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## **The Crisis of Iraqi Government Formation and the Available Constitutional and Political Options**

An Analytical Study of Judge Faiq Zaidan's Proposals on the Largest Parliamentary Bloc

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● **Research Paper**



## The Crisis of Iraqi Government Formation and the Available Constitutional and Political Options An Analytical Study of Judge Faiq Zaidan's Proposals on the Largest Parliamentary Bloc

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## Introduction

Dr. Faiq Zaidan, President of the Supreme Judicial Council, published an article entitled “The Sin of the Incorrect Interpretation of the Constitution” in Asharq Al-Awsat on Tuesday, March 3, 2026.

He wrote that article on the basis of both his academic and practical expertise, given that he holds a doctorate in law and rose through the judiciary to its highest office, namely the presidency of the Supreme Judicial Council in Iraq.

In that article, he raised issues of considerable importance, foremost among them the need to uphold the spirit of the Constitution. In his view, constitutional provisions require flexible interpretations that keep pace with the historical and political development of the period and should not remain confined to a particular historical or political moment. Rather, they should possess the flexibility required by political and historical developments, since history and life are continuous and dynamic. Constitutional and legal interpretations, therefore, should display the same quality if they are to respond to those developments.

He was right to emphasize the spirit of the Constitution, drawing on deep legal experience and relying in his analysis on one of the most important historical works in law and politics: Montesquieu’s *The Spirit of the Laws* (1748). That work was, and remains, a foundational study in political theory, constitutionalism, and public freedoms, in which Montesquieu argued that a constitution should reflect the nature of society and its historical and political development.

This is a work I have long used as a benchmark for assessing the depth of legal training and understanding among holders of law degrees. I often ask them a simple question: “Have you read Montesquieu’s *The Spirit of the Laws*?” On that basis, I permit myself, in my own judgments, to assess how well some of them understand the law and how they handle constitutional and legal texts when formulating legal opinions and interpreting constitutional and statutory provisions.

Do they treat such texts as rigid rules, or do they interpret them in light of the spirit of the law? Rigid interpretation can turn the law from a means of ordering public life and safeguarding rights and freedoms into a burden that may, at a minimum, deprive people of those rights.

At the core of the article is a critique of the Federal Supreme Court's interpretation of the "largest parliamentary bloc" in Decision No. 25/Federal/2010, which held as follows: "The Federal Supreme Court considers the expression 'the largest parliamentary bloc' to mean either the bloc formed after the elections through a single electoral list that entered the elections under a particular name and number and won the largest number of seats, or the bloc assembled from two or more electoral lists that entered the elections under different names and numbers and then united as a single bloc with one identity in the Council of Representatives. Whichever of the two is greater in number becomes the largest parliamentary bloc whose nominee is tasked with forming the Council of Ministers pursuant to Article (76) of the Constitution."<sup>1</sup>

In line with the text of that decision, Dr. Zaidan argues that its interpretation of Article (76) should be reconsidered so that the bloc entitled to be described as the largest bloc under that constitutional provision is the bloc that won the highest number of seats in the elections.

This study proceeds from the following hypothesis: "The Federal Supreme Court's interpretation of Article (76) is incorrect and is inconsistent with comparative constitutional jurisprudence and with political theory in this field, and that the bloc intended by Article (76) of the Constitution is the bloc that wins the greatest number of seats in the elections, not the bloc formed after the elections."

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1- Decision No. 25/Federal/2010: Formation of the Largest Bloc, Federal Supreme Court, Baghdad, accessed March 8, 2026. <https://www.iraqfsc.iq/>

This study therefore examines the position of constitutional jurisprudence and political theory on the matter, in addition to comparative international experience. It seeks to prove or refute that hypothesis by answering the following questions: What types of alliances exist? What is the difference between electoral alliances and political alliances? What is the position of comparative constitutional jurisprudence and political theory on this issue?

Does the Federal Supreme Court's interpretation of the largest bloc accord with those approaches, or not? How have comparative international experiences dealt with this issue? The aim is to answer the principal question: how should Iraq understand and define the 'largest parliamentary bloc'?

The article also proposed three remedies: first, amending the Constitution to define explicitly what is meant by the largest bloc; second, amending the Law of the Council of Representatives so that it requires the registration of the largest bloc at the Council's first session; and third, reconsidering the Federal Supreme Court's earlier decision and interpretation by adopting a restrictive reading that links the largest bloc to election results rather than to open-ended post-election alliances.

Accordingly, this study examines and analyzes the second and third remedies, and the extent to which they can be applied - or alternatively refined - in a way that reconciles the legal and political dimensions. It also presents selected comparative examples from other states, with a view to formulating a future legal and political framework that can be relied upon to resolve this controversy and adopted as a relatively settled approach to the formation of future governments.

The first remedy - amending the Constitution - is, however, difficult and not presently feasible, given the current constitutional, political, and social circumstances, as the article itself also notes.

This study adopts the descriptive-analytical method as its scientific basis for examining the political crisis surrounding the formation of the Iraqi government and the Federal Supreme Court's interpretation of the concept of the largest parliamentary bloc. It does so by collecting and analyzing the relevant constitutional provisions and legislation, including Article (76) of the 2005 Constitution of the Republic of Iraq and Federal Supreme Court Decision No. 25/Federal/2010, while drawing on political theory in the field of comparative constitutional jurisprudence.

This method also relies on textual interpretation and on understanding the effects of those texts on government formation and political alliances through comparative analysis of international experience. That approach allows for a precise reading of the relationship between voter intent, the mechanisms for forming the largest bloc, and the stability of Iraq's parliamentary system, and supports a balanced academic interpretation of the article's proposals and the Court's rulings, linking constitutional frameworks to the state's political and social realities.

### **First: The Parliamentary System and the Source of Political Legitimacy**

Modern scholarship confirms that the essence of the parliamentary system is that the government derives its legitimacy from the confidence of a majority within parliament, not from its ranking in the election results. Elections produce a representative legislature, whereas the government is formed by the alliance capable of securing a parliamentary majority. Post-election alliances, therefore, are not a deviation from the parliamentary model but one of its structural features, especially in electoral systems based on proportional representation.<sup>2</sup>

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2- Binder, and Bert Rockman (Oxford: Oxford University Press, 2006), 381–402; and Arend Leaphart, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*, 2nd ed. (New Haven: Yale University Press, 2012), 31.

## Second: Constitutional Jurisprudence and Types of Alliances

Comparative constitutional jurisprudence indicates that there are two main types of alliances: those formed before elections and those formed afterward. It is useful to examine both in some detail so that the issue becomes clear beyond interpretive ambiguity. This also helps address the problem by drawing on comparative constitutional thought and international experience, while relating both to the Iraqi experience and the challenges it faces.

### 1. Pre-Election Alliances

Pre-election alliances, or electoral alliances, are agreements between two or more parties before elections to coordinate electorally through a joint list in order to strengthen their competitive position and maximize their chances of winning seats. By combining votes on a single list rather than dispersing them, such alliances may achieve more than each party could have achieved independently.<sup>3</sup>

The form of the electoral system governs the structure of such alliances and the characteristics of the parties within them, including their number and orientation. The electoral system is itself shaped by several variables, most importantly the type of election - parliamentary, local, or presidential - and the number of parties contesting it. We have discussed this issue at length in earlier works.<sup>4</sup>

Such alliances arise before elections through political agreements between parties and blocs with shared or closely aligned political orientations. Under the law, each alliance must have a name, a leader, internal bylaws, and a political program, and it is formally registered with the electoral authority or other competent body in accordance with the constitutional and legal system of each state.

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3- Sona N. Golder, *The Logic of Pre-Electoral Coalition Formation* (Columbus: Ohio State University Press, 2006), 18.

4- Dr. Raad Sami Abdul-Razzaq Al-Tamimi, *Professional Election Machines and Successful Election Campaign Management*, Erbil, Hatik Publishing House, 2025.

## 2. Post-Election Alliances

Post-election alliances, also known as parliamentary or political alliances, are agreements formed between two or more parties after parliamentary elections in order to create a parliamentary majority capable of supporting the government and securing parliament's confidence.

Such alliances usually arise because no single party is able to secure an absolute majority on its own. They depend on political negotiations among the winning parties over the distribution of ministerial offices and the adoption of a common political program, thereby helping to ensure governmental stability and continuity in the exercise of executive power.

In multi-party parliamentary systems, a single party is often unable to obtain an absolute majority within parliament after the elections, making the formation of post-election alliances inevitable in order to create a government capable of obtaining the confidence of the legislative majority.<sup>5</sup>

In theoretical terms, comparative political science confirms that coalition governments are a prominent feature of modern parliamentary systems. Seat distribution in parliament is based on the popular vote, but an absolute majority is often beyond the reach of any single party, which is why parties negotiate after elections to form a governing alliance that commands an absolute parliamentary majority.

Comparative studies indicate that more than 70% of governments in European parliamentary democracies since the Second World War have been coalition governments. Germany, the Netherlands, and Finland are among the most important examples.

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5- William A. Gamson, "A Theory of Coalition Formation," *American Sociological Review* 26, no. 3 (1961), 382.

Germany, in particular, offers an important model of relatively stable coalition government in a parliamentary system, with between five and seven principal parties typically represented in the Bundestag.

Among the most notable alliances that have formed governments in Germany are the Christian Democratic Party's alliance with the Free Democratic Party and the alliance between the German Social Democratic Party and the German Green Party.<sup>6</sup> Comparative practice is rich in such examples, and there is no need to catalogue them here.

### **3. The Difference Between Electoral Alliances and Political Alliances**

The scholarly literature shows that political alliances differ in nature from pre-election alliances. Post-election alliances are based on negotiation, the balance of power among parties, and shared political objectives; they are not merely electoral arrangements built around vote calculations before polling day.

This distinction between alliances formed before and after elections underscores the importance of understanding parliamentary dynamics and the practical alliances that parties create after elections in order to form a government capable of governing and stabilizing the political system. This is consistent with the nature of multi-party democratic systems, in which an absolute majority is rarely achievable without coalitions.

In parliamentary constitutional jurisprudence, an electoral alliance is not part of the process of forming the executive authority. Rather, it is a party practice that belongs to the electoral sphere before parliament is formed, and its legitimacy therefore derives from freedom of party organization and electoral participation.

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6- Wolfgang C. Müller and Kaare Strøm, *Cabinets and Coalition Bargaining: The Democratic Life Cycle in Western Europe* (Oxford: Oxford University Press, 2008, P.10).

Likewise, the government does not derive its legitimacy directly from elections, but from the confidence of a parliamentary majority.

The post-election alliance is therefore the legal means of forming that majority. In a parliamentary system, government is the product of a parliamentary agreement to grant confidence, not merely of coming first in the election.

In other words, political alliances formed after elections differ from those formed beforehand. They are usually built through parliamentary negotiations among the winning parties with the aim of creating a stable governing majority, and they commonly involve political concessions and jointly agreed programs reached during the negotiating process.<sup>7</sup>

### **Third: Political Alliances and the Will of the Voter**

The article also discusses the view that forming political (parliamentary) alliances may distance the outcome from the voter's will, because such alliances may be composed of parties and blocs other than those to which voters originally gave their support. Recent comparative studies likewise show that one manifestation of the 'crisis of representation' in parliamentary democracies is the sense among voters that their vote did not produce the political outcome they expected, especially under some proportional representation systems, where coalitions that differ from the initial electoral picture are more likely to emerge, potentially weakening public confidence even when the process remains constitutional.

However, recent studies in comparative political science show that instability is not caused by the mere fact that a government is formed through a later alliance. Rather, it depends on the nature of the coalition agreement and the degree of party institutionalization.

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7- Thomas Müller and Kaare Strom, Coalition Governments in Western Europe, in The Oxford Handbook of Political Institutions, ed. R. A. W. Rhodes, Sarah Binder, and Bert Rockman (Oxford: Oxford University Press, 2006), P. 386.

Stable coalition governments are usually based on written agreements, clear programs, and mechanisms for resolving internal disputes.<sup>8</sup>

#### **Fourth: The Federal Supreme Court's Decision and the Practical Reality of Government Formation in Iraq**

Having reviewed comparative constitutional jurisprudence and recent political science scholarship, and the distinction drawn between electoral alliances and political alliances, this section examines Dr. Faiq Zaidan's argument concerning the aforementioned Federal Supreme Court decision - namely, that the largest electoral bloc that wins the elections possesses the legal authority to form the government - and the political feasibility of applying that proposition, while also identifying the practical political challenges such a government would face.

Since the Iraqi experience indicates that party pluralism in Iraq remains excessively loose - meaning that the number of alliances and parties contesting elections is inflated - reform is needed in the body of laws governing elections and party life, most importantly the Law on Political Parties and Organizations No. (36) of 2015.<sup>9</sup>

Likewise, the number of candidates competing in elections is also excessive. In the 2025 election for the Council of Representatives, the number of candidates reached 7,768, meaning that roughly one seat was contested by every 25 to 30 candidates. This issue should be addressed, because it is one of the principal reasons why some blocs are unable to win a comfortable majority in elections, which in turn affects the political alliances that those blocs later form. (See Table 1 on the number of alliances and parties that participated in the 2025 Council of Representatives election, and Table 2 on the number of candidates in that election.)

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8- Sona N. Golder, "Government Formation and Cabinet Duration," Annual Review of Political Science 16 (2013): 45.

9- Political Parties Law No. (36) of 2015, Baghdad: published in the Iraqi Gazette, Issue No. 4386, dated 10/19/2015.

**Table 1. Number of political parties, alliances, and candidates participating in the 2025 Council of Representatives election**

No.	Political parties and electoral alliances	Number
1	Electoral alliances	31
2	Political parties	38
3	Individual candidates (general)	23
4	Component candidates	56
5	Total number of individual candidates	79
6	Total number of parties and alliances	69

**Table 2. Number of candidates participating in the 2025 Council of Representatives election**

Category	Number	Percentage
Male candidates	5,520	71%
Female candidates	2,248	29%
Total candidates	7,768	100%

The foregoing points to a practical reality: no alliance or party can secure an absolute majority - 165 seats or more - on its own in order to form the government. Iraqi electoral experience confirms this. Even in the 2010 election for the Council of Representatives, the largest bloc won 91 seats - the Iraqi List led by Dr. Ayad Allawi - compared with 89 seats for its rival, the State of Law Coalition led by Nouri al-Maliki. It was precisely this dispute that gave rise to the Federal Supreme Court’s interpretation of the ‘largest bloc’ entitled to form the government.

Even then, the Iraqi List did not hold enough seats to form a government without entering into coalition with other forces or lists in order to reach just under 163 seats needed to pass the government, because the Council of Representatives then had 325 seats rather than the current 329. This means that forming the government through the largest bloc - which held about 28% of the seats - required alliances amounting to 72 additional seats, or roughly 22% of the chamber, equivalent to one-fifth of all seats in the Council of Representatives.

If we transpose the same logic to the current political landscape in light of the most recent election results, the largest bloc is the Reconstruction and Development Coalition led by Prime Minister Mohammed Shia' Al-Sudani, which won 46 seats, or about 14% of the total.

That coalition cannot form the government without post-election political alliances, as it needs 119 additional seats in order to attain the absolute majority required to form the government. In other words, it needs support amounting to more than 36% of all seats.

If the Reconstruction and Development Coalition's 46 seats are excluded, the Coordination Framework accounts for 136 seats, or 40.7% of the total number of seats in the Council of Representatives. (See Table 3 on the seats of the Coordination Framework alliance to which the Reconstruction and Development Coalition belongs, which ranges between 175 and 180 seats.)

**Table 3. Number of seats held by the Coordination Framework and the percentage share of each bloc or alliance out of the total seats in the Council of Representatives**

No.	Bloc / Alliance	Seats	Percentage of seats (out of 329)
1	Reconstruction and Development Coalition	46	13.98%
2	State of Law Coalition	29	8.81%
3	Sadiqoun Alliance	27	8.21%
4	Badr Organization	18	5.47%
5	National State Forces Alliance	18	5.47%
6	Al-Asas Alliance	8	2.43%
7	Tasmeem Alliance	6	1.82%
8	Huqooq Bloc	6	1.82%
9	Khidmat Alliance	5	1.52%
10	Abshir Ya Iraq Alliance	4	1.22%
11	Other small blocs and independents	13	3.95%
	Total of the Coordination Framework	180	54.71%

Another issue of great importance for achieving political representation of the voter’s will was noted by Dr. Faiq Zaidan when he observed that post-election alliances may fail to reflect the will for which voters cast their ballots. Here, the figures themselves speak more clearly than abstract analysis.

The figures show that the 119 seats needed by the Reconstruction and Development Coalition to form a government necessarily represent a number of voters far greater than that represented by the coalition’s own 46 seats.

On that basis, the bloc that is largest in electoral terms is not necessarily the bloc that is entitled to form the government. The point here is that the Reconstruction and Development Coalition is the largest electoral bloc, not the largest parliamentary bloc.

In other words, the current crisis of government formation is not, strictly speaking, a crisis over the largest bloc. It is more a crisis over the choice of individuals within the larger bloc to be nominated for the office of Prime Minister. It should also be noted that the bloc winning the largest number of seats - and then joining or creating a larger parliamentary bloc after the elections - usually has stronger prospects of forming the government under the agreements governing the new alliance, especially since the leader of the largest electoral bloc often receives more votes than competing candidates, which gives him greater political momentum in forming the government or in insisting on the nomination of a candidate from his own list.

### **Fifth: The Electoral Alliance's Possession of the Right to Form the Government and the Specter of Division**

This scenario examines the proposition that the largest electoral bloc, rather than the alliance formed after the election results, should have the right to form the government. The purpose is to anticipate the possible consequences for political stability and civil peace. Elections are a means of peaceful transfer of power, and that process requires political consensus capable of generating stability and political acceptance. It also requires political alliances with shared orientations or sufficiently similar visions and social and political representation, and such alliances should also reflect the social base of the societal majority.

This issue must be considered in light of Iraq's political and social composition, as well as the definition of democracy commonly adopted in United Nations literature: "majority rule while taking into account the participation of minorities."

On that basis, let us assume a scenario in which the Sunni forces form a unified alliance that wins 77 seats - roughly what the Sunni forces participating in the most recent elections achieved - and then enter into a political alliance with the Kurdish forces, which won approximately 56 seats, thereby bringing the total to 133. They would still need 32 seats to form the government, which might be obtained by attracting the 9 component seats and another small political bloc consisting of 29 seats, thereby reaching 165 seats and enabling the alliance to form the government and nominate a Sunni leader for the office of Prime Minister. Would such a scenario be acceptable to the Shiite political forces and their political and social constituencies? In other words, would it produce political and social stability?

Certainly, such a scenario would meet with substantial public rejection in light of the crisis of political trust, and would therefore create major shocks to democracy and to the political system. This supports the argument advanced here: a post-election political alliance aimed at securing the absolute majority needed to form a government is healthy for political and social stability, and it does not greatly depart from the will of the voter, which in Iraq's parliamentary system is representative rather than direct in nature.

### **Sixth: The Priority of Amending the Political Parties Law Instead of Amending the Law of the Council of Representatives**

The formation of the largest bloc in the Council of Representatives falls within the scope of the Political Parties Law, not the Law of the Council of Representatives, because the laws that regulate the establishment of political parties, oversee and monitor their activities, and register their alliances all fall within that legislative sphere.

This is consistent with party practice in many countries, including Iraq. Chapter Six ("Alliance and Merger"), Article (29), First, of the Law on Political Parties and Organizations No. (36) of 2015 provides: "Political parties shall have the freedom to ally among themselves to form a political alliance.

Second: The allied parties shall submit the alliance document to the Department of Political Parties and Organizations Affairs for registration in the register of political alliances, provided that it includes the name of the alliance, its slogan, the names of the allied parties, the objectives of the alliance, and its organizational form.”

The foregoing provision makes clear that the Political Parties Law governs the registration of parties and party alliances both before and after elections. As explained in the following section on the role of the Independent High Electoral Commission, this is why the Political Parties Law should be amended to clarify that provision expressly, leaving no room for doubt as to the Commission’s responsibility for registering both electoral alliances and parliamentary (political) alliances.

### **Seventh: The Law of the Council of Representatives and the Requirements for Acquiring Membership Status in the Council of Representatives**

Article (4), First, of the Law of the Council of Representatives and Its Formations No. (13) of 2018 provides as follows: “The elected candidate shall be deemed a deputy in the Council and shall enjoy all parliamentary rights, except financial rights, from the date of ratification of the final results of the general elections. A republican decree shall be issued to that effect, and the candidate shall assume his duties after taking the constitutional oath.”<sup>10</sup>

This means that the scope of that law is limited to membership in the Council of Representatives and the organization of its formations; it does not extend to the largest bloc or to responsibility for registering it. The law imposes three conditions for a winning candidate to become a member of the Council of Representatives: ratification of the results by the Federal Supreme Court, the issuance of a republican decree to that effect, and the taking of the constitutional

10- Council of Representatives and its Formations Law No. (13) of 2018, Baghdad, Gazette Iraqi Gazette, Issue (4499), July 16, 2018.

oath. The candidate acquires parliamentary status only after all three conditions have been fulfilled.

### **Eighth: The Independent High Electoral Commission and Its Role in Registering Electoral Alliances and Political Alliances**

The role of the Independent High Electoral Commission in registering electoral and political coalitions changed fundamentally after the enactment of the Political Parties Law. Before that law was issued, the Commission's role was limited to registering electoral lists of parties and coalitions on the basis of the relevant election laws then in force. Alliances formed after elections in the Council of Representatives - what may be called political alliances - did not fall within its competence, because they were not then regulated by law. At that time, the matter was addressed only briefly in Order No. (97) under the Transitional Administrative Law issued by the Coalition Provisional Authority in 2004.

However, after the enactment of the Law on Political Parties and Organizations No. (36) of 2015 - by which the aforementioned Order No. (97) was repealed - the Commission's role changed fundamentally, because it became responsible for registering both electoral alliances (electoral lists) and political alliances formed within the Council of Representatives.

This thus became part of the Commission's legal competence for the first time after 2015. As for practical implementation, it should have begun after the 2018 election to the Council of Representatives, since that was the first election held after the enactment of the law.

The Commission attempted to apply this after those elections, but did so in a flawed manner by inserting itself into the contest among the political forces seeking to form the government. It opened registration for the largest bloc immediately after ratification of the election results, thereby violating Article (54) of the Constitution, which provides: "The President of the Republic shall invite

the Council of Representatives to convene by republican decree within fifteen days from the date of ratification of the final results of the general elections.”

It also violated Article (76) of the Constitution, which states: “1- The President of the Republic shall task the nominee of the largest parliamentary bloc with forming the Council of Ministers within fifteen (15) days from the date of the election of the President of the Republic. 2- The Prime Minister-designate shall name the members of the Council of Ministers within a period not exceeding thirty (30) days from the date of designation.”

The legislature granted at least 15 days for the President of the Republic to call the Council of Representatives into its first session, to be chaired by the oldest member, for the election of a new President of the Republic. It also granted a further period of at least 15 days for the new President to task the nominee of the largest bloc with forming the Council of Ministers.

### **What does this mean? And why did the legislator grant these constitutional periods?**

The grant of these constitutional periods before the first session of the Council of Representatives, together with the additional period allowed for tasking the nominee of the largest bloc, serves to give the winning political blocs sufficient time to engage in political negotiations and reach understandings among themselves, ultimately allowing for the formation of the largest bloc. That bloc acquires legal legitimacy only after the Council has convened and the bloc has been announced on the session’s agenda.

At the time, I warned that what the Commission had done amounted to a flawed application that would lead to constitutional violations and unsound political consequences, which is in fact what later occurred. The Commission’s proper role should have been to register the largest bloc in the presence of a representative of the Department of Political Parties and Organizations Affairs during the session

designated for announcing the largest bloc, not immediately after ratification of the election results and within the Commission's own offices.

The evidence is that the Commission inserted itself into partisan political conflicts during that period, thereby complicating the political scene and contributing to its partial breakdown, whether intentionally or not, by playing a role beyond its own in the formation of the government and in the registration of the largest bloc outside the period that the legislature had set aside for convening the Council's first session 15 days after ratification of the results.

That period did not exist by accident. It was designed for political negotiations among the blocs in order to form the largest bloc and distribute executive political offices among them in light of the requirements connected with electing the President of the Republic and nominating the Prime Minister.

By inserting itself into that period and attempting to register the largest bloc before the legally prescribed time under the registration procedures then followed, the Commission triggered major political repercussions that prevented it from completing that unlawful registration process. In doing so, it departed significantly from the role assigned to it under Article (102) of the Constitution, under which it is "an independent technical body that supervises the conduct of elections and everything related thereto."

Accordingly, the Commission should exercise its present role in registering the largest bloc during the session of the Council of Representatives designated for that purpose, since this falls within its competence to register parties and both electoral and parliamentary alliances under the Law on Political Parties and Organizations.

In addition, the instructions governing the registration of political alliances should be amended so that they expressly cover two types of alliances - electoral alliances and political alliances.

The Commission should then perform its role professionally by sending its representative to the first session of the Council of Representatives to register the largest bloc, with the remaining legal requirements for forming that bloc - such as its president, slogan, internal bylaws, and related matters - to be completed a few days later.

## **Conclusion**

After close examination of the Constitution, the relevant laws, comparative international experience, and the practical scenarios involved in allowing the largest electoral bloc exclusive authority to form the government, this study concludes that its initial hypothesis must be rejected. The 'largest bloc' should be understood as either the bloc that wins the greatest number of seats in the elections or a bloc formed in the Council of Representatives by one or more winning electoral lists that join together in a political alliance endowed with the authority to form the government, in a manner consistent with the Federal Supreme Court's interpretation of the largest bloc.

Parliamentary systems based on proportional representation and characterized by party pluralism frequently produce legislatures in which no single party holds an absolute majority. As a result, government formation often depends on coalitions among several parties after elections.

This means that the essence of a parliamentary political system is that the government derives its legitimacy from the confidence of a majority within parliament, not from its ranking in the election results. Elections produce a representative legislature, while the government is formed by the alliance capable of securing a parliamentary majority. Post-election alliances, therefore, are not a deviation from the parliamentary model but one of its structural features.

This conclusion also underscores the need to amend the Law on Political Parties No. (36) of 2015 in order to add an explanatory clarification of the law's scope and of the Commission's role as the body legally responsible for implementing it, thereby clearly distinguishing between electoral and political alliances. The Commission should also reconsider the current instructions for alliance registration so as to distinguish between those two forms of alliance and regulate their registration in line with the approach set out in this study, thereby strengthening political stability through the transparent application of constitutional provisions.



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