

## Popular sovereignty through participation in the electoral process

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### Abstract:

Citizens participate in political processes within the political system to which they belong, trying to prove their existence through participation in the political elites through which they choose those who conduct their affairs, but in many cases the degrees of participation differ from one political system to another according to the degrees of openness of each system, but we In political science, we consider popular sovereignty an original criterion in the process of studying the extent of democracy of the political system, and in return we study the various processes in which the citizen participates to produce good rulers.

**Keywords:** Political system, popular sovereignty, election, political participation

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## 1. INTRODUCTION

The political systems differed according to the different criteria on which a particular system was chosen and another was imposed. It has often been thought about choosing a political system that fits with its internal and external environment, There are regimes in which rule is imitated by heredity, others by force, and finally by means that conform to international standards of attribution of power, which is represented in democratic systems that rely on election as a mechanism for power rotation.

This system has developed, and its current forms have emerged as a result of intellectual effort and a reflection of many political practices. What distinguishes it is that it is the final ruling on assuming power, as the governed are the ones who choose between a group of candidates, and this is what made the electoral system emerge as a mechanism accepted by all segments of society to assign power.

Through this, we will address a problem centered around:

**What is the electoral system, and how can this system actually enhance the principle of popular sovereignty and establish democratic standards?**

We will discuss the issue through the following axes:

1. Definition and Types of election
2. Electoral system and political participation
3. The people are the source of power
4. Selection of governor
5. Electoral integrity is a consolidation of the principle of legality
6. Elections are a means of accountability and accountability

## 2. Definition and Types of election:

### a. Definition of Election:

Election defines language: as choosing between things presented; As for idiomatically: the political dictionary defines election as: “The selection of a person among a number of candidates to represent the group to which he belongs, and the election is often called the polling”.<sup>1</sup>

According to Philip Pro, the election is part of a complex process that aims to legitimize the assumption of power.

As for Jacques Largo, he considers it: “A momentary expression of citizens through which

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<sup>1</sup> - Philip Martin Pro, **Political Sociology**. Beirut: University Foundation for Studies, Publishing and Distribution, 1998, p 35.

they express their political opinions and choices, and it is a source of legitimacy”.

As for Robert Dahl, he considered free and frequent elections a condition for achieving democracy.

On the other hand, we find some literature different from the previous one, focusing more on legal issues when defining the election to the consideration of the election. For example, what “Marcel Brillot” went to “is a race in legally qualified wills in order to carry out the process of appointing rulers”.

André Hauriou says, “Election consists, in general, of how citizens choose the individuals they represent and who can, of course, exercise judgment by applying the policy preferred by their electors”.

We note the multiplicity in the definition of election, as a result of the influence of the intellectual, cultural and ideological factors of researchers on the one hand, and also because of the influence of the political, social and cultural environment in which they live on the other hand. However, everyone agrees that elections are the only means of assigning political power in a democratic system.

One of the most important discussions on the subject of elections is the one in which the nature of elections was discussed. The dispute between the pioneers of constitutional law on the issue of sovereignty in the state led to two groups, splitting as well in each group's view of the nature of elections. The principle of the sovereignty of the nation gives sovereignty to the totality of individuals viewed as a single, abstract and indivisible unit independent of the individuals themselves. As for the principle of the sovereignty of the people, it does not look at the group as a unit independent of the individuals who make up it, but rather looks at the individuals themselves and decides for them sovereignty, and if sovereignty here is for individuals. it is divided among them so that each individual has a part of it, and accordingly sovereignty becomes divided among the individuals according to the number of members of the group<sup>2</sup>.

This objective disagreement between the principles of the nation's sovereignty and the people's sovereignty led to conflicting results, especially with regard to the issue of elections. Considering that the nation enjoys independent and indivisible sovereignty, it undertakes by itself the choice of those it deems fit and capable of choosing its representatives, and accordingly, the power to vote is not granted to individuals in their capacity as sovereign owners, but rather in their capacity to choose the representatives of the nation, and thus when they participate in the elections they do not always use a personal right Rather, they perform a function assigned to it, or say a public service to the nation<sup>3</sup>.

There, the nation can specify the conditions that it sees as ensuring the good conduct of this function, this theory explain the followings:

- This theory is consistent with the principle of a restricted suffrage system on the basis of conditions laid down by the nation.

- Under this thought, the nation has the right to give the organizing rules to compel the voter

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<sup>2</sup> Georges Burdeau, **droit constitutionnel et institution politique**. 17<sup>ème</sup> édition, Paris: LGDJ, 1976, p 132.

<sup>3</sup> - Maurice Duverger. **Institution politique et droit constitutionnel**. 11<sup>ème</sup> édition, paris: Dollaz, 1970, p102.

to vote as a compulsion to perform the job and this is in support of the theory of compulsory election.

The consequences of this theory are not necessarily narrowing the constituency of the electorate. The legislator may expand granting this function and facilitating its conditions to the extent that the theory of universal suffrage agrees with or approaches it.

As for the theory of the sovereignty of the people, it leads to the fact that the election is a personal right that proves to each individual the status of a citizen, and the legislator may not deprive anyone from using this right except for those who are incompetent this principle follows<sup>4</sup> :

- The existence of the individual is considered prior to the existence of the state, and therefore it should not be restricted or taken away, and positive laws must be committed to recognizing each individual as long as he has acquired the status of a citizen, and this right is not taken away except in exceptional cases or due to incapacity or invalidity, and accordingly this principle It is the legal basis for the universal suffrage system.

- The voter, as the right holder, has one of the two options, either to participate or not, so he is not obligated to use this personal right, and here this theory agrees with the principle of voluntary voting, and the criticism directed at this theory is that the theory of election is a personal right that does not necessarily lead to achieving universal suffrage, The basis is that the legislator has the right to interfere in the regulation of personal rights and how they are used, and his intervention may amount to imposing restrictions on the election.

- Considering the election as a personal right prevents the legislator from interfering to amend or change it, and this leads to the legislator's inability to amend the conditions of the election.

- Adopting this theory gives the voter the right to dispose of the right to vote and to relinquish it, which is not true with regard to the right to vote, which cannot be the subject of an agreement or contract, and here it is not possible and it is not correct to dispose of it or relinquish it.

In order to avoid criticism of these theories on the one hand, and to benefit from their advantages on the other hand, and to be able to keep pace with development on the third hand, a theory known as the integration theory emerged.

It is worth noting that the idea of elections has not been practiced in the same way in successive time periods. Elections have accompanied in their development the development and complexity of societies. Many societies and countries have resorted to relying on methods and guarantees related to the candidate, the voter, and the election process alike, in order to organize elections in Sometimes, and for considerations of political interest at other times.

### **b. Types of elections:**

Societies witnessed several types of election, which we can summarize in the following points:

#### a. Restricted and universal suffrage:

Restricted voting: This type of voting places restrictions on the individual to exercise the right to vote. These restrictions are related to the citizen's income, wealth, the amount of tax he

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<sup>4</sup> - Laurence Graham, **Political governance**. Paris : Dunod, 1999, p 04.

has to pay, or the amount of his educational attainment. This type of voting is on the way to disappearing because its purpose is to reduce popular sovereignty. The electoral system stipulates that the voter must be an owner suffrage that is bound by the quorum condition called the possessor or occupant of real estate, has a certain income, or be a taxpayer. This system is also based on several arguments, which are summarized in the fact that the introduction of the financial quorum condition guarantees the seriousness of the election process<sup>5</sup>

Because the voters will be interested in choosing who will rule, due to their concern for their money and wealth, unlike classes that do not have a financial quorum, as they do not have any interest in elections. On the other hand, the owners of wealth usually have a measure of education, culture, and care to participate in political life and public affairs, while those matters are not available in the poor and destitute classes.

However, these arguments did not stand up to the democratic trend, and the electoral system was subject to a quorum

The financial system was settled in the United States of America in the form of depriving people of insufficient resources of the right to vote, or requiring the payment of a certain electoral fee, in order to deprive blacks in the southern states of the right to vote, but the electoral fee system was abolished by the Twenty-fourth Amendment From the US Constitution issued in 1964.<sup>6</sup>

The principle of financial constraint was adopted by the French constitution in 1814 and 1848, as well as England after amending the electoral law in 1918, and Egypt 1930 for second-class voters.

Add to this the competency condition that requires the citizen to have a certain amount of education to obtain the right to vote, and this competency ranges from mere literacy to the need to enjoy educational certificates. United States of America.

Public election: It means determining the right to vote without restricting it to a quorum or efficiency condition. The establishment of the principle of universal suffrage was a democratic goal adopted by most European countries during the nineteenth century and the beginning of the twentieth century. However, the determination of universal suffrage does not mean that no conditions are required of voters. It is not reasonable to grant the right to vote to all citizens regardless of their age or the extent to which they enjoy their civil and political rights, and it is not conceivable that the right to vote will be given to foreigners, and for this reason it does not conflict with the universal suffrage report stipulating some conditions related to: Nationality, Gender, Age, Mental capacity, Literary capacity<sup>7</sup>.

#### **- Direct and indirect election:**

Direct election: It is the exercise of the electoral right by the voters without mediation from other individuals, and many countries adopt this system on the basis that it is the true representation of the principle of democracy.

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<sup>5</sup> - Said Bouchaire, **Constitutional Law and Comparative Political Systems**. Algeria: O P U, 2003 p 104.

<sup>6</sup> - Duverger, Op.cit, p 81.

<sup>7</sup> - Mouloud Didane, **Detectives in Political Systems and Constitutional Law**. Algeria: Belqis, 2009, p 163

Indirect election: It is the system in which the voters choose their representatives to elect their representatives, meaning that the election process takes place in two steps, and this method was used in order to choose a group that is more able to vote and to distinguish between the candidates' programs.

**- Individual election and election by list:**

Individual election: The country is divided into small and equal electoral districts as much as possible, and one representative is elected for each district. According to this system, the voter gives his vote only to one candidate from among the candidates, and the election paper he submits contains only the name of one person.

Election by list: In this style, the electoral district is represented by a group of individuals chosen by voters, and this system is in the large electoral circle.

**- Open and secret election:**

Both Montesquieu and Stuart Mill saw that the vote should be open because of its connection with democracy, and to allow the voter to assume his responsibility and show his civic courage. The publicity of the election leads to a high rate of absenteeism, so most electoral laws tend to make the election secret<sup>8</sup>.

**3. Electoral system and political participation:**

Political participation is the basis of the democratic process, given that the democratic process means governance

Political participation is a practical expression that allows the people to participate in decision-making on the one hand, controlling and influencing the ruling authority on the other hand.

Definitions and perspectives on political participation differ. A group of thinkers have presented different definitions of it. There are four main directions of political participation<sup>9</sup>.

The first trend is based on activities and actions aimed at selecting rulers and influencing decisions government through legitimate business and public policy making.

The second trend defines political participation as a process through which the individual plays a role in political life, and participates in making the general goals of his society, and the focus of this trend is the role of participation in making the general goals of the community and determining the means of achieving them.

The third trend is that political participation means being preoccupied with politics and does not exclude any political action.

As for the fourth and final trend, it looks at the political participant with a narrow view, as he restricts it to the voting process in the elections.

Most political scientists have considered that holding a political or administrative position is at the top of the aspects of political participation, in the sense that it represents the highest levels of participation, and the level of participation decreases and decreases until it reaches the bottom

<sup>8</sup> - Ibid, p 170.

<sup>9</sup> - Ibrahim Abrash, **Political Sociology**. 1<sup>st</sup> Edition, Amman: Al-Shorouk, 1998, p 237

of the base, which is voting, as the lowest level of forms and forms. Despite this, voting in elections remains one of the most important manifestations of political participation in democratic systems, as voting is directly related to representative democracy, which means that the people exercise power through their representatives. Its systems and types differ from one society to another, but they all agree that the vote that the citizen casts in the elections is the citizen's individual share in political participation, and that the sum of the combined votes that constitute the majority is considered the will of the nation.<sup>10</sup>

However, the importance of elections in expressing the nation's will and renewing the political participation of citizens is related to the nature of the political system, and the extent of the sincerity of democratic trends, especially the ruling regime's compliance with the results of the election boxes and its acceptance of alternation of power.

#### **4. The people are the source of power:**

Democratic elections serve the function of expressing the principle that the people are the source of authority, and implementing the mechanism of representative representation, by providing an opportunity for voters to exercise forms of political participation through universal suffrage. This means that the government is based in the exercise of the manifestations of power on the element of popular delegation. Governance is not a right of inheritance, as in the hereditary systems, and is not achieved through oppression, as is the case in the military dictatorships. Thus, the separation between the person of the ruler and the authority is achieved, which is a function performed by the rulers for the account of the masses and with their authorization. As such, a distinction can be made between democratic systems and other systems of government. The process of linking the principle that the people are the source of power and the principle of elections, enables us to determine the ways in which authority can be assigned, as well as the way in which the popular oversight process can be activated and disqualify those who do not express the popular will and its demands<sup>11</sup>.

On the other hand, in non-democratic systems in which the relationship between rulers and the ruled is based on force rather than persuasion, and in which decision-makers are determined by appointment, the electoral system is nothing but a hollow process of content intended to camouflage attention, as the process is authoritarian in a democratic form, elections in this way do not express It is about the will of the people or the choices of voters, and not about individual opinions. Rather, it reflects the reality of the relationship between the ruler and the ruled based on dependency.

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<sup>10</sup> - Muhammad al-Hashimi, **Legislative Elections “Renewing Authoritarianism with Democratic Rules”**, p 28.

<sup>11</sup> - Abdul-Hussein Shaaban, **On Electoral Culture and International Standards, in the book Integrity in Parliamentary Elections**. Beirut: Center for Arab Unity Studies, 2009, p 92.

**5. Selection of governor:**

Democratic elections provide the method by which rulers are chosen, through the transfer of power to the winning candidates in the elections, whether it is the position of the head of the executive branch, or representatives within the parliamentary chambers. For example, elections in contemporary Western democracies produce a legislative authority that is accountable to The electorate, and an executive authority that is responsible from two sides, or what is called double responsibility (directly to the voters - as the position of the President of the Republic in presidential systems) or to elected representative bodies, as is the case for ministers in parliamentary or semi-presidential systems. In the two big countries, such as Britain, the choice of Parliament by election is an indirect choice of the executive authority. The general public to avoid a traditional parliamentary crisis.

**6. Electoral integrity is a consolidation of the principle of legality:**

Elections provide popular legitimacy to the elected authority, or renew its legitimacy. Through the establishment of fair elections, those who are acceptable to the electorate are brought to decision-making positions. Democratic elections also provide a mechanism for renewing the legitimacy of existing governments. Governments of democratic countries may become weak over time, and therefore need to renew their legitimacy among their electors. Here, the democratic system, through the mechanism of periodic competitive elections, can renew the legitimacy of existing governments and enhance the support that voters provide to those in decision-making positions.

But in countries that still suffer from weakness, their rulers have developed several methods to give false legitimacy to their rule, and these methods include adopting the one-party system, or fraud in electoral processes, and even narrowing the field for candidates and setting standards that do not apply to those who wish to reach it reigning supreme.

**7. Elections are a means of accountability and accountability:**

Elections have an important purpose is to hold the rulers accountable at the time of the elections by evaluating the programs of the contestants before the elections, or by rewarding or punishing politicians if they want to run for the second time. This objective is one of the most prominent objectives of democratic elections in contemporary systems, and one of the main mechanisms through which it can be ensured that the elected government responds regularly to the demands of voters and takes care of their various interests. Many political experts have been interested in discussing all aspects related to electoral accountability, that is, accountability of rulers by holding free and fair elections on a regular basis, and making their survival in their positions contingent on the votes of voters in those elections. And because this type of accountability is the accountability of those responsible for what they did in the past, the accountability mechanism is elections for renewal or obtaining a new term. Therefore, accountability is one of the main reasons behind allowing the right to run for more than one term in most elected political positions, as the purpose of accountability would not be possible without this right. In addition to this type of accountability, there are means that aim to hold rulers accountable before they are chosen, such as subjecting the contestants to a position to the estimation and judgment of the voters before the elections are held through their electoral



promises and campaigns. There are also cases in which the law obliges rulers to consult voters through referendums before making a decision, such as decisions related to amending the constitution

### 8. Conclusion:

In the end, it can be said that a fair electoral system that truly expresses the popular will will not be achieved without the realization of three main categories of mechanisms that activate the integrity of the electoral process, namely:

The first category: relates to a set of basic rights and freedoms, in the absence of which it is impossible to talk about the possibility of holding elections at all.

The second category: relates to a set of procedures that guarantee the freedom and fairness of elections.

And the third category: revolves around a set of guarantees that prepare for effective and democratic elections, since elections do not represent a goal in themselves, but rather have purposes and functions to perform, the essence of which is the rotation of power.

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