

opción

Revista de Antropología, Ciencias de la Comunicación y de la Información, Filosofía,
Lingüística y Semiótica, Problemas del Desarrollo, la Ciencia y la Tecnología

Año 34, 2018, Especial N°

14

Revista de Ciencias Humanas y Sociales
ISSN 1012-1587/ ISSNe: 2477-9385
Depósito Legal pp 198402ZU45



Universidad del Zulia
Facultad Experimental de Ciencias
Departamento de Ciencias Humanas
Maracaibo - Venezuela

The political and social guarantees of the individuals, rights and political freedoms

Abdu Rahman Saad AL-Arman¹
¹ Faculty of Jerash University, Jordan
info@ores.su

Abstract

The researcher tries to clarify the role of the individuals in protecting their rights and freedoms by electing judicial authority or building up a public opinion. The researcher will follow "Descriptive and Analytical Method" by studying the articles and analyzing them. As a result, citizens in democratic states are considered powerful people due to the power of their parliament. In conclusion, the political parties and civil society organizations should practice an efficient role to upgrade people's life and form a better public opinion just like the role usually carried out by the press and social media.

Keyword: Democratic, Constitution, Parliamentary, Governments, Committees.

Las garantías políticas y sociales de los individuos, derechos y libertades políticas

Resumen

El investigador trata de aclarar el papel de los individuos en la protección de sus derechos y libertades mediante la elección de la autoridad judicial o la construcción de una opinión pública. Se siguen el "Método descriptivo y analítico" estudiando los artículos y analizándolos. Como resultado, los ciudadanos en los estados democráticos son considerados personas poderosas debido al poder de su parlamento. En conclusión, los partidos políticos y las organizaciones de la sociedad civil deberían ejercer un papel eficiente para mejorar la vida de las personas y formar una mejor opinión pública, al igual que el papel que generalmente desempeñan la prensa y las redes sociales.

Palabra clave: Democrático, Constitución, Parlamentario, Gobiernos, Comités.

1. INTRODUCTION

Most international constitutions contain articles concern with the rights and freedoms, for example, political and social rights and if these articles are not guaranteed legally, they will be worthless. Here are some kinds of guarantees:

a) Parliamentary Inspection.

b) Inspection of Public Opinion and Democratic system.

The success of the above-mentioned guarantees will make them more valuable and effective to the political activities that will force the governments and compel them to respect general rights and freedoms.

People are not fully aware of their important roles in protecting their rights and freedoms. They can do so either by electing parliamentary representatives or by observing newly issued governmental regulations.

The researcher tries to clarify the role of the individuals in protecting their rights and freedoms by electing judicial authority or building up a public opinion to force governments to respect the individual rights and freedoms.

2. RESEARCH METHODOLOGY

The researcher will follow "Descriptive and Analytical Method" through studying the articles and analyzing them. The researcher divides this research into two parts: The first has two topics, while the second part has three topics.

3. PARLIAMENTARY INSPECTION

International laws respect the human rights and freedoms which are guaranteed through parliamentary inspection, the inspection is considered the most important action because it keeps the balance between the three juridical authorities.

The relation between the executive and legislative authorities depends on mutual co-operation and inspection, usually the parliament keeps an eye on such relations in order to ensure enough balance between both authorities.

Democratic system considers the inspection on legislative authority the most important pillar of the parliamentary system. Such inspection includes questioning the ministers, trusting, and parliamentary investigations. So, every democratic state needs such inspection, which ensures stability in the state by respecting the regulations of the constitution. Again, we will go back to the topics mentioned in this research outline, the first is the meaning of parliamentary inspection and its goals, the second is the meaning of parliamentary inspection methods.

3.1. The concept of parliamentary inspection and goals

Parliamentary inspection is usually used in states which practice a Parliamentary system that have the three authorities, Legislative,

executive and judicial authority. Parliamentary inspections compel the executive authority to respect the law and regulations of the democratic states in the modern political system, where the citizens can control and inspect the governmental performance.

The parliament is considered the main supporter to protect the rights and political freedoms by issuing rules and laws "legislative Role". At the same time, the parliament inspects the performance of the executive authority "the Government", So through these roles, Parliament can inspect easily the freedom of opinion, ideology, holding meetings, journalism, forming political parties and syndicates.

The aim of inspecting the executive authority is to ensure that the cabinet is working properly, fulfilling the works and plans ratified by the parliament. Parliamentary Inspection means that the judicial authority investigates and questions the guilty persons in order to fix or rebuild wrong activities.

Here comes the role of Jordanian citizens by electing the proper member to the parliament council who saves his rights and freedoms and puts an end to the governmental excesses, avoiding members who prefer their own interests.

3.2 Methods of parliamentary inspection

To keep the Parliamentary system settled and well balanced, the parliament should take enough measures to keep law and order

balanced between the three authorities. These authorities are expected to be well watched and observed by the parliament council which represents the public opinion.

Therefore, most constitutions compose many articles related to the Parliamentary inspection methods practiced upon the government such as:

According to article 125, internal system of Jordan parliament council, parliament members have a right to draw the government's attention to certain subjects by asking the minister or the prime minister himself (Atamwi, 1986). However, the question should not be personal at all and should be about general issues only.

"Suggesting a general topic for discussion" consultations between the government and the parliament.

According to article 138, internal system of Jordanian parliament council (Badr, 2003), both the government and the parliament should exchange mutual opinions and point of views to achieve best policies to solve internal or external problems, usually such topic should be opened for discussion by any member.

The discussion method may transfer to more sharpness, then trusting on the government may take place in order to put an end to the discussion.

1. "Parliament Investigation Committees": According to article 59, internal system of Jordan parliament council(Abu-Ras, 1975), The parliament has the right to form either permanent or temporary committees to investigate a certain subject, such committees can go to the sight where the problem is taking place, the committees may ask any governmental officer or experts.

2. "Interrogation": considers as the most effective method of parliamentary inspection. By this method the parliament can take some measures against the minister(s), and may accuse or criticize the government.

Interrogation will not be dropped out if the concerned minister gives up the subject, but another member will adopt the subject and insist on interrogation, on the contrary, the question which is exactly against the question method.

Article 96 of Jordan constitution states:

Any member of parliament can interrogate the ministers about any common issue.

Eight days as a grace period are given to the minister to answer the question, unless the subject is very important, so the minister can reduce the given period.

Interrogation opens the discussion in the house of parliament and all members of parliament take part in the discussion which leads to voting for trust on the minister (s)(Laylah, 1960b).

Interrogating the executive authority is always possible unless its not against the state constitution(Laylah, 1960a).

We should mention here that the constitution article 96 gives the right to any member of parliament to ask or to interrogate the ministers, and according to the constitution, the question may be changed to interrogation while interrogation may be transferred to trusting on the ministers.

It is a right for any member of the House of Representatives to face and interrogate the Prime Minister or his assistants or any minister of the Cabinet.

Trusting on minister (s) in front of the House of Representatives:

This method is considered the most important inspection method that the representatives council owns.

If the House of Representatives decides to distrust the cabinet by absolute majority, the cabinet should resign and any minister as well.He should retire or withdraw, according to the article 54 of the 1952 Jordan constitution.

Here the question arises: Is the cabinet's resignation efficient?

According to the constitution, the answer is none, because the one who finally accepts the resignation is the king, if he does not accept it the value of distrusting is null (Adayleh, 2012).

I suggest here to exchange the sentence (should resign) to (considered resigned) and I believe the origin of article 54 is taken from "European Monarch Constitutions" which ignore the king's approval, means no need to the king's approval.

3. "Receiving Complaints": According to this method, the citizen can directly ask or talk to the legislative authority to get an explanation for certain matters, whether they are personal or public matters to the general affairs of the state.

The procedure is as follows: First, receiving the complaint, transmitting it to a specialized committee to analyze it, then to follow it up with executive authority. By this method, the citizens practice direct inspection on the government, though the complaints are submitted to parliament members.

Article 17 in Jordan's constitution gives the right to the citizens to ask or talk to the three authorities through the parliament council. So, this right is connected and protected by the ideas of human rights and freedoms (Kanan, 2010).

The researcher observes that due to the efficiency of parliamentary inspection methods the three authorities respect the rights and political freedoms, at the same time the governmental measures keep to be restricted and observed by the parliament.

4. INSPECTION OF PUBLIC OPINION

Nowadays, the inspection on state institutions becomes the interest of the citizens who participate in spreading facts which form the public opinion towards social, political and economical issues. The public opinion is caused by the effectiveness and interaction among some cultural, political, media, and economical factors.

The political factor emphasizes respecting freedom of thinking, ideology, expressing opinion, writing, gathering, and working. The above-mentioned factors together form the public opinion. The inspection of public opinion regulates the jobs of the three authorities by putting an end to their abuse and bad behavior, which leads to the protecting the rights and freedoms of the citizens. So, democracy will prevail and guide the people to respect the constitution of the state. Due to the importance of this inspection method which protects the rights and political freedoms of the citizens, the researcher will discuss the following three topics:

First, the concept of public opinion; Second, the public opinion which guarantees the rights and political freedoms, and the third is democracy as a guarantee of rights and political freedoms, and the explanation will follow:

4.1 The concept of public opinion

In the modern societies, the public opinion is an essential factor in decision making. So, most researchers agree that the public opinion used to be formed by the individuals' socio-political power and will, such powers can either drop or pass the states political systems. Public opinion is the expression of peoples opinions, attitudes, thoughts, beliefs, points of views, in addition to their will.

The nation is responsible for practicing the political rights and has the actual authority which is delivered to the ruler to practice it. When the nation elects the representatives they become under the peoples' observation. The representative should always present his clear account statement to the people (AlGhanooshi, 1993).

In general, the pressure of the public opinion is necessary to compel the governments to respect the rights and human freedoms. Many definitions can be given to the statement of "Public opinion", but most of these definitions come together to indicate that there are many perspectives on a certain issue.

Public opinion can be international which represents the opinion of other countries for solving some international issues, or it can be local to represent the country's opinion, its effect and impact on the governmental behaviors. When public opinion reaches the maturity stage it will resist or support the ruling authority of the state (Mhanna, 2006).

The public opinion reflects the people's pulse which is very effective in public issues.

The media also plays an important role in forming an open-minded public opinion and creating acceptable dialogue and civilized discussion with positive interaction between the opinions of the people. Political parties, organizations and associations participate in forming public opinion through all media means, which control the public opinion.

4.2 The Public opinion which guarantees the rights and political freedoms

The constitutional and judicial guarantees ensure the human rights and the essential freedoms. However, there must be some other guarantees like the public opinion to represent people's will which usually gives rise to dialogues and discussions that spread the meaning of human rights.

This will have an important role in protecting self-expression, media, publishing, advertising, public meetings, and peaceful demonstrations(Ashamari, 2011). There is no doubt that the public opinion is an important factor in decision making in modern societies.This importance comes from the huge development in the social media where the ideas and the attitudes spread quickly and easily among the people.

In contemporary political system, the pressure of the public opinion plays an essential role in forming the states political system.At the same time, the public opinion imposes its respect on the leaders of states and on their governments, regardless of their ideologies.

In modern states, the public opinion supports the constitutions, which are put down by the people's representatives to comply with their wishes(Ahmad, 1986). For example, the amendments in Jordan's constitution took place due to the social demands and the pressure of the public opinion.

Usually, democratic states have two main authorities: the first is the governmental authority, and the second is the public opinion authority. So, this democratic system can be considered to be the only guarantee to the unity of the state and to the power of its system. As long as the public opinion is powerful, the government becomes more democratic(Khadir, 2005).

The importance of public opinion rise up in the civilized societies through society organizations, just like political parties, associations and popular organizations. These organizations form the public opinion to create a peaceful change and better understanding of the authority. This public opinion strengthens the democracy of the state and upbringing of the individual's will. The public opinion keeps the political system balanced and inspected to respect the laws and the constitution of the state.

Here, we can say that the public opinion cannot be formed or assume its roles unless the individuals get their rights and essential freedoms. It is known that the guarantee of public opinion is the strongest guarantee to protect human rights which are confirmed by the laws and constitutions (Kanan, 2010).

The important role played by the political parties and pressure groups on the decision maker helps him to reform his way of ruling the country. Opposition political parties along with certain categories of citizens who have a common interest can force the decision makers too (Mhanna, 2006).

The role of public opinion in protecting the rights and public freedoms is different from one country to another, depending on the country's development and the democratic attitudes of the rule. Therefore, human rights and freedoms are limited in developing and Arab countries. So, these countries need human resources development and more production and self-sufficiency to participate positively in the political life (Kanan, 2010).

It is possible to identify the relationship between the public opinion and the protection of the rights and public freedoms through the following aspects:

a- In the contemporary world, the public opinion has the ability to observe the state's respect of the rights and freedoms in many ways to protect these rights if they are violated.

b- public opinion is an effective power which can inspect the ruling authorities.

c- public opinion in democratic systems is considered a good support to the people's governments, because it expresses the public administration of the people who make up the democracy title – (people's rule over the people).

d- The strong public opinion participates in making political decisions which company with the wills and interests of masses.

4.3 Democracy as a guarantee of rights and political freedoms

Democracy is a socio–political system where the people are the source of authority and sovereignty. The values which are related to the freedoms and human rights are important factors for democracy.

Democracy provides a convenient environment to protect the human rights and freedoms. Here we notice that the relationship between the democracy and human rights according to the international declaration of human rights article 3/21 is as follows:

"The people's will is the source of governmental authority, people express their will by having a periodical, honest, and secret elections".

Democracy became the slogan of countries all over the world where the people like and support the democratic political system (Ahmad, 1986). In a democratic political system, people practice their natural rights by electing their representatives who create the state of law and institutions. This state guarantees people's rights and freedoms. Legally, democracy is an actual guarantee to protect human rights from the authority violence.

Political participation stems from democracy and freedom ideas, which is closely related to democratic systems. Political participation is an instrument to achieve the higher goal of political freedom. Democracy calls for practicing the right of election as well as a nomination in order to participate in public affairs through honorable elections. It also provides a good opportunity to get a competitive appointment in governmental jobs.

In a democratic political system, people elect their representatives where the majority forms the government, this majority contains all people's, spectrum regardless of their race or religion. In this way, democracy limits the rules authority and helps to establish permanent institutions which protect citizen's rights and guarantee equality and justice for them. Democracy supporters unite to achieve individual and society welfare, which includes two essential principles:

First, the establishment of the government to achieve the citizen's interest.

Second, the way of forming the government and its readiness to practice its power.

The First principle is called social democracy which states that the goal of the government is to achieve the individuals and social interest. While the second principle is called political democracy where the actual state authority is in the hands of ruled individuals who enjoy social democracy and participate in ruling the country, to become both rulers and ruled (Adawi, 1964).

The freedom of any people depends on the democracy of their state, where their demands would be fulfilled by the political system. So, the legal guarantees can be represented in a democratic system that protects people's freedoms through several principles:

A- Principle of the sovereignty of the law, means, submission of all the state authorities to the legislative system headed by the constitution of the state.

B- Principle of Power separation, means, distributing the power between different state departments.

C- Independence of the judiciary system principle, means, the judiciary system stands on an equal distance from the other two authorities by inspecting their constitutional behaviors(Asfoor, 1976).

The most important components of the democratic system are respecting the civil and political freedoms of the citizen's including self-expression, giving an opinion, and freedom of gathering.

In addition, there is equality in socio-politics, which means politically that all people are equal in front of the law. Also, it means a society that people have an economical sufficiency and social welfare.

So, they can exercise their freedoms and participate in politics, as a result, they can form the state policy which is the outcome of the citizens' discussions(Hilal , 1983).Democracy allows freedom of opinion in all issues; it also allows the majority to rule, keeping full respect to the oppositions and minorities.

The democratic system has independent judicial authority, where the oppressed can appeal and get a suitable compensation (Ahmad, 1986). Finally, democracy is considered the most important guarantee of the rights and political freedoms because it can face the government and stop its abuse against the citizens.

5. CONCLUSION

Research Findings: In this research, I introduced the guarantees of rights and political freedoms which represent a democratic system and parliamentary inspection. The relationships between the democratic system and human rights in the contemporary world reflect the perfect atmosphere that helps to develop these rights and freedoms.

The parliament exercises its powers of legislation and inspection to face the government through many inspection methods. The major findings of this research include the following:

In many countries, people do not ask for their rights and freedoms because they are not aware of their political rights. Most of the time they are busy in their work to gain a better life for their families, therefore, the governments find it easier to practice their abuses and exploit people, obsessed with their everyday life activities. The absence of the role of political parties enables the governments to abuse and ignore people's rights. So, the political

parties and civil society organizations should practice an efficient role to upgrade people's life and form a better public opinion just like the role usually carried out by the press and social media.

6. Recommendations

The main recommendations of this research include the following:

1. Constitutional and civil society organizations, political parties, media, and universities should take part in inspecting all the governmental departments.

These departments should respect the rights and freedoms of the people and teach them legal and political awareness.

2. Issuing modern and democratic rules by the parliament to protect the rights and political freedom of the citizens.

3. These rules include, for example, election rules and regulations which reflect the actual representation of all people's categories.

4. Political parties and civil society organizations work together to hold seminars and conferences to raise peoples, awareness of their rights and political freedoms.

5. Periodical review is necessary to develop the rules which regulate the political life of the citizens. And protect their rights and political freedoms.

6. It is necessary to form a will informed public opinion and political pressure groups to raise the level of public awareness about the importance of protecting the rights and political freedoms.

7. Disseminating and protecting democratic practices by raising people's awareness about the importance of dialogue and the acceptance of the oppositions' opinions.

8. Amending the article 54 of the constitution to become (2 – the ministry considered resigned if it gets the majority distrust).

9. Amending the article 96 of the constitution to become (Any parliament member has the right to ask and interrogate the ministry).

REFERENCES

- ABU-RAS, M. 1975. **Contemporary Political Systems**. Comparative Study in Principles of Political Systems. First Part AlamulKotob. p. 450. Cairo.Egypt.
- ADAWI, A. 1964. **The Democracy and the State's Idea**. SijilulArab Establishment. p. 91. Cairo.Egypt.
-

- ADAYLEH, A. 2012. **The Brief in the Constitutional System.** DaruThaqafa. pp. 116-122. Lebanon.
- AHMAD, M. 1986. **Constitutional Aspect of Human Rights.** PhD thesis. Faculty of law. Ain Shams University. pp. 363-463. Egypt.
- ALGHANOOSHI, R. 1993. **The General Freedoms in Islam.** 1st edition. ArabUnitystudy Centre. p. 327. Beirut. Lebanon.
- ASFOOR, S. 1976. **The Problems of Guarantees and Public Freedoms in Egypt.** Lawyers Magazine. N^o 5. p. 102. Egypt.
- ASHAMARI, A. 2011. **Guarantees of Essential Rights and Freedoms in Legal Systems.** Faculty of law. Karbala University. p. 31. Iraq.
- ATAMWI, S. 1986. **The Three Authorities in Contemporary Arabic Constitutions.** Dar ulNahda. p. 545. Cairo. Egypt.
- BADR, A. 2003. **Legislative Jurisdiction of the state's president in Parliamentary System.** A comparative study. Dar ulNahdal Arabia. p. 47. Cairo. Egypt.
- HILAL, A. 1983. **Democracy and Arabs Human Rights.** ArabUnityStudy Centre. p. 10. Beirut. Lebanon.
- KANAN, N. 2010. **Human Rights in Islam, International Conventions and in Arab Constitutions.** 2nd Edition. Israfor Publishing and Distribution. pp. 365-346. Jordan.
- KHADIR, K. 2005. **Introductions to freedoms and Human Rights.** Modern Establishment for Books. p. 104. Tripoli, Lebanon.
- LAYLAH, M. 1960a. **Political Systems.** NahdatMisr Press. pp. 127-925. Cairo. Egypt.
- LAYLAH, M. 1960b. **The Law the Constitution.** DarulFikir. p. 383. Cairo. Egypt.
- MHANNA, M. 2006. **The Development of the Theories and Political Ideologies.** 1st edition. DarulFajr. pp. 176-282. Cairo. Egypt.
-



**UNIVERSIDAD
DEL ZULIA**

opción

Revista de Ciencias Humanas y Sociales

Año 34, Especial N° 14, 2018

Esta revista fue editada en formato digital por el personal de la Oficina de Publicaciones Científicas de la Facultad Experimental de Ciencias, Universidad del Zulia.
Maracaibo - Venezuela

www.luz.edu.ve

www.serbi.luz.edu.ve

produccioncientifica.luz.edu.ve
