it set limits for adopting the system of the two parties. This system is characterized by allowing other parties to obtain seats in the Parliament; therefore, it is considered as the closest system to represent the community. Establishing the system of political plurality allows maintaining stability based on the balance process between the various political forces (Shamsa, 2011: 462- 466- 467).

As for the mixed system, it results in partisan plurality and reduces the existence of the sites dominated by a single party- this applies to the system of partial list. The system of the one winner contributes to excluding the extremist parties and forming governments that support the parliamentary majority (the international institution of democracy and elections, 2012: 15).

Based on the above-mentioned, we can see that the electoral system has an effect on the partisan representation in the political systems. Accordingly, selecting the electoral system lies in the state itself based on the specificity of the community in which they exist as well as strength and readiness of parties, in terms of their partisan representation in the Parliament and their ability to hold the ruling position.

Additionally, the voting style has a political dimension; the results of the election process is related to the nature of the adopted electoral division as well as the nature of the applied voting style (Mofeed, 2017: 32).

The previous studies

(Kamri, 2008) conducted a study entitled " the legislative elections in Morocco: voting style and the job question". The study aimed to identify the style of voting in Morocco on the one hand, and the function of elections on the other hand. The study posed a number of questions about elections and voting style as well as the partial representation adopted in the legislative elections of 2002 and the amendments before performing the elections of 2007 .

(Aqnoush, 2016) conducted a study entitled "the government of elections in Morocco: the way towards a free impartial voting. The study addressed the methods of voting by the whole group and the style of one vote, and demonstrated the disadvantages of partial voting. The study stated the objectives of changing the voting style, including achieving electoral justice, achieving an ideal democratic system, creating a strong opposition and maintaining the existence of small parties.

(Abdul-Wahhab, 2017) conducted a study entitled " the patterns of voting and making

the political map in Morocco". The study aimed at identifying the patterns of voting and making the political map in Morocco. The study addressed the concept and development of voting style, especially in Morocco. The study concluded that Morocco is still away from the stage of democratic transformation and that the electoral systems will be subjected to change.

(Mofeed, 2017) conducted a study entitled "legislative elections: investigating path and results". The study aimed at identifying the legislative elections by introducing their path and results. The study addressed the legal framework organizing the elections of the House of representatives and the election campaign for the membership in the House of representatives. The study concluded with an investigation for the results of the parliamentary elections, which suggested that the party of justice and development obtained (125) seats and the party of authenticity and modernity obtained (102) seats.

(Al-Tarawneh, 2018) conducted a study entitled "political reforms and their effect on establishing a parliamentary government: Jordan and Morocco (a comparative study)". The study aimed at identifying the political reforms that took place in the Jordanian political system and the Moroccan political system in relation to the establishment of a parliamentary government. The results revealed that the reforms that took place in the Jordanian political system supports the establishment of a partisan parliamentary government in the future, while the reforms that took place in the Moroccan system supported the establishment of Parliamentary governments, especially after the amendment of the constitution in 2011.

(Omairi, 2019) conducted a study entitled " the Moroccan parties from opposition to the integration in the political process". The study aimed to analyze the role of the Moroccan political parties in the Moroccan political system by identifying the origins of development and the causes that urged Morocco to adopt the partisan plurality that led the Moroccan political system into a number of conflicts, especially with the party of independence that refused political plurality, since it had several negative and positive aspects. Indeed, this urged many parties to accept the participation in the political process – this was done by involving a number of parties, who used to refuse participation, in this process, such as the socialist union party and justice and development party.

(Zein Aldeen, 2020) conducted a study entitled "political parties in Morocco and the crisis of new social confusion". The study suggested that Morocco performed several achievements since the mid 1990s in the domain of constitutional and political reforms, which were characterized by restructuring the political domain according to a constitutional approach and political agreement, considering that as a precondition for the process of conversion between the political actors. However, if this political openness or convergence changed the election process into a decreased object in the level of practice, it contributed to extending the protest arena, coming up with more experienced and skillful protesters, developing more independent organization abilities and alleviating the polarity disposition of systems.

(Al-Bahi, 2021) conducted a study entitled " the legislative elections in Morocco in 2021 and the end of partisan polarity". The study addressed the Moroccan legislative elections that took place on the 8th of September, 2021. The study focused on the law results obtained by the party of justice and development in the elections. The results revealed that the legislative elections in Morocco gained an extended popular participation, where it was highly transparent and democratic as suggested by local and international observers. Indeed, this electoral point will affect the continuity of the Moroccan kingdom in its contemporary democratic experiment that was structured based on stability, reform and economic development, in the light of high attraction in its political domain.

What distinguishes this study from the previous studies

This study is considered as a complimentary one for the previous studies that addressed the Moroccan constitution and the election system that was adopted in the Moroccan house of representatives. The study introduced the supreme law in the Moroccan kingdom, represented by the constitution and its amendments, in addition to introducing the elections laws in the elections that took place in Morocco and the electoral system include in the law.

The study described the Moroccan constitution of 2011 and the election laws (2002-2021) and their effect on the participation of parties in the Moroccan political system based on the articles stated in the constitution and election laws.

The study identified the main points in the Moroccan constitution of 2011 as well as the laws of elections during (2002-2021), and comparing them based on their effect on parties, in terms of encouraging them to participate in the Moroccan political system.

Investigating the future of the Moroccan political system based on the legislations organizing their work.

The study methodology

The study used three approaches, these are: the analytical descriptive approach in order to describe the Moroccan constitution of 2011 and the election laws (2002-2011) that were adopted in the elections of the House of representatives, especially the laws that included the partial system of list, then the researcher analyzed the participation of political parties in elections and the ratio of seats in the house of representatives as well as the systems' approach in order to identify the requirements provided by the political forces, including the requirements of parties related to changing the structure of the government based on constitution and changing the election system to activate the partisan work in the Moroccan government. The study also used the comparative approach to compare between the text of the Moroccan constitution of 2011 and the election laws (2002-2021) in activating the participation of the Moroccan political parties in the political system.

The first topic: The constitutional amendments and election laws in Morocco

The changes in the political system in Morocco contributed to increasing competitiveness between parties to obtain seats in the house of representatives by the transformation towards the system of partial representation, or the so-called the list system. Also, the constitutional amendments of 2011 provided the political parties with the power of forming governments, where the king assigns the minister from the party that obtained the highest votes in public elections.

In this part, we will introduce a general description of election laws in Morocco, the transformation that took place and the amendments that were made, in addition to a description for the most amendments to the Moroccan constitution of 2011, and the conditions that occurred and modified it in its current form.

The first requirement: the election laws in Morocco and the transformation from the majority system to the partial system (2002-2021)

The Moroccan parliamentary life witnessed the existence of two election laws, these are: first, the individual voting system by partial majority in one episode. Based on this system, the elections of the house of representatives took place since the start of the Parliamentary work in 1997. Second, the voting system by list, which was passed in 2002- the elections of 2002,

2007, 2011, 2016 and 2021 were held based on it (Al-Tarawneh, 2018: 85).

Article (1) of the Moroccan election law in 2002 stated that "elections are performed based on partial representation according to the role of the highest majority without using the method of merging votes and differential voting". Also, the same article stated that "the house of representatives consists of (325) members who are elected based on direct public voting by list according to the following terms: 295 members are elected at the level of modified electoral circles, and (30) members are elected at the national level". Article (78), section (4) stated that "the lists of candidates that obtained less than (3%) of the total electoral circle votes don't participate in distributing seats"(official newspaper, 2002); hence, there has been a transmission towards voting by partial representation (Khimri, 2008: 91). Some experts suggested that the system of partial election by list is considered as the best system that can be adopted at the level of the electoral process; a case that is attributed to several considerations (Abdul-Wahhab, 2017: 167).

In 2007, amendments were made to the elections law, where the organizational law No. 22.06 modified by the law No. 31.97 stated that "the lists that obtain less than (6%) don't participate in the process of distributing votes" (the official newspaper, 2007). On the other hand, the threshold was raised from (3%) to (5%) at the level of local electoral circles (Bouz, 2008: 45), and the number of seats was fixed at (325) seats.

In 2011, the organizational law No. 27.11 was issued, where article (84) stated that "the lists that obtain less than (6%) of the total votes in the specified electoral circle don't participate in the process of distributing seats, and the law stated that" the lists that obtain less than (3%) of the total votes in the specified electoral circle at the national level don't participate in the process of distributing seats (the official newspaper, 2011). In 2016, the organizational law No. (20.16) was issued, where it implies changing the organizational law No. 27.11, where (395) seats are elected by two ways: firstly, (305) seats are elected in (92) election circles with an electoral threshold of (6%), and secondly (90) seats, with (60) seats for women and (30) seats for men with an electoral threshold of (3%) (official newspaper, 2016), (Al-Tarawneh, 2018: 92). Before the elections of 2021, some modifications were made to the law of elections concerning the electoral denominator, where article (84) of the organizational law of the House of representatives No. 21.04 modified the organizational law No. 11.27 as follows "seats are distributed on the lists using the electoral denominator that is calculated by dividing the number of electors in the electoral circle on the number of specified seats and the rest of seats are distributed based on the rule of the highest residuals, by specifying the lists that has approximate numbers to the assigned denominator" (the official newspaper, 2021). As for the electoral denominator, many observers confirmed that adopting the electoral denominator in this way will motivate many individuals enrolled in the electoral lists to participate effectively in the legislative elections (Lacrini, 2021). Also, the electoral denominator is referred to as the number of votes that enable a certain party to obtain a seat in the elected Parliament. This new way of collecting votes and distributing seats could ensure partisan plurality in the elected Parliament in Morocco. This way of collecting votes prevents the dominance of a certain political party over others, where the electoral denominator gives importance to the small political parties; therefore, it expresses the votes of several societal categories regardless their size (Al-Moaitu, 2021). Furthermore, the electoral denominator is considered as on the mechanisms of electoral practices (Al-Qala'I, 2021: 176).

Based on the above mentioned, we can see that the number of seats in the Moroccan house of representatives was increased from (325) seats, in the laws of 2002 and 2007, to (395)seats in the laws of (2011, 2016 and 2021). Accordingly, we can say that the Moroccan

legislator improved the representation image and extended it to include all the categories that will compete for the seats of the house of representatives, in addition to the high competitiveness and partisan participation that may take place between these parties in order to obtain more seats in the Parliament and be able to establish the government later on. The legislator considered that increase in 2011 and continued up to 2021. The legislator took into account the partisan competition on the seat of the house of representatives, particularly after modifying the text of the Moroccan constitution in 2011, where the party with the highest votes forms the government. Additionally, we can say that increasing the number of seats to be (395) seats in the law of 2011 and later on, is attributed to assigning seats for women and youth with a total of (90) seats; (30) for the youth and (60) for women with an electoral threshold of (3%).

The second requirement: the constitutional amendments of 2011

The year (2011) is considered as one of the most important years that will be remembered by almost all Arab categories due to terminating some systems that used to adopt the republican way of governance and the maintenance of the systems that adopted the royal way for ruling people. The difference between these two patterns of governance is that the first one (Republican) didn't respond to the requests of people and suppressed them, while the (Royal) pattern of governance took it seriously and responded to the requirements of the various categories in the kingdom- they supported the changes that serve the interests of people. Indeed, this was manifested in the Arab Spring Revolutions, which aimed to achieve (justice, equality, living with dignity, supporting people's welfare, and extending the popular participation).

In Morocco, the movement of (20) February started by introducing public slogans related to social, legal and political requirements that are common for all the community categories (Zain Aldeen, 2020: 61). Furthermore, the introduced slogans focused on positive changes, eliminating corruption, instilling democracy principles, achieving social justice, ensuring the equality of opportunities and establishing a new constitution that copes with the desired requirements (Bakour, 2021: 85). In this vein, the king declared on the 9th of March, 2011, a comparative constitutional amendments that are based on (7) basic pillars: the constitutional dedication for the plurality nature of the unified Moroccan identity, instilling the state of rights and institutions and extending the domain of individual and group rights, promoting the judicial authority to be an independent authority, instilling the principle of separating and balancing authority, enhancing the constitutional mechanisms to include citizens' interests, enhancing the mechanisms of establishing public life, linking the practice of authority and public responsibility with surveillance and accountability, as well as constitutionalizing the commissions of good governance, human rights and freedom protection. For this purpose, a committee was formed, where it worked for over three weeks to prepare the project by listening to suggestions introduced by political parties, scientific, intellectual group and youth events, syndicate commissions and investigating the cases filed to it. However, several bodies refused to participate due to the way the committee was formed and operated (Ashin, and Mamouh, 2017: 182).

The most important features of modifying the Moroccan constitution of 2011 are (Al-Tarawneh, 2018 :76-77-78):

- 1- Asserting the Supremacy of international accords and agreements over the local legislations concerning rights and freedoms.
- 2- Establishing the institution of the national Council for human rights (chapter, 161).
- 3- Establishing the institution of the Mediator in defending rights within the range of the relationship between administration and observers... etc. (162).

- 4- Enabling citizens to say their opinions concerning the non-constitutionality of a certain law before the constitutional Court in application for chapter (133).
- 5- Giving some authorities to the king, including assigning the head of the government from the political party that won the elections, assigning the members of the government based on suggestions from its head (chapter, 47), issuing the regulations to implement law within (30) days of referring it to the government (chapter, 50), the right to the dissolution of one or both councils (chapter, 51), recruitment in military jobs (chapter, 53), the heading of the supreme council of security (chapter, 54), assigning ambassadors in foreign countries and international organizations (chapter, 55), the heading of the supreme Council of judicial authority (chapter, 54), and declaring the state of exceptionality based on certain terms (chapter, 59).
- 6- Granting the government with more authority, including the possibility of asking the king to terminate the services of one or more members in the government (chapter, 47), calling for the establishment of a ministerial council and heading it based on a royal delegation and a specific agenda (chapter, 48), giving suggestions about assignments in responsibility positions that are discussed in the ministerial council (chapter, 49), the right to introduce laws projects to the Parliament (chapter, 78), practicing the organizational authority (chapter, 90), assessment in civil jobs in public administrations and in higher jobs in public institutions (chapter, 91), the heading of the government council (chapter, 92), and the right of the dissolution of the house of representatives according to certain terms included in chapter (104) of the constitution.
- 7- Asserting the independence of the judicial authority, which was discussed in detail in section (7), particularly in chapters (107 – 128), where chapter (107) stated that "the judicial authority is independent from the legislative authority and executive authority ". Moving from constitutional councils to constitutional Court in the domain of the constitutional surveillance over laws (chapter, 129).
- 8- Providing the parliament with more power as compared to the previous constitutions, where the parliament practices the legislative power, votes on laws, controls the government's work, and evacuate public policies (chapter, 70).
- 9- Arabic is considered as the official language in the country, since it is a common heritage for all Moroccans (chapter, 5).

The second topic: the impact of constitutional amendments of 2011 and election laws on the participation of parties in the Moroccan political system

The Moroccan constitutional amendments of 2011 were complimentary to the stage of successive governments that started in the late 1990s. However, the constitutional amendments confirmed the official nature for the participation of parties in the Moroccan political system. Also, the constitution implied that a government should be established based on multiple parties, and that the election law in Morocco adopted the system of partial representation that encouraged the existence of multiple parties. Additionally, the existence of this system has become more official and effective after the constitutional amendments of 2011, and contributed to establishing a coalition government.

This topic will be divided into two requirements: the first requirement addressed the election laws (2002-2021), and the second addressed the constitution of 2011. However, it will focus on measuring the impact of election laws and constitutional amendments comparatively on the participation of parties in the Moroccan political system.

The first requirement: election laws (2002-2021)

These refer to the first parliamentary elections in the era of King Mohammad the sixth after the death of his father Al-Hassan II ([Al-Tarawneh, 2018:90](#)). The elections took place on

27, September, 2002, and (26) participated in these elections (Aqnoush, 2016: 95). The socialist union party for popular forces obtained (50) seats, the Independence party (48) seats, progress and socialism party obtained (11) seats, the national collection of liberators (42) seats, popular movement (27) seats, national democratic party (6) seats, constitutional union (16) seats, justice and development party (42) seats, promise and union party (19) seats, democratic forces front (12) seats, and environment and development party (2) seats (Sayil, 2012: 36).

In 2007, before holding the legislative elections in the same year, there was an extended debate about the viability of continuing the system of elections. Some political parties frankly declared the failure of this pattern; therefore, they called for referring back to the old pattern (the majority). Other political parties suggested maintaining the same system "partial representation list" while modifying it (Bouz, 2008: 44). Accordingly, they maintained the partial representation list system, in the light of the existence of two directions, where one of them preferred the majority electoral system, and the other preferred maintaining the new system of partial representation.

In the elections of the House of representatives on 7, September, 2007, the number of participating parties was (33) parties (Aqnoush, 2016: 95). In these elections, (12) political parties obtained seats in the house of representatives. The independence Party obtained (52) seats, progress and socialism party obtained (17) seats, the national collection of liberators (39) seats, the socialist union party for popular forces obtained (38) seats, popular movement (41) seats, Labor part (5) seats, constitutional union (27) seats, justice and development party (46) seats, promise and union party (22) seats, democratic forces front (9) seats, and environment and development party (5) seats, and national democratic party (3) seats (Sayil, 2012: 36).

The percentage of seats of parties was as follows: in the elections of 2002 and 2007, the total number of seats was (325) seats. In the elections of 2002, parties obtained (275)seats, with a percentage of (84%) of the total seats, while they obtained (304) seats in the elections of (2007), with a percentage of (93%) of the total seats.

Based on the above mentioned, we can see that there was less partisan representation in the Moroccan house of representatives in 2002 as compared to the elections of 2007. This confirms that the experiment of parties was the first of its type in 2002, when the partial representation system was adopted, and that the percentage increased in 2007 as more experience was acquired in the second following experiment of elections. The previous data revealed that the difference in the number of seats is (29) seats. Also, we can say that the reason why the parties didn't reach the percentage of (100%) in the elections of the Moroccan house of representatives in 2002 and 2007, is attributed to the new advent of parties to the electoral system, and we can conclude that there were independent candidates in the council.

As for the elections of 2011, these elections are considered as the most important ones as they represent the democratic intersection in the Moroccan kingdom, especially when this year was full of reforms in all the Arabic royal systems, such as the reform in the Moroccan political system that took place in 2011, as well as the amendments to election laws in distributing seats, especially for youth and women.

(31) parties participated in the elections that took place on November, 25, 2011 (Aqnoush, 2016: 95). The seats of the house of representatives were distributed as follows: justice and development party obtained (107) seats, the independence Party obtained (60) seats, progress and socialism party obtained (18) seats, the national collection of liberators (52) seats, modernity and authenticity party (47) seats, the socialist union party for popular forces obtained

(39) seats, popular movement (32) seats, constitutional union (23) seats, labor party (4) seats, as well as social democratic party, renewal and justice party, promise democratic party, environment and sustainable development party, with (2) seats for each, while the Moroccan green left party, freedom and social justice party, democratic forces front, labor party, and democratic unity party obtained (1) seat for each ([Al-Tarawneh, 2018: 94](#)).

As for the elections of 2016, (27) parties participated, including justice and development party, modernity and authenticity party, the independence party, the national collection of liberators, socialist union party, popular movement, progress and socialism, and the federalism of democratic left wing party. However, several parties didn't participate in the elections, including the democratic approach party (radical left-wing), the Moroccan liberal party, justice and benevolence party ([Al-Jazeera net, 2016](#)). The seats of the house of representatives were distributed as follows: justice and development party obtained (125) seats, modernity and authenticity party (102) seats, the independence party obtained (46) seats, the national collection of liberators (37) seats, the socialist union party for popular forces obtained (20) seats, popular movement (27) seats, constitutional union (19) seats, progress and socialism party obtained (12) seats, and the social democratic party (3) seats, while the Moroccan green left party, and democratic unity party obtained (1) seat for each, and the federalism of democratic left wing party obtained (2) seats ([the National Gate, 2016](#)).

It is noticed that the elections resulted in a slow death for socialism, a decline in the features of traditional administrative parties, and an elimination for the Salafi experiment ([Zain Aldeen, 2017: 47-48-49](#)). We think that was the result of the popular support of the justice and development Party, the party of modernity and authenticity, and the independence party, where they obtained a high ratio of seats in the Parliament.

Some researchers suggested that the results of the parliamentary elections in Morocco were not strange, where political analysts expected that the justice and development party will obtain the highest votes, followed by the party of modernity and authenticity, and thirdly the independence Party ([Al-Arosni, 2016](#)).

As for the elections of 2021, they are the fifth held elections after the King Mohammad the sixth took over the reign in Morocco, where the elections were held on September, 8, 2021 ([Al-Taidi, 2021](#)). Despite the exceptional circumstances imposed by the outbreak of covid-19 the Moroccan government decided to hold the legislative elections and considered the constitutional time period of the elections which witnessed the renewal of all the elected local and national institutions, including the collective councils, regional councils and the House of representatives (representatives and counselors). These electoral merits represented an opportunity to restructure the political scene. Also, these elections were held in the light of internal and external circumstances that are different from the circumstances of the previous elections ([Al-Bahi, 2021: 1](#)). The number of political parties that participated in these elections was (30) parties, distributed to (395) seats as follows: the unified socialist party obtained (1) seat, the party of modernity and authenticity obtained (87) seats, the socialist union of popular forces party (34) seats, constitutional Union party (18) seats, independence party (81) seats, the national collection of liberators party (102) seats, progress and socialism (22) seats, social democratic movement party (5) seats, popular movement party (28) seats, justice and development party (13) seats, and democratic forces front party (3) seats (the Moroccan kingdom, the ministry of interior, 2021).

The elections of (2011, 2016 and 2021) witnessed high competitiveness between parties (the voting stage). We can see the significant role played by the political parties in Morocco; indeed, this resulted in a high percentage of parties representation in the House of representatives in the elections of 2011, 2016 and 2021, that reached to (100%). Furthermore, the electoral threshold played a prominent role in obtaining seats in the house of representatives, regardless the party that gained the highest votes.

Table (1): The party with the highest votes in elections during (2002-2021)

Year	Party	Seats
2002	The socialist union of popular Forces	50
2007	Independence	52
2011	Justice and development	107
2016	Justice and development	125
2021	The national collection of Liberators	102

Resource: based on the previous data (designed by the researcher)

The second requirement: the constitution of 2011

The idea of partisan governments is not a new one in Morocco; however, it took the official nature after the issuance of the constitution of 2011, which stated, in chapter (47) that, "the King assigns the head of the government from the party that obtained the highest seats in the house of representatives" (official newspaper, issue 5964, 2011). Prior to that, governments were established based on succession that was applied after 1997, even though the constitution of 1996 didn't have a statement about that. The establishment of partisan governments contributed to political reforms in several legislations in Morocco which, in turn, contributed to the establishment of such governments. The reforms included several laws that contributed to the success of the idea, including the reforms to parliamentary elections laws, reforms to political parties laws and the most important reform was the constitutional reform in 2011, where it contributed to the establishment of the desired official government (Al-Tarawneh, 2018: 110-111).

The constitution contributed to establishing coalition partisan governments in the Moroccan political system. The question that could be posed here, why coalition government? And the answer to this was mentioned in chapter (7), section (3) of the Moroccan constitution of 2011, which stated that " the system of one party is not legitimate (the official newspaper, issue 5964, 2011). Therefore, there was the government coalition that is based on multi-parties in forming governments in Morocco.

During the period (2011-2021), several coalition partisan governments were established in Morocco based on the elections that took place in the Moroccan house of representatives, as follows:

In the elections of the Moroccan House of representatives that took place in 2011 and 2016, the party of justice and development obtained the highest votes, where it obtained (107) seats in the elections of 2011, with a percentage of (27%) of the total seats, and obtained (125) seats in the elections of 2016, with a percentage of (31%); the prime minister was assigned from the party of justice and development. A number of parties participated in the governments that were established after these elections.

In the elections of 2021, there had been a change in the political situation in Morocco, where the party of justice and development obtained only (13) seats, about (3%), whereas the party of national collection of liberators dominated the scene by obtaining (102) seats, about (25%) of the total seats, even though it only obtained (37) seats in the elections of 2016, as compared to (125) seats for the party of justice and development.

Based on the above-mentioned, we can see that the way of establishing governments in the Moroccan political system was a unique one in Morocco, where it started by establishing rotation governments in 1997; however, the coalition partisan governments have been officially established since the issuance of the constitution of 2011, given that constitution is the official frame for the political work in any state, and the amendments to constitution concerning the formation of governments were considered as the base on which the political work in Morocco was established.

Table (2): The governments established during (2002-2021)

Year	The prime minister	Partisan Affiliation	Assignment position
-2004 / 2004- 2007	Idris Jatto	Independent (no affiliation)	The first minister
2007 – 2012	Abbas Al-Fasi	Independence	The first minister
-2013 / 2013 – 2017	Abdul-Elah bin Keeran	Justice and development	prime minister
2011			
2017 – 2021	Dr. Saad Aldeen Al-Othmani	Justice and development	prime minister
2021 until now	Aziz Akhnouch	The national collection of liberators	prime minister

Source: The Moroccan government, the prime minister <https://www.cg.gov.ma/ar> (designed by the researcher)

The previous table showed the name of those delegated to form the government, their partisan affiliation, and their assignment position. Here, we should mention the constitutional text that was included in the constitution of 1996, where the first section of article (24) stated that " the king assigns the first minister". We noticed that the position title was the first minister based on the text of the constitution; however, according to the constitution of 2011, the first minister was substituted to be the prime minister, where the government is formed by the party with the highest seats. Indeed, this confirms the seriousness of the constitution of 2011 with regard to promoting partisan work, where governments used to be formed by rotation, as the case in 1998, 2002 and 2007. However, the government has started applying the coalition partisan system since 2011 according to chapter (37) of the constitution of 2011.

The third topic: the future of the participation of political parties in the Moroccan political system from the perspective of the current legislations

By reviewing the previous topics, we noticed that it is difficult to discuss the political parties and their future without addressing the legislations that coordinate their work in the Moroccan political system, including the constitution and laws of elections and overseeing their future based on reviewing the establishment of governments at the level of coalitions. It is well-known that the political parties and their work in the political Parliamentary system is a fundamental issue, where such a type of work is based on a popular basis that enables those parties to reach to the legislative authority and consequently to be executive authority. Also, the partisan work and its representation in the political systems could acquire more acceptability by the head of the government and the community and vice versa. In fact, all this depends on what can be done by the party representing the partisan coalition and what it provides to the community while setting the public policy in the country.

During his work, the Moroccan political system depended on enhancing the political parties based on the previous experiments before the advent of the partial representation system in 2002, and the modifications made to it up to 2021. The political system also depended on the modified Moroccan constitution of 2011, where the constitution of 2011 devoted the partisan representation officially, while maintaining the political pluralism. As for political pluralism, and based on the assessment of the partisan work within the government acts, the election law of 2021 was enshrined in order to maintain the partisan pluralism in the governmental representation, not allowing the dominance of any party over any political scene, and giving the citizens the right to choose – all this refers to illegitimacy of the single party in the Moroccan political system, and giving the small parties the right to compete for the seats of the Parliament.

The first requirement: the constitution of 2011

The Moroccan constitution of 2011 supports one issue related to political parties, which is chapter (7), stating that " the system of the one party is illegitimate" in the Moroccan political system; this will lead to reaching as many political parties as possible to the house of representatives and supports the partisan pluralism in the reign at the governmental level. The two other things introduced to the partisan work while setting the constitution of 2011, these are: first, chapter (47)of the constitution was formulated in a new way that were devoted officially and legally to parties and their right to form governments, where the first section states that " the king assign the prime minister from the political party that obtained the most seats in the house of representatives and based on its results". The second section stated that " the members of the government are assigned based a suggestion of the government's head". Second, a constitutional text was cited in the second section of chapter (60),and stated that "The opposition is a fundamental component of the two councils, where it participates in legislation and surveillance according to the terms cited in this domain". However, the constitution didn't mention the opposition of parties frankly, where parties could be within opposition, especially those that weren't included in forming the government. Also opposition could be from independent individuals and not partisan ones. This case is one of the most important issue that could affect work in the parliament- it is known in the political literature as shadow cabinet, where it helps the legislative government to make the suitable decision and guides it towards the targeted objective that serves the interest of all categories. Also, this shadow cabinet is a good choice in case a party was taken away from the partisan coalition, or didn't win by majority, where it ensures that party the right to continue its democratic practices until it is able to achieve the targeted task in serving the public interest.

As for opposition, it is a group in the Parliament that consists of deputies, parties and independent members. It is directly related to investigating the topic of political parties and civil society committees, based on the idea that the opposition's practice of its constitutional freedom and rights requires the existence of political organizations to protect it against authority. Parties provide the opposition with the potential of political participation, opinion – expression and discussing the legislations seriously with the government by providing information related to the economic, social and political work as well as public life in the various domains. Accordingly, opposition parties in the parliament are considered as the alternative government that are about to take over authority instead of the current authority (Al-Nour, 2017: 293-295).

With reference to the past- where there has been steps towards achieving democracy, including the efforts to make agreements with the parties of opposition and the establishment of rotation government headed by Abdul-Rahman Al-Yousefi in 1998 after the constitutional reform in 1996- this can be considered as the first step in the democratic path in the light of the absence of democratic-transformation constitution, after the departure of Abdul-Rahman Al-Yousefi the government in 2002 and the assignment of Idris Jatto as the first minister. Indeed, assigning the latter was viewed as a decline in the reform process, where the democratic scene was free from any partisan participation. Later, the democratic spring came to the surface and resulted in a constitutional reform (the constitution of 2011), and early elections were held, where the party of Justice and development dominated the scene; accordingly, the government was established and headed by Abdul-Elah Bankiran. This step was viewed by Prof. Mohammad Al-Sasi, as the second rotation in the history of Morocco, and others considered it as a positive step towards the continuity of the democratic series (Sabbar, 2022: 32).

The constitution of 1996 did not include any statement about the formation of a partisan government, opposite to the constitution of 2011 which stated that frankly. In fact, this is considered as the most important reform transformation that took place in the Moroccan

constitution, where it asserted the necessity of establishing a partisan government that has a coalition nature, since it consisted of a number of political parties headed by the party with the most seats in the house of representatives- chapter (7) of the Moroccan constitution stating that "the system of one party is illegitimate" contributed to the existence of coalition government.

In this vein, the researcher suggested that the future of the political parties and their participation in the Moroccan political system are limited to the extent to which the constitution allows for development and the citizens' situation towards the work of parties. Furthermore, we should take in consideration the time period determined by constitution in which the party with the most seats have to establish government. Indeed, this issue confuses proceeding the action in the government's program related to setting the public policy of the Moroccan state. As for the future of parties, in terms of establishing the government, the researcher suggested that the party of majority, that doesn't do its tasks properly within the political system, will be judged by the people who won't vote for it in the future- this case applies to the party of justice and development and was the main cause for failing the next elections.

In this context, during (2011 – 2021), the party of justice and development is the only party that formed the government based on the results of the elections. However, the reason for his failure in the last elections could be attributed to the increased unemployment rates, the increased poverty rate and the decline of Islamists popularity in the region. Other scholars attributed the causes of failure to the normalization accord with Israel, which was signed provide that the USA acknowledges the Moroccan dominance over the Western desert (BBC, 2021).

The second requirement: The laws of elections

Since the elections of 2002, Morocco has witnessed a tremendous transformation in the electoral domain. The election law is different from the previous ones, where it mainly adopted the partial representation system- this system set an electoral threshold which aims to introducing the political parties to participate in elections and obtain seats in the house of representatives. In this requirement, we will demonstrate the participation of parties and set a future visualization to them, while linking them with the texts of the constitution, particularly forming the government and partisan pluralism.

In the previous topic, we suggested that the constitution of 2011 implied the importance of forming the government based on the party with the majority in elections. It is common to see that such a policy is reflected on citing the law of elections which, in turn, contributed to the existence of partisan coalition governments, with the existence of an electoral threshold through which the winning party is determined. Prior to 2011, parties didn't have the authority to form government; however, the election law of 2002 paved the way for the establishment of such governments, where the parties used to form coalitions during the election process. The researcher suggested that the formation of coalitions, in addition to reaching a unique state of the strength of partisan representation contributed to convincing the Moroccan political system about the importance of involving parties in the successive and future governments. However, what happened in Morocco before 2021 during the modification to the law of elections concerning the "electoral denominator", enhanced the electoral debate and partisan representation, based on the decline and rise of some parties. We can conclude that inserting such a modification took place after the party of justice and development formed the government during (2011-2021). However, the other more realistic is related to the encouragement of the Moroccan constitution towards pluralism in the partisan work and the illegitimacy of the one party. Also, the Moroccan government could have considered the perspective of the Moroccan people at all the (political and economic) levels which, in turn,

contributed to changing the electoral map in Morocco.

The Moroccan elections law contributed to the existence of a coalition government even for the future unless new events occur. The coalition governments in the reign developed in Switzerland, Austria, North Ireland, India and South Africa. As for the Arab world, the form of the coalition government is not only suitable for countries, such as Lebanon and Iraq, but also for others. In fact, the democracy of absolute majority reign, is not a realistic choice for most Arab countries, where most systems are afraid of being defeated in any actual elections based on the absolute governance of the majority. Also, communities are severely divided, where the losing parties could be exposed to real oppression by winners- the risk of political violence, when a certain group is marginalized, is a real risk. Therefore, the Arab world can achieve more progress in political participation through the various forms of coalition systems that include a wide range of parties and groups in the light of a collective government that has the potential of promoting security and participation among all categories. Moreover, extending the range of participation in governance is a necessary issue in many systems in the region. By introducing parties and groups to the government, the ruling systems will be able to alleviate political congestion, support more stability, discuss the various economic and social policies, and acquire more support for the governmental policies. This participation could also take the form of political participation with which systems can cope, since these systems are not ready yet to implement the complete democracy (Salim, 2010).

Results

The study concluded with a number of results based on the posed questions:

Due to the development of the political systems in the whole world, and in the light of constitutions that demonstrated the structure of the ruling system and described the institutions working in it, including the official institutions (executive, legitimate, judicial), particularly the legitimate and executive authorities, some constitutions included certain articles concerning the partisan participation in elections and forming the government. The constitution organizes the participation in elections and based on it, a law is issued and coordinates the electoral process. It includes the type of the electoral system upon which the votes are calculated and converted into seats in the Parliament. This case affects the political system and the existence of constitutional texts that include an electoral system, in addition to the effect on political work of parties and their role in forming the government.

In 2011, constitutional modifications were performed in Morocco, where there had been more assertion on the participation of parties as the law implied that the prime Minister is assigned from the party that obtained the highest votes in the elections. In the Moroccan system, there is an election law that included (the partial system), known as (the list), where it has been adopted since 2002 after eliminating the system of the majority. The partial system has been in action during the last elections of 2021 with some modifications to it concerning the number of seats in the house of representatives and the threshold as well as the electoral denominator which was modified before the elections of 2021.

The constitutional amendments of 2011, positively, affected the political parties official heading to the government based on the statement of chapter (47) of the constitution. Based on this modification, the elections of 2011, 2016 and 2021 were performed. As for the elections laws issued in 2002 based on the partial representation, which passed through several amendments in 2007, 2011, 2016 and 2021, the political parties competed to obtain seats in the house of representatives, especially after modifying the constitution. Due to the high popularity

of the party of Justice and development, it obtained the most seats during (2011- 2016); however, its popularity declined in the elections of 2021, while the party of national of liberators gained more progress. We think that the decline that took place was attributed to the electoral denominator. Accordingly, we can conclude that the constitution encouraged the participation of parties in the Moroccan political system. Also, the election laws adopted an election system that ensures competitiveness between all parties in the country, and the electoral denominator ensured the competition between all the parties in the elections; this really happened in the elections of 2021, when the party of national collection of liberators won the elections and defeated the justice and development Party.

The participation of the Moroccan political parties in the political system will be closely related to the legislations that regulate their work, particularly the constitution and elections laws as well as the agreement between them. Things could be different if there was a strong effect by the community's categories, especially the political parties to change the status quo in favor of a partisan future in the Moroccan political system, where no party is excluded from elections. This context is achieved through an election law that includes an electoral system with a fair way for calculating votes in elections. Also, people's perspective is taken into consideration, since they are more concerned with the success of the party that will represent them well and serve their public interests.

Recommendations

The study recommended the following:

The necessity of urging the political systems that are based on the parliamentary system to modify their constitution in order to encourage the partisan work and come up with new laws that will have a constant role in the constitution with regard enhance the existence of parties in the political life in the country.

Continuing the process of partisan encouragement based on the context of the Moroccan constitution which implied that in various chapters, especially chapter (47).

Continuing the adoption of partial representation system known as (the list), since it proved viability in translating the texts of the constitution, particularly in relation to partisan pluralism, while taking into consideration the necessity of not causing any harm to any political party in Morocco as well as listening to the requirements of parties about the necessity of modifying the electoral denominator, especially before the elections of 2026 for the Moroccan house of representatives according to the constitution, concerning the time periods in which elections are supposed to take place, in order to elect a new government based on the results of elections.

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