Pásztor Bálint[*]
https://orcid.org/0000-0002-5657-042X

UDC: 328.123:061.1EU(094.2)
Original scientific paper
DOI: 10.5937/ptp2402023P
Received on: April 30, 2024
Approved for publication on:
May 22, 2024
Pages: 23–37

INSTITUTIONALIZATION OF RIGHTS AND RESPONSIBILITIES OF THE OPPOSITION IN PARLIAMENT – A COMPARATIVE EUROPEAN PERSPECTIVE

ABSTRACT: The subject of this study is an analysis of different normative solutions and degrees of institutionalization of the role of the opposition in parliaments across a number of European states, ranging from stipulation in the parliamentary rules of procedure to formal recognition of the opposition in the constitution of the state. Balance of the parliamentary political power as well as acknowledgement of the legitimate role of opposition ensures prerequisites for democratic social dialogue and active participation of responsible citizens in the processes of strengthening institutions of representative democracy. Therefore, only consensual political culture contributes to the political trust that citizens place in political institutions. Although there is no universally adopted model that defines the role of the parliamentary majority and opposition, it is undeniable that the post-democracy era requires a redefinition of basic concepts, such as parliamentary majority and opposition, as well as the role of parliament. The scope of the analysis is limited to a comparative overview of constitutional solutions that guarantee the rights of the opposition and the legal framework regulating the part of

[*] LLD, Associate professor, University Business Academy in Novi Sad, Faculty of Law for Commerce and Judiciary in Novi Sad, Novi Sad, Serbia e-mail pasztorbalint@pravni-fakultet.info

the rights of parliamentary opposition, which are realized in the process of creating policies. The aim of the paper is to strengthen mechanisms of parliamentary democracy and, in particular, to strengthen trust in the work of the National Assembly of the Republic of Serbia, as only through the effective implementation of European experiences can public trust be built and standards of political culture be improved. Methodologically, the comparative approach is complemented by the analysis of comments and interpretations of constitutional acts, laws, rules of procedure, as well as recommendations of the Venice Commission.

***Keywords**: constitutional democracy, parliamentary opposition, constitutional guarantees, consensual political culture, institutional trust.*

1. Introduction

As Robert Dahl (1966) stated in his emblematic passage, the right of an organized opposition "to appeal for votes against the government in elections and in parliament" is one of the most important milestones in the development of democratic institutions; precisely, Dahl is talking about citizens' rights to participate in shaping institutional architecture of democracy: first is the establishment of citizens' right to vote, second is their right to be represented within the political polity, and third is the endowment of their right to organise opposition (p. 13).

Having acknowledged right to oppose government as one of the fundamental features of constitutional democracy, the opposition, consequently, should have guarantees that its voice is heard; even further, the guarantee of a democratic balance between political majority and opposition is a cornerstone of the political stability, democratic functioning and legitimacy of the system. It goes without any saying, that position of the opposition and its functioning differs in various political systems. This may typically include "procedural rights of information, representation and participation, speaking and voting rights, the right to table bills and motions, rights of supervision and scrutiny of the executive, and protection against mistreatment by the majority" (Venice Commission, Report 2010, § 11). In order to have established political system in which parliamentary majority and the opposition "share a joint responsibility in consolidating the citizens´ trust in the political system and democratic institutions, ensuring their good functioning and offering the public an informed choice" (European Conference of Presidents of Parliament, 2010, Recommendation 11), it is important to develop: 1. mutual

tolerance, i.e. culture of compromise, 2. institutional restraint, a principle that is exhausted in the attitude that political majority should not use the powers they receive with their position to the maximum, and 3. political culture of constitutional checks and balances. These are principles which kept us from falling to majoritanism and secure that democracy mechanisms meet integrity and political trust as an important indicator of political legitimacy.

When we come to the issue of political trust, process of government must be studied "not only in the light of what those with power under their control try to do and actually achieve, but also with regard to those who oppose those aims or whose interests and resistance have to be conciliated before those in power can act" (Schapiro, 1965, p. 2).

In essence, as Nemţoi concluded (2022), the opposition: is an institutional factor and an essential element of parliamentary democracy; has the legal role of questioning and contesting the government program as well as embodies a political substitute, an alternative for the parliamentary majority (p. 74).

For the purpose of this study, definition of the political opposition which Brack & Weinblum (2009) came up with, is accepted: as an organized subject actively involved into the public sphere that "permanently or punctually checks, informs and criticizes the current state of affairs, through different non-violent modalities (legislative processes, parliamentary questions, press releases, mobilization of the media..), while the targets of its critiques being the government and its policies or the political regime as a whole" (p. 12). In the light of classical political thought, opposition work is focused on parliament as the main political field and is led by major goal, to take power.

According to some scholars, *period 1990-2015 was the paradigm of achieved democratic ideals: as* Levitsky and Ziblatt (2018) stated, this period "was easily the most democratic quarter-century in world *history" (p. 206) while d*emocracy become for the first time ever a global political language and many drew from this conclusion "that democracy and democratic ethos has become *de facto* universal form of political legitimacy" (Podunavac, 2011, p. 20). Unfortunately, *after that we entered a period of democratic recession (phrase coined by Larry Diamond) and* the last decade changed dramatically political landscapes: "Global democracy's decline includes undermining of credible elections results, restrictions on online freedoms and rights, youth disillusionment with political parties as well as out-of-touch leaders, intractable corruption and the rise of extreme right parties that has polarized politics" (Global State of Democracy Report, 2022, Overview). We are faced with the fact that democracy is not a *panaceia*, a miraculous elixir that would cure all diseases, in a word: we enter the time of post-democracy.

For the purpose of this study, the meaning of this notion is accepted in a way Crouch (2018) understood it: that it is a time to reconsider the very idea of democracy that *We, the People* governing the *politeia* and to get the fact that politics is turned out to be a game played among elites; the very idea of post-democracy helps us to understand prevalence of "frustration and disappointment among majority of ordinary people, faced with absolute domination of interest of wealthy and mighty minority" (p. 25). Spirit of post-democracy is summarized in warnings "..that some governments, on gaining power in an election, are trying to dismantle democratic safeguards, rushing through laws without genuine political debate, and sacking independent judges and officials to make their own appointments" (Press Release, CoE Committee of Ministers, February 5, 2020).

However, time of post-democracy requires the basic notions of the role of political majority and opposition as well as role of parliament, to be reconsidered: whole spectrum of classical and new limitations of the constitutional and legislative function of the parliament leads not only to the restriction of its competencies but eventually to self-disempowerment. "Self-disempowerment of the parliament jeopardizes the realization of two fundamental principles: the principle of citizens' sovereignty and legitimacy." And, further, the topic of limiting the competencies of the parliament also calls into question the foundations of the functioning of modern representative democracies "endagering balance between democracy, order and constitutionalism" (Pásztor, 2022, p. 10).

2. Constitutional recognition of the legitimacy of the opposition

According to Bulmer (2021), there are three main advantages that stem from a constitutional recognition of the opposition: first, by acknowledging legitimacy of parliamentary opposition, any attempt of "establishing a one party regime and preventing governments and incumbent majorities from excluding opposition voices or evading scrutiny" is limited; second, the normative conformity of the legal system is improved, constitution and laws by which opposition "has been granted specific benefits in the legislative or scrutiny processes (e.g. giving the opposition a guaranteed share of legislative committee chairs or investigatory powers or veto powers)" are harmonized; and third, constitutional recognation provides an opportunity for the opposition to be involved in the process of electing judical or fourth-branch (regulatory and oversight) institutions (p. 8).

Constitutional recognition of parliamentary opposition, not only secure framework of legal guarantees to limiting the political influence of governing majority, even more, provides for both sides, prerequisites either for exercising or influence on exercising political power, under equal circumstances.

Some constitutions provide for the opposition considerable details, e.g., Article 114 (2) of the Constitution of Portugal (adopted 1976, last amended 2005, part: Political parties and Right to opposition) states that : "Minorities shall possess the right to democratic opposition, as laid down by this Constitution and the law" or Article 73 (12) of the Constitution of Cyprus (adopted 1960, last amended 2020) which states that: "Any political party which is represented at least by twelve per centum of the total number of the Representatives in the House of Representatives can form and shall be entitled to be recognised as a political party group". In France, Article 51-1 of the Constitution (added in 2008) states that: "The Rules of Procedure of each House shall determine the rights of the parliamentary groups set up within it, and shall recognize that opposition groups in the House concerned, as well as minority groups, have specific rights".

Some authors plead the idea that constitutions should create a regime of opposition rights, considering such a regime as an "institutionalized power" given to the parliamentary opposition groups "that encompasses but go beyond rights of individual legislators to speak and vote against government bills" (Choudhry, 2020, p. 3).

Constitution of the Republic of Serbia (2006, amended 2021) regulate status and immunity of deputies, and in Article 103 stipulates that "Deputies may not accept criminal or other liability for the expressed opinion or cast vote in performing the deputy's function", and that "…may not be detained, nor may he or she be involved in criminal or other proceedings in which prison sentence may be pronounced, without previous approval by the National Assembly." Also: "There shall be no deadlines stipulated for the criminal or other proceedings in which the immunity is established."

The Venice Commission advised against adopting a "specific law" on the opposition (Preliminary Opinion, 2007, §27) arguing that this did not correspond to the specific constitutional and political context, considering that it can be very difficult – and in "some cases problematic from the nondiscrimination viewpoint – to introduce rigid rules, especially when they tend to give specific powers to some political actors to the detriment of other, equally legitimate to speak as representatives of the citizens" (Venice commission, Draft Opinion, 2007, § 7).

In case of Portugal, there is a Statute Governing the Right of Opposition (in accordance with Articles 114, 161c, 164h, 166(3), and 112(5) of the Constitution, this Statute possess the force of a General Law of the Republic) and in article 2-1 (Content) concept of opposition is defined as a function: ”Opposition shall be understood to be the activity of monitoring, supervising and criticising the political guidelines followed by the Government…”.

The fact is that the most provisions regulating parliamentary opposition are to be found in the rules of procedure of the national parliaments. But the problem is, that rules of procedure are usually adopted by simple majority, and can thus be altered by simple majority, providing rather weak formal protection for opposition interests.

However, in some countries the constitution states that the parliamentary rules of procedure must be adopted by qualified majority. For example in Austria, where according to Article 30 of the Federal Constitutional Law (adopted 1920, last amended 2021): “the Federal Law on the National Council’s Standing Orders can only be passed in the presence of a half the members and by a two third majority of the votes cast”. According to the Swedish Constitution (Chapter 8, Article 17 of the Instrument of Government)[1] the main provisions of the Riksdag Act (Rules of Procedure) can be amended either by means of two identically worded Riksdag decisions with an election in between or by means of a single Riksdag decision taken by qualified majority. A qualified majority in this case means that at least three-quarters of those voting, and over half of the members of the Riksdag, must vote in favour of a decision for it to come into effect.

Another variant is the one found in Denmark and Norway[2] where the rules of procedure are adopted by Parliament by simple majority, but with provisions stating that they can not be derogated from in individual cases except by a qualified majority vote (3/4 of the MPs in Denmark, 2/3 in Norway). In other words, a majority in parliament is at any time free to alter the rules of procedure in a general manner, but not to derogate from them in specific cases. This kind of self-binding is not *stricto sensu* logical, but it functions quite well in practice, and provides a high degree of actual protection for opposition interests (Venice Commission, 2010 Comments, p. 20).

---

[1] Sweden has four fundamental laws which together make up the Constitution: the Instrument of Government, the Act of Succession, the Freedom of the Press Act and the Fundamental Law on Freedom of Expression. In addition, Sweden has a Riksdag Act which has an intermediate position between constitutional and ordinary law.

[2] Constitution of Norway was adopted on 17 May 1814 and is the second oldest written constitution in the world, last amended 2023.

According to Article 41 (2) of the Seimas Statute (adopted 1994, last amended 2022), political groups or their coalitions should proclaim in the Seimas their political declarations, wherein the provisions distinguishing them from the majority of the Seimas. Rules of Procedure of the German Bundestag (last updated 2022) defines parliamentary groups as "associations of not less than five percent of the Members of the Bundestag, and their members shall belong to the same party or to parties which, on account of similar political aims, do not compete with each other in any Land."

According to the Article 22 of the Rules of Procedure of the National Assembly of the Republic of Serbia (2012): "Parliamentary groups shall be formed in the National Assembly" and "..shell consist of at least five MPs."

There is also great variety as to how the principle of proportional representation is formally recognised. In a few countries it is explicitly regulated in the constitution. This includes Article 52 of the Constitution of Denmark (1953) which states that: "The election by the Folketing of members to sit on committees and of members to perform special duties shall be according to proportional representation", and Article 95 of the Constitution of Turkey (1982, last amended 2017) that: "The provisions of the Rules of Procedure shall be drawn up in such a way as to ensure the participation of each political party group in all the activities of the Assembly in proportion to its number of members...". Also Article 55 of the Constitution of Austria, that: "The National Council elects its Main Committee from its members in accordance with the principle of proportional representation".

According to the Article 158 of the Rules of procedure of the National Assembly of the Republic of Serbia, debates in detail shall be held on the articles to which amendments have been submitted and on amendments which propose introduction of new provisions, and: "The total time for a debate in detail for a parliamentary group shall be allocated to the parliamentary group in proportion to the number of MPs who are members of that parliamentary group."

3. Policy-making process: stages and comparative practice

According to Wegmann (2022) there are three stages through which opposition could influence policy-making process: legislative initiative, debate and parliamentary supervision. At the stage of legislative initiative: "Bill introduction and agenda setting are envisaged. Amendments, the committee structure and the committee procedures represent the stage of debate power" (p. 4). Finally, parliamentary supervision of the executive implays different

procedures by which veto-power of the opposition is demonstrated and which are formally defined as the rights of the qualified minority, e.g. interpelation, no confidence vote or referendum.

Just to illustrate, in this part of the study brief comparative review will shed a light on a several examples of how some rights of parliamentary opposition are legally insured in policy-making process.

The constitutions of Lithuania (**a**dopted in the Referendum of 25 October 1992, last amended 2022), Poland (accepted in a constitutional referendum on 25 May 1997, rev. 2009), the Czech Republic (16 December 1992, rev. 2013) and Ukraine (adopted at the Fifth Session of the Verkhovna Rada of Ukraine on June 28, 1996, rev. 2019), enshrine the principle of pluralism and freedom, as well as certain rights of deputies or their small groups to initiate essential decisions, e.g. to submit bills to parliament: Constitution of the Czech Republic, Article 41 (2): "Bills may be introduced by (…) groups of deputies", and also, to amend them; Constitution of the Republic of Poland, Article 119 (2): "The right to introduce amendments to a bill in the course of its consideration by the Sejm shall belong to (…) Deputies (…)".

In addition, the parliamentary opposition may initiate amendments to the basic law proclaimed in the Constitution of Lithuania Article 147 (1): "In order to amend or append the Constitution of the Republic of Lithuania, a proposal must be submitted to the Seimas by either no less than one-fourth of the members of the Seimas...", the Constitution of Poland Article 235 (1): "A bill to amend the Constitution may be submitted by the following: at least one-fifth of the statutory number of Deputies.." and the Constitution of Ukraine Article 154: "A draft law on introducing amendments to the Constitution of Ukraine may be submitted to the Verkhovna Rada of Ukraine by the President of Ukraine, or by no fewer National Deputies of Ukraine than one-third of the constitutional composition of the Verkhovna Rada of Ukraine."

The Article 107 of the Constitution of the Republic of Serbia stipulates that: "A right to propose laws, other regulations and general acts shall belong to every deputy, the Government, assemblies of autonomous provinces or at least 30,000 voters".

Some constitutions allow to parliamentary opposition to establish a committee of inquiry, enabling opposition to scrutinize and probe policy decisions. In Constitution of Portugal, Article 178, each member may, once per session, propose the formation of one committee of inquiry; if one-fifth of the members support the proposal, the committee is established. The Constitution of Georgia (1995, rev. 2020) in Article 42 allows investigatory commissions to be established at the request of one-fifth of the MPs, with the

approval of one-third of the members; the rule empowers the opposition to launch inquiries. All parliamentary factions in Georgia have a right to at least one member of an investigatory commission, with the opposition factions guaranteed a majority of the membership.

In Resolution 1601 (2008), the Parliamentary Assembly of the Council of Europe advocates introducing qualified minority rights for 1/4 of the MPs in a number of rules on supervision, scrutiny and control.

Following the spirit of the principle of checks and balances, Article 44 of the Basic Law for the Federal Republic of Germany (adopted 1949, last amended 2022) gives 1/4 of the MPs the right to demand the establishment of a parliamentary commission of inquiry. In the Norwegian parliament, 1/3 of the members in the Oversight Committee can initiate inquiries and call public hearings.

In some parliaments a qualified minority may have the right to delay majority decisions, for example by calling for extra hearings or periods of consultations. According to Article 41 of the Danish Constitution a minority of 2/5 of the MPs can demand that the third and last hearing on legislative proposals is delayed by up to 12 days, in order to give the minority the possibility to initiate public debate.

The Venice Commission recommends introducing more transparent rules for equal time distribution for debates between the parliamentary majority and the opposition. In document *Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a Checklist*, Venice Commission stressed that it is possible to give the opposition a bigger share of time, especially as regards bills introduced by the Government or private bills sponsored by majority MPs, as well as, that allocation of an equal speaking time between majority and opposition, irrespective of their strength, should be privileged under certain circumstances (Checklist Parameters, 2019, § 102).

In that sense, there are suggestions that the principle of giving the opposition parties an appropriate share of parliamentary time can be written into a constitution (Bulmer, 2021, p. 27).

In the Constitution of France there is also a rule in Article 48 (5) giving "the opposition groups" the right to set the agenda for one day of sitting each month. Similar provisions are provided for by Article 43-1 of the Rules of Procedure of the Parliament of Moldova (1996, last amended 2023), ensuring the priority of the proposals of the parliamentary opposition when drawing up the agenda.

This issue is partially regulated by the Statute of the Lithuanian Parliament which stipulates in Article 105 (2) that the Speaker of the Seimas may change the order of speeches to provide more proportional representation in the debates of factions, committees, arguments for and against (Kovalchuk & Sofinska, 2022, p. 228).

4. Conclusion

"My lord, when no opposing opinions are presented, it is impossible to choose the better, but one must accept what is proposed. When such opposites are stated, it is as it is with gold, the purity of which one cannot judge in itself, but only if you rub it alongside other gold on the touchstone and see the difference...." (Herodotus, History, VII, 16, qtd. Anastaplo, 2003, p. 1009).

Degrees of institutionalisation of the role of opposition in national parliaments and normative models implemented differs, in a broad span, from largely unwritten, conventional recognition to formal regulation entrenched in the constitution, e.g. unwritten customary law or conventions, statutory law, parliamentary rules of procedure, the constitution. Concrete solutions depends of a complex circumstances, from *latent ambivalence* inherited to the constitutional democracy context (Hasanović, 2018, p. 51) to the number of political, economic, social, cultural.. features.

To secure rights of the opposition, in a traditional democracies with a strong political culture of tolerance and respect of political and social conventions, legal guarantees are not necessary. Unlike the political systems with the lack of strong political culture of tolerance and respect of political and social conventions, where the opposition may be severely restricted even if it enjoys a high degree of formal protection. Consequently, in the environment of parliamentary democracy opposition depend on a wide range of liberal freedoms, such as the freedoms of association, assembly and expression, backed by an independent judiciary.

As it stressed at the Venice Commission Report (2010), in a political theory distinction is sometimes drawn between "positive" and "negative political power". "Positive power" to adopt decisions should in a democracy rest with the elected majority. But the opposition may enjoy some degree of the so called "negative political power", to scrutinize, supervise, delay or even block the exercise of majority rule (§ 101).

Balance of parliamentary political power as well as acknowledgement of the legitimate role of opposition ensures prerequisites for democratic social dialogue and active participation of responsible citizens in the processes of strengthening

institutions of representative democracy. Therefore, the axiom of democracy is, that political culture in which parliamentary majority and opposition recognize each other as legitimate actors, each with its own rights and duties, responsibilities and privileges, could be built only as an joint effort of active citizens participation in compliance with the established rules and procedures of constitutional democracy. Consequently, only consensual political culture contributes to the political trust that citizens place in political institutions, including parliaments, political parties, governing majority as well as parliamentary opposition.

Pásztor Bálint
Univerzitet Privredna akademija u Novom Sadu, Pravni fakultet za privredu i pravosuđe u Novom Sadu, Novi Sad, Srbija

INSTITUCIONALIZACIJA PRAVA I ODGOVORNOSTI OPOZICIJE U PARLAMENTU – UPOREDNA EVROPSKA PERSPEKTIVA

APSTRAKT: Predmet rada je analiza različitih normativnih modela i stepena institucionalizacije uloge opozicije u parlamentima jednog broja evropskih država, kojima se u širokom spektru, od utvrđivanja prava opozicije u poslovnicima o radu do formalnog priznanja u ustavima, normira uloga parlamentarne opozicije. Priznanje legitimne uloge opozicije i uspostavljanje političke ravnoteže u parlamentu je preduslov demokratskog društvenog dijaloga i aktivnog učešća odgovornih građana u procesima jačanja institucija predstavničke demokratije. Sledstveno, samo konsensualna politička kultura doprinosi jačanju političkog poverenja građana u političke institucije. Iako ne postoji opšte usvojeni model koji definiše ulogu parlamentarne većine i opozicije, nesumnjivo je da vreme postdemokratije zahteva redefinisanje bazičnih pojmova, kako parlamentarne većine i opozicije, tako i uloge parlamenta. Delokrug analize sveden je na uporedni prikaz ustavnih rešenja koja jemče prava opozicije kao i pravnog okvira koji reguliše deo pravâ parlamentarne opozicije, a koja se ostvaruju u procesu kreiranja politikâ. Cilj rada je jačanje

mehanizama parlamentarne demokratije i posebno, jačanje poverenja u rad Narodne skupštine Republike Srbije, budući da se samo efikasnom implementacijom evropskih iskustava može izgraditi poverenje javnosti i unaprediti standardi političke kulture. Metodološki, komparativni pristup zaokružujemo analizom komentara i tumačenja ustavnih akata, zakona, poslovnika o radu kao i preporukâ Venecijanske komisije.

***Ključne reči**: ustavna demokratija, parlamentarna opozicija, ustavne garantije, konsensualna politička kultura, institucionalno poverenje.*

References

1. Anastaplo, G. (2003). Loyal Opposition in a Modern Democracy. *Loyola University Chicago Law Journal, 35*(4), pp. 1009-1020
2. Basic Law for the Federal Republic of Germany. Downloaded 2024, April 4 from https://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html
3. Brack, N., & Weinblum, S. (2009). *What do we mean by "political opposition": a theoretical perspective.* Downloaded 2024, April 5 from https://www.semanticscholar.org/paper/What-do-we-mean-by-political-opposition-a-Brack-Weinblum/e20a33f2eee08357bbaeefc9f4f795861c77252f?sort=is-influential#citing-papers
4. Bulmer, E. (2021). *Opposition and Legislative Minorities: Constitutional Roles, Rights and Recognition.* International IDEA Constitution-Building Primer 22. DOI: https://doi.org/10.31752/idea.2021.67
5. Choudhry, S. (2020). *Opposition Rights in Parliamentary Democracies*. Downloaded 2024, April 4 from https://www.law.nyu.edu/sites/default/files/Opposition%20Rights%20in%20Parliamentary%20Democracies%20Sept%202020%20draft_0.pdf
6. Committee of Ministers of the Council of Europe. (2020). *Stop "worrying trend" of election winners abusing power – the Committee of Ministers of the Council of Europe endorses the Commission's Checklist.* Press release issued 05/02/2020. Downloaded 2024, April 8 from https://www.venice.coe.int/webforms/events/?id=2896
7. *Conclusions of the European Conference of Presidents of Parliament*. Limassol, Cyprus, 10-12 June 2010. Downloaded 2024, April 9 from http://www.assembly.coe.int/LifeRay/APCE/pdf/ConfPres/2010Limassol/ConclusionsLimassol-EN.pdf
8. Dahl, A. R. (1966). *Political Opposition in Western democracies*. New Haven & London: Yale University press

9. European Commission for Democracy through Law (Venice Commission). *Preliminary Opinion on the Draft Law on the Parliamentary Opposition in Ukraine.* CDL-AD(2007)015 adopted by the Commission at its 70th plenary session (Venice, 16-17 March 2007)
10. European Commission for Democracy through Law (Venice Commission). *Draft opinion on the Draft Law on the Parliamentary Opposition in Ukraine.* CDL(2007)062 Opinion no. 443/2007, Strasbourg, 25 May 2007
11. European Commission for Democracy through Law (Venice Commission). *Comments on the role of the opposition in a democratic parliament.* CDL-DEM(2010)001 Study no. 497/2008, Strasbourg, 6 October 2010
12. European Commission for Democracy through Law (Venice Commission). *Report on the role of the opposition in a democratic parliament.* CDL-AD(2010)025 adopted by the Venice Commission at its 84th Plenary Session (Venice 15-16 October 2010)
13. European Commission for Democracy through Law (Venice Commission). *Parameters on the relationship between the parliamentary majority and the opposition in a democracy: a checklist.* CDL-AD(2019)015 adopted by the Venice Commission at its 119th Plenary Session (Venice, 21-22 June 2019)
14. Hasanović, J. (2018). Ustavne demokratije kao latentna ambivalencija: teorijski oksimoron ili praktična opasnost [Constitutional democracies as latent ambivalence: theoretical oxymoron or practical danger]. In: Đorđević, B. (ur.), *Konstitucionalizam i ustavni dizajn u demokratskoj recesiji*: zbornik radova sa redovne međunarodne konferencije Udruženja za političke nauke Srbije [*Constitutionalism and Constitutional Design in Demokratic Recession: proceedings of the Serbian political science association annual Conference*] (pp. 45-65). Beograd: Udruženje za političke nauke Srbije Univerzitet u Beogradu – Fakultet političkih nauka.
15. Kovalchuk, V., & Sofinska, I. (2022). Parliamentary Opposition and Democratic Transformation Issues – Central and Eastern Europe in Focus. *Studia Iuridica Lublinensia 31*(5), pp. 219-231. DOI: 10.17951/sil.2022.31.5.219-231
16. Krauč, K. (2018). *Postdemokratija* [*Post-Democracy*]. Loznica: Karpos
17. Levitsky, S., & Ziblatt, D. (2018). *How Democracies Die*. New York: Penguin Random House LLC
18. Nemţoi, G. (2022). The Parliamentary Majority in Contrast to the Opposition. *European Journal of Law and Public Administration, 9(1)*, pp. 69-77. https://doi.org/10.18662/eljpa/9.1/171
19. Parliamentary Assembly of the Council of Europe Resolution 1601 (2008). *Procedural guidelines on the rights and responsibilities of the*

opposition in a democratic parliament. Downloaded 2024, March 29 from https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17626&lang=en
20. Pásztor, B. (2022). Procedural aspects of the constitutional revision in the field of judiciary and restraints of the authorities of the National Assembly. *Pravo – teorija i praksa*, *39*(2)*,* pp. 1-20. DOI: 10.5937/ptp2202001P
21. Podunavac, M. (2011). State and Democracy. In: Podunavac, M. (ed.), *State and Democracy* (pp. 17-23). Belgrade: Official Gazette: Faculty of Political Sciences University of Belgrade
22. Poslovnik Narodne skupštine Srnije [Rules of procedure of the National Assembly of the Republic of Serbia]. *Službeni glasnik RS*, broj 20/12 – prečišćen tekst
23. *Rules of Procedure of the French National Assembly*. Downloaded 2024, April 5 from https://www2.assemblee-nationale.fr/langues/welcome-to-the-english-website-of-the-french-national-assembly
24. *Rules of Procedure of the German Bundestag and Rules of Procedure of the Mediation Committee*. Downloaded 2024, April 5 from https://www.btg-bestellservice.de/pdf/80060000.pdf
25. *Rules of procedure of the Republic of Moldova*. Downloaded 2024, April 8 from https://www.legis.md/cautare/getResults?doc_id=111777&lang=ro
26. Schapiro, L.(1965). Foreword. In: *Government and Opposition, 1*(1)*,* pp. 1-6. https://doi.org/10.1111/j.1477-7053.1965.tb00361.x
27. *Seimas of the Republic of Lithuania Statute.* Downloaded 2024, March 30 from
28. *Standing Orders of the Sejm of the Republic of Poland*. Downloaded 2024, March 29 from https://oide.sejm.gov.pl/oide/en/index.php?option=com_content&view=article&id=14798:the-standing-orders-of-the-sejm-of-the-republic-of-poland&catid=7&Itemid=361
29. Statute Governing the Right of Opposition Law no. 24/98. *Diário da República Portuguesa*. 1998, Série I-A, No. 121/1998. Downloaded 2024, March 30 from https://www.parlamento.pt/Legislacao/Documents/Oposicao.pdf
30. *The Constitution of Sweden*. Downloaded 2024, April 4 from https://www.riksdagen.se/globalassets/05.-sa-fungerar-riksdagen/demokrati/the-instrument-of-government-2023-eng.pdf
31. *The Constitution of the Czech Republic*. Downloaded 2024, April 4 from https://www.psp.cz/en/docs/laws/1993/1.html
32. *The Constitution of the Kingdom of Norway.* Downloaded 2024, April 1 from https://www.stortinget.no/en/In-English/About-the-Storting/The-Constitution/

33. *The Constitution of the Portuguese Republic*. Downloaded 2024, April 1 from https://www.parlamento.pt/sites/EN/Parliament/Documents/Constitution7th.pdf
34. *The Constitution of the Republic of Cyprus*. Downloaded 2024, April 3 from https://www.constituteproject.org/constitution/Cyprus_2013.pdf?lang=en
35. *The Constitution of the Republic of France*. Downloaded 2024, April 1 from https://www.conseil-constitutionnel.fr/sites/default/files/as/root/bank_mm/anglais/constiution_anglais_oct2009.pdf
36. *The Constitution of the Republic of Georgia*. Downloaded 2024, April 1 from https://matsne.gov.ge/en/document/view/30346?publication=36
37. *The Constitution of the Republic of Lithuania*. Downloaded 2024, April 1 from https://lrkt.lt/en/about-the-court/legal-information/the-constitution/192
38. *The Constitution of the Republic of North Macedonia*. Downloaded 2024, April 1 from https://www.sobranie.mk/the-constitution-of-the-republic-of-macedonia-ns_article-constitution-of-the-republic-of-north-macedonia.nspx
39. *The Constitution of the Republic of Poland*. Downloaded 2024, April 3 from https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm
40. *The Constitution of the Republic of Turkey*. Downloaded 2024, April 6 from https://www.anayasa.gov.tr/media/7258/anayasa_eng.pdf
41. *The Constitution of Ukraine*. Downloaded 2024, April 3 from https://hcj.gov.ua/sites/default/files/field/file/the_constitution_of_ukraine.pdf
42. *The Constitutional Act of Denmark*. Downloaded 2024, March 31 from https://www.thedanishparliament.dk/-/media/sites/ft/pdf/publikationer/engelske-publikationer-pdf/the_constitutional_act_of_denmark_2018_uk_web.pdf
43. *The Federal Constitutional Law of Austria*. Downloaded 2024, April 2 from https://www.constituteproject.org/constitution/Austria_2009
44. The International Institute for Democracy and Electoral Assistance. *The Global State of Democracy Report 2022 – Forging Social Contracts in a Time of Discontent.* Downloaded 2024, April 5 from https://www.idea.int/news-media/news/global-democracy-weakens-2022. DOI: 10.31752/idea.2022.56
45. Ustav Republike Srbije [The Constitution of the Republic of Serbia]. *Službeni glasnik RS, br. 98/06 i 115/21*
46. Wegmann, S. (2022). Policy-making power of opposition players: a comparative institutional perspective. *The Journal of Legislative Studies*, *28*(1), pp. 1-25. https://doi.org/10.1080/13572334.2020.1843233