



The Parliamentary Question as a Mechanism for Overseeing Government Work: A Comparative Study in Light of Developments in Contemporary Constitutional Systems

Dr. Nebia CHIKHI¹

¹Lecturer Class A, Faculty of Law, University of Abdelhamid Ibn Badis, Mostaganem, Algeria,

E-mail: nebia.chikhi@univ-mosta.dz

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ABSTRACT

This study aims to shed light on the right to ask parliamentary questions, one of the most prominent oversight tools granted to Members of Parliament by the Constitution. It enables MPs to monitor the government's work and hold it accountable for various public policies. This instrument is significant in consolidating the principle of transparency and achieving a balance between legislative and executive powers in Jordan. However, there are certain challenges that may limit the effectiveness of parliamentary questions, both procedurally and practically.

Keywords: parliamentary questions, parliamentary oversight, government work, governmental responsibility, executive authority.

Introduction:

Questions asked by Members of Parliament are intended to obtain specific information and data that the representative does not have, to clarify ambiguous facts, elucidate unclear matters or highlight important points within government policy. They also serve to draw the government's attention to violations regarding its functions¹.

Others define it as follows: 'the work whereby one member of the council requests clarifications from one of the ministers regarding a specific matter pursuant to its provisions'². In the context of parliamentary oversight, a question is understood to involve drawing attention to, or indirectly directing, the conduct of something, or remedying a particular gap or shortcoming in performance. In its interrogative or clarificatory sense, it also carries the request for clarification of a vague issue or for the provision of specific data that is not currently available to the

¹- Al-Tabtabai, Adel, Constitutional Limits between the Legislative and Judicial Powers, Scientific Publication Council, Kuwait, 2000, p. 22.

²- Medhat Ahmed Youssef Ghonaim, Means of Parliamentary Oversight over Government Activities in the Parliamentary System, National Center for Legal Publications, 2011, p. 29.



questioner. In both cases, parliamentary questions lead to the exposure of matters or violations that necessitate the use of other means by which the government can be held politically accountable³.

While the Algerian legislator did not provide an explicit definition of the parliamentary question, it did establish the rules governing this right in all constitutions and reaffirmed them in Article 158 of the 2020 Constitution.

The Rules of Procedure of the Jordanian House of Representatives (2013) define the parliamentary question in Article 225 as follows: ‘An interrogation by a Member addressed to the Prime Minister or Ministers regarding a matter within their area of expertise of which the Member is unaware, or to verify a fact of which the Member has become aware, or to ascertain the Government’s intention with respect to one of these matters.’⁴

Depending on the nature of the question submitted, the parliamentary question may serve several functions. It may merely be intended to obtain information or clarification regarding a matter, in which case its function is to serve as a straightforward information-gathering tool and a channel for the exchange of information between Parliament and the Government⁵. However, it may also be used as an instrument of oversight, revealing governmental deviations from laws and regulations and enabling the government to be held accountable and, if necessary, subject to a vote of confidence.

Additionally, questions can prompt legislative reforms by exposing deficiencies in existing legislation and proposing draft laws to address these shortcomings⁶. It may also be an important way of alerting the government to the need to issue implementing texts for laws that Parliament has approved, particularly since the constitution provides no penalty for the government’s failure to issue such decrees. In other instances, it may serve to alert the government to violations of rights or freedoms.

³- Kanaan, Nawaf, “The Parliamentary Question: A Comparative Study with an Applied Analysis of the Federal National Council of the United Arab Emirates,” *University of Sharjah Journal of Sharia and Humanities*, Vol. 6/1, p. 270, cited in: Najm Abboud Faisal and Muayyad Hosni Ahmad, “The Parliamentary Question in the Constitution of the Hashemite Kingdom of Jordan of 1952 and Its Amendments,” *Islamic University Journal for Sharia and Legal Studies*, Vol. 29, No. 1, 2021, p. 196. Accessed at: <https://journals.iugaza.edu.ps/index.php/IUGJSLS/article/view/6052> on 12/7/2025 at 23:55.

⁴- Kanaan, Nawaf, “Parliamentary Oversight over the Activities of Public Administration: An Applied Study in Light of the New Democratic Experience in the Hashemite Kingdom of Jordan,” *Journal of Humanities Studies*, Vol. 22(A), No. 2, 1995, p. 768.

⁵- Al-Tabtabai, Adel, *Constitutional Limits between the Legislative and Judicial Powers: A Comparative Study*, op. cit., p. 22.

⁶- Boukafa, Abdallah, *The Algerian Constitution: Its Origins, Provisions and Limitations*, 1st ed., Dar Rayhana, Algeria, 2002, p. 132.



Parliamentary questions are of great importance in any constitutional system. They enable Members of Parliament to gain clarity on how the government handles public affairs⁷. They also enable MPs to become familiar with the key issues facing society and to understand the solutions adopted by the government. At the same time, they enable MPs to oversee the administration's activities, reveal abuses and request the intervention of the relevant authorities to remedy the situation. In any case, the parliamentary question is one of the most significant oversight tools as it is the logical starting point for many other oversight mechanisms, such as interpellation. The importance of parliamentary questions has led many constitutions, including the current French Constitution of 1958⁸, to elevate them to the status of a constitutional parliamentary right.

Parliamentary questions are also considered one of the most important mechanisms used by the legislative institution when dealing with the executive institution. However, they are limited to mere information gathering and monitoring the implementation of government programmes; they do not, as a rule, trigger the government's political responsibility.

Accordingly, the study problem may be framed as follows:

To what extent does the Jordanian legislative framework for parliamentary question procedures provide sufficient regulation, and to what degree does the parliamentary question genuinely fulfil its role as an effective oversight tool affecting government action rather than remaining a mere formality within parliamentary life?

To address this issue, the plan is divided into two sections. The first section addresses the conditions for submitting parliamentary questions, while the second section addresses the procedures for responding to parliamentary questions. This approach is based on a descriptive-analytical method through which constitutional and related regulatory texts are examined and the practical reality of parliamentary performance in this area analysed.

Section One: Conditions for Submitting Parliamentary Questions

Parliamentary questions fall into two categories: oral and written. An oral question is a procedure through which a Member of Parliament requests that members of the Government provide clarification on a specific matter. The question and response are given orally during the session devoted to this purpose. A written question is a request for information on a specific matter submitted by a Member of Parliament to a Government member, who is required to answer it within a specified timeframe.

⁷- Ali Al-Baz, *The Detailed Study of the Kuwaiti Constitutional System*, Police Academy Publications, Kuwait, 1988, p. 401.

⁸- Duprat, Jean-Pierre, "L'évolution des conditions du travail parlementaire en France (1945–1995)," *Les Petites Affiches (L.P.A.)*, 29 January 1996, No. 13, pp. 4–15.



Most parliamentary systems impose general conditions that must be met for a question to be accepted for submission to the government. These conditions fall into two categories: formal conditions and substantive conditions.

First: Formal conditions for parliamentary questions

When submitting a parliamentary question, the following formal conditions must be met:

1. Formal conditions relating to the parties to the question:

A parliamentary question has two parties: the questioning member and the body to which the question is directed. Each party must satisfy certain conditions for the question to be accepted.

a) The questioner (the questioning member): submitting a parliamentary question applies to all members of the National People's Assembly who have been elected, as well as to all members of the Council of the Nation who have been elected or appointed to the presidential quota list⁹. However¹⁰, this does not apply to any employee or official working within the Council's institutions. Parliamentary membership must be established from the moment the question is submitted until it is answered.

Does the validity of the question require it to be signed by only a single member?

Neither the Algerian Constitution nor Organic Law No. 16-12 nor the Rules of Procedure of both chambers of Parliament state this requirement explicitly. However, Article 1 of Instruction No. 08, issued by the President of the National People's Assembly in 2000 regarding oral and written questions, requires that questions be submitted and signed by a single deputy. This means that it is not permissible for the question to be submitted by more than one deputy or by a parliamentary grouping.

However, this does not imply that the chairs or members of parliamentary groups are deprived of the right to ask questions. They may do so in their capacity as members of the House, but not as chairs or members of a group¹¹. The French Constitutional Council also affirmed this when it ruled that Article 133/1 of the National Assembly's Rules of Procedure was unconstitutional. This provision permitted the chairs of committees to submit questions in their official capacity. However, the Council deemed this to conflict with Article 48(2) of the French Constitution, which restricts this right to members of Parliament, not extending it to the chairs or members of

⁹- Boukra, Idriss, "Oral Questions Addressed to Members of the Government," Algerian Journal of Legal, Economic and Political Sciences, Faculty of Law, Algiers, No. 1, 2002, pp. 21–22.

¹⁰- Mohamed Bahi Abu Younes, Parliamentary Oversight over Government Activities in Accordance with the Constitution and the Rules of Procedure of the House of Representatives Issued by Law No. 1 of 2016, no edition specified, Dar Al-Jamia Al-Jadida, Alexandria, 2017, p. 65.

¹¹- Mohamed Bahi Abu Younes, Parliamentary Oversight over Government Activities in Accordance with the Constitution and the Rules of Procedure of the House of Representatives Issued by Law No. 1 of 2016, op. cit., p. 65.



subsidiary bodies. In this sense, parliamentary questions submitted by the chair of a parliamentary group carry particular weight.

In contrast, Article 127 of the 2013 Rules of Procedure of the House of Representatives expressly provides for the requirement that the question be signed by one member. There is no corresponding provision in the Senate's Rules of Procedure. The rationale behind this condition is to avoid entering into political currents and heated confrontations between the government and the deputies¹². It also helps to prevent the circumvention of oversight mechanisms by raising collective questions submitted by a group of members who do not intend to ask a question, but rather aim to introduce a topic for general discussion or divert it in order to transform it into an interpellation, thereby triggering the political responsibility of the government or competent minister in Jordan without following the specific procedures established for such matters¹³. Additionally, the right to ask a parliamentary question is personal to each member of Parliament; therefore, it is presumed to emanate from a single member¹⁴.

b) The body to which the question is addressed:

Article 152(1) of the 2016¹⁵ Algerian Constitutional Amendment and Article 69(1) of Organic Law No. 16-12 stipulate that parliamentary questions may be directed to any government minister. The Constitution of Algeria of 2020¹⁶ also affirms this in Article 152(1), indicating that the question may be directed to either the Prime Minister or one of the ministers. Parliamentary practice in Algeria confirms this¹⁷.

However, these texts do not require the question to be addressed to the competent minister, nor do they clarify whether it may be directed to two or more ministers. Nevertheless, some internal rules of procedure established a parliamentary tradition whereby the question must be directed to the competent minister and, in any case, only one minister. If the question is addressed to an incompetent minister or to more than one minister, the President of the House may refuse it. The incompetent minister may also refrain from answering if the House does not refuse the question.

¹²- See in this regard: Asim Ali Muhammad Al-Omari, *The Oversight Function of the Jordanian National Assembly*, Master's Thesis, Al al-Bayt University, Mafrq, Jordan, 2000, p. 15.

¹³- Michel Ameller, *Les questions, instrument du contrôle parlementaire*, Librairie Générale de Droit et de Jurisprudence, Paris, 1964, p. 95.

¹⁴- Kanaan, Nawaf, *Parliamentary Oversight over the Activities of Public Administration*, op. cit., p. 770.

¹⁵- The 2016 Constitutional Amendment, promulgated pursuant to Law No. 16-01 of 6 March 2016, *Official Gazette*, No. 14, dated 7 March 2016.

¹⁶- Constitution of the People's Democratic Republic of Algeria of 2020, *Official Gazette*, No. 82, dated 30 December 2020.

¹⁷- Boukafa, Abdallah, *The Algerian Constitution: Origins – Jurisprudence – Legislation – Constitutional Law of the Republic*, 3rd ed., Dar Al-Huda, Algeria, 2005, p. 218.



Accordingly, if the questioner is unable to determine the competent minister — a common situation in light of ministerial changes, which may result in an increase or reduction in the number of ministries, consequently leading some sectors to move from one ministry to another then, given the legislator's silence on resolving this issue, the questioner has no option but to direct the question to the Prime Minister, as they are responsible for the government's overall work. The Prime Minister then refers it to the relevant minister.

Although the internal rules of procedure of both chambers of Parliament do not allow for the same question to be addressed to two ministers simultaneously, due to the overlap of their responsibilities, parliamentary practice in Algeria has shown that this does occur. For instance, a member of the Council of the Nation asked both the Minister of Higher Education and the Minister of Justice about the professional qualification certificate for advocacy. Depending on the nature of the issue, if it concerns the methods and procedures for preparing and organising the issuance of the certificate and training, then it falls exclusively within the Minister of Higher Education's jurisdiction. Conversely, if the matter concerns the exercise of the rights of certificate holders, it falls within the scope of the Minister of Justice and of none other¹⁸.

In contrast, Article 127 of the 2013 Rules of Procedure of the Jordanian House of Representatives provides that questions are directed to only one minister and relate to matters within that minister's competence¹⁹.

2) The requirement that the question be in writing.

The Algerian legislator did not establish a written requirement in the current internal rules of procedure of both chambers of Parliament, which accept questions in both oral and written formats. The same applies to the 2020 Constitution: Article 158(1) states that MPs may ask oral or written questions of any government minister, without explicitly stating that the question must be in writing.

Nevertheless, despite the lack of an explicit provision, the question must be in writing. This requirement applies not only to written questions, but also to oral questions because the procedures for oral questions require them to be submitted to both chambers of Parliament in writing. This applies to original questions, but not to subsidiary or subsequent questions arising after an original question²⁰, because such questions are raised orally immediately after the minister's direct reply.

¹⁸- Boukra, Idriss, "Oral Questions Addressed to Members of the Government," op. cit., pp. 22–23.

¹⁹- Articles 125 and 128 of the Rules of Procedure of the Jordanian House of Representatives of 2013; and Article 91 of the Rules of Procedure of the Jordanian Senate of 2014.

²⁰- Ihab Zaki Salam, Political Oversight over the Activities of the Executive Power in the Parliamentary System, op. cit., p. 49; and Asim Ali Muhammad Al-Omari, op. cit., p. 51.



In contrast, the Jordanian legislator expressly stipulated the written requirement in Article 126 of the House of Representatives' Rules of Procedure for 2013 and Article 90(a) of the Senate Rules of Procedure for 2014.

The reason for requiring questions to be submitted in writing is to establish them and facilitate the Speaker/Chair of the Parliament Council's procedures for registering and notifying them²¹. This ensures that the questions are clear, with their terms specified distinctly and in a proper style, so that the Minister's response, whether oral or written, is made in light of the formulation of the question²². This requirement is also found in comparative constitutional systems²³. Moreover, practical experience in certain sessions of the eleventh Jordanian Parliament has shown that questions that are unclear or inaccurate lead to inaccurate and unclear replies from Ministers. Consequently, the Member asking the question is not convinced by the reply, which means the objective of the question is not achieved.

Secondly, there are substantive conditions for the parliamentary question.

In addition to the formal conditions, there are also substantive conditions that must be met. These include:

1. The question must be concise and clear, and confined to the intended subject of inquiry, without any personal or irrelevant commentary²⁴.

The 2017 Rules of Procedure of the Jordanian Parliament emphasised that the question should not be personal²⁵. Instruction No. 08/2000, Article (1/5), further states that the question must be concise and directed at the issue about which inquiry is sought. This requirement is based on British customary constitutional rules, which hold the Member submitting the question responsible for its accuracy and require that the wording be brief, based on real evidence, and not copied from newspapers, speeches, or rumours²⁶.

In contrast, the Jordanian legislator explicitly included this requirement in Article 126(b) of the Rules of Procedure of the Jordanian House of Representatives (2013) and Article 90(b) of the Rules of Procedure of the Senate (2014). Accordingly, questions must be concise. Concision means conveying an idea in as few words as possible, saving time and effort for both the Member

²¹- Farhan Nazzal Ihmeid Al-Masaeed, *Parliamentary Oversight over the Activities of the Executive Power in the Jordanian Representative System: An Analytical Comparative Study with the Political Systems of England, Egypt and Kuwait*, 1st ed., Dar Wael Publishing, Amman, Jordan, 2011, p. 130.

²²- Kanaan, Nawaf, *Parliamentary Oversight over the Activities of Public Administration*, op. cit., p. 769.

²³- Ihab Zaki Salam, *Political Oversight over the Activities of the Executive Power in the Parliamentary System*, op. cit., p. 49.

²⁴- Nawaf Kanaan, *Parliamentary Oversight over the Activities of Public Administration*, op. cit., pp. 769–770.

²⁵- Article 94(2) of the Rules of Procedure of the National Assembly of 2017, published in Official Gazette, No. 49, issued on 22 August 2017, p. 14.

²⁶- James Robert Rhodes, *An Introduction to the House of Commons*, 3rd ed., Collins, London, 1966, p. 81.



and the responsible party. This requirement promotes accurate drafting and must not be used to harass or confront the government. In practice, however, parliamentary questions do not always adhere to this requirement, since it has become customary to submit lengthy questions preceded by introductions including detailed explanations and followed by the question itself. Nevertheless, both the internal rules of procedure for the Jordanian Parliament expressly provide for concision and for questions to be free from commentary, controversy and personal opinions. If the question includes the Member's personal opinions, proposals or debate on a given issue, it departs from the intended purpose of parliamentary questions, which should be accurate and specific. Instead, it becomes too general, which is not beneficial for a parliamentary question²⁷. The purpose of this requirement is to ensure that the question is specific and limited so that the minister can respond with a clear, specific answer relating to the issue that the requesting member wishes to clarify. The question must therefore not stray from its fundamental purpose of seeking clarification on something that is unclear, ambiguous or unknown. Therefore, Members should not use parliamentary questions to 'establish a school', for example, as there are other mechanisms for doing so, such as a proposal with a stated desire (i.e. through the appropriate procedural tool).

Examples of questions that are too general or lack sufficient clarification include the following: a Jordanian MP asked the Prime Minister for a list of employees and users of state ministries and public institutions who had been appointed during a particular period, along with their educational qualifications and graduation dates. This ultimately resulted in an exchange between the Member who had asked the question and the Deputy Prime Minister regarding the difficulty of answering due to the question's broad scope and lack of practical value. The Member then considered the matter concluded and was satisfied with the response.

Another example occurred when a Member asked the Minister of Foreign Affairs whether the Ministry had referred any employees from the administrative category to secondment/leave, the reasons for such referrals, and the names of the employees concerned. The Minister replied that he could not answer due to the lack of precision in the question, requesting that the Member specify the name of the employee or employees concerned so that he could respond accurately and specifically²⁸.

A lack of precision in a question can lead to it becoming overly expansive. For example, a Member may combine several separate questions into a single question consisting of eight items,

²⁷- Farhan Nazzal Ihmeid Al-Masaeed, *Parliamentary Oversight over the Activities of the Executive Power in the Jordanian Representative System*, op. cit., pp. 131–134.

²⁸- Minutes of Session No. 35 of the 2nd Ordinary Session of the 11th Jordanian National Assembly, held on 13 February 1991, Supplement to the Official Gazette concerning the House of Representatives, No. 25, Vol. 28, pp. 52–53.



each addressing an independent factual matter unrelated to the subject of the original question. This makes it difficult for the minister to whom the question is directed to respond effectively. The requesting Member then insists on obtaining answers to all the items, does not accept the reply as insufficient and considers the question still pending, despite its multiple items²⁹.

2. The question must concern matters of general importance.

The Algerian legislator did not include this condition in the internal rules of procedure of either chamber of parliament, except for a single reference in Article 151 of the 1977 Rules of Procedure of the National People's Assembly, which states that questions must be of public interest. Likewise, the Jordanian legislator did not refer to this condition in the internal rules of procedure of either chamber of Parliament.

It is assumed that questions from Members of Parliament do not have a personal nature; rather, they relate to general government activities. All the actions and work of public administrative bodies are of general importance because they serve the public interest. Accordingly, all questions are general so long as they relate to the activities and actions of these bodies.

Accordingly, a Member of Parliament should not question the government about a matter that is personal to them, or about a matter concerning a specific individual or individuals. If it were permitted for questions to be personal, the function of parliamentary oversight would shift from reviewing the actions of the executive authority to reviewing individual personal conduct, which is unacceptable³⁰. This is reflected in Article 1/7 of Instruction No. 08/2000, issued by the Chairman of the Algerian National People's Assembly, and Article 126/e of the Jordanian House of Representatives' 2013 Rules of Procedure³¹.

However, it is difficult to apply this condition in many cases due to the absence of clear, specific criteria for distinguishing between matters of general and particular importance. A matter may appear personal yet be more closely connected to public life — for example, the arrest of an individual or preventing them from travelling despite having committed no offence³². In such cases, the Chair of Parliament is responsible for determining whether the question is of general importance and affects the whole population (or a specific group), or if it is limited to local issues only.

²⁹- Minutes of Session No. 12 of the 2nd Ordinary Session of the 11th National Assembly, held on 23 December 1990, Supplement to the Official Gazette concerning the House of Representatives, No. 12, Vol. 28, p. 5. See in this regard: Kanaan, Nawaf, Parliamentary Oversight, op. cit., p. 771.

³⁰- Kanaan, Nawaf, Parliamentary Oversight, op. cit., p. 772.

³¹- Article 115(e) of the Rules of Procedure of the Jordanian House of Representatives of 1996.

³²- Ihab Zaki Salam, Political Oversight over the Activities of the Executive Power, op. cit., p. 51.



3. The question must be free of improper wording.

The Algerian legislator did not address this condition in the internal rules of procedure of either parliamentary chamber. However, it was explicitly provided for in Article 1(6) of Instruction No. 08/2000, which was issued by the Chairman of the Algerian National People's Assembly. It is also referenced in Articles 126(c) and 90(b) of the Rules of Procedure of the Jordanian House of Representatives and Senate, respectively.

This means that the requesting Member must not use offensive language or improper descriptions of the Minister responsible, their conduct or their ministry, nor refer to persons around whom the question revolves in an inappropriate manner. The Member must also not shift from mere inquiry to reproach, slander or coercive language, and must seek to ascertain the truth of a situation presumed to be unknown to them. Otherwise, the question would cease to serve its purpose³³. Consequently, the question would move away from being a constitutional oversight tool used by a Member of Parliament to inquire into and hold the executive accountable³⁴, becoming instead an instrument for attacking others and for personal criticism.

This is a necessary and logical condition that does not require a textual provision, given the manner in which a Member of Parliament should conduct themselves when representing the people: with dignity, respect and proper standards of address. A Member should not use improper language, nor resort to personal attacks or contemptible remarks when exercising parliamentary oversight tools, including the right to ask questions³⁵.

One example of this is when a Member asks a question of a specific Minister and, during the Minister's response, states that what the Minister said was "irresponsible, lacked precision and objectivity, and was untrue". Another example is where a Member uses words in a question directed to a particular Minister that the Minister considers improper, involving insinuations and slander against them personally. This ultimately led to the Minister filing a case against the requesting Member before the judiciary³⁶.

4. Parliamentary questions may not address matters pending before the judiciary

Many parliaments in different countries follow an established and deep-rooted tradition that has now become a firm and settled custom: matters related to judicial decisions and the procedures before the courts may not be the subject of parliamentary questions. If, nonetheless³⁷, some

³³- Kanaan, Nawaf, *Parliamentary Oversight*, op. cit., pp. 772–773.

³⁴- Al-Shatnawi, Faisal, "Means of Parliamentary Oversight over the Activities of the Executive Power in the Jordanian Constitutional System during the Period 2003–2009," *An-Najah University Journal for Research (Humanities)*, Vol. 25, No. 9, 2011, p. 2354.

³⁵- Ihab Zaki Salam, *Political Oversight over the Activities of the Executive Power*, op. cit., p. 52.

³⁶- Minutes of Session No. 31 of the 3rd Ordinary Session of the 11th Jordanian National Assembly, held on 19 February 1992, Supplement to the Official Gazette concerning the House of Representatives, No. 31, pp. 22–30.

³⁷- Al-Tabtabai, Adel, *Constitutional Limits between the Legislative and Judicial Powers*, op. cit., p. 23.



questions of this kind are submitted, the usual practice is for the Government to refuse to answer them on the grounds that it lacks competence.

This condition is provided for in Article (94/2) of the Rules of Procedure of the Jordanian Parliament Council for 2017, and in Instruction No. 08 issued by the Chairman of the National People's Assembly. By contrast, it is provided for in Article (126/d) of the Rules of Procedure of the Jordanian House of Representatives.

In this context, an example that can be cited is the incident involving a question submitted to the French National Assembly on 6 October 1919 relating to a pending court case. The Assembly decided to close the discussion without addressing the substance of the matter, out of respect for the separation of powers principle, and on the basis that the law already provides litigants with safeguards to protect their rights. The Assembly also clarified the methods and approaches that must be followed to preserve these rights, thereby organising proceedings in stages and paving the way for judges to be challenged by seeking their recusal³⁸.

Another example is the case in 1975 when a French MP asked about a ruling by the French Court of Cassation that favoured one of the international conventions over French law, contrary to the French Council of State's position. This suggests that the French Parliament's approval of domestic laws is merely symbolic. In his reply, the minister explained that, pursuant to the separation of powers, he could not comment on the Court of Cassation's opinion, which merely applied Article 55 of the constitution³⁹.

5. The question must not conflict with the provisions of the Constitution or harm the public interest.

This condition is derived from constitutional conventions and parliamentary traditions in the United Kingdom⁴⁰. It was explicitly provided for in Article 90(c) of the 2014 Rules of Procedure of the Jordanian Senate. In contrast, the Algerian legislator did not include this condition in the internal rules of procedure of either chamber of Parliament. However, it was addressed in Article 1.7 of Instruction No. 08/2000, issued by the Chairman of the National People's Assembly. This required that questions must not conflict with the provisions of the Constitution and must not contain anything that would directly or indirectly affect the reputation of Algeria, the Revolution of National Liberation or its symbols.

³⁸- Al-Tabtabai, Adel, *Parliamentary Questions: Their Origins, Types and Functions*, Publications of the Law Journal, Kuwait University, 1987, pp. 79–80.

³⁹- Al-Tabtabai, Adel, *Constitutional Limits between the Legislative and Judicial Powers*, op. cit., p. 24.

⁴⁰- Wilding, Norman, and Philip Laundy, *An Encyclopaedia of Parliament*, 3rd ed., Cassell, London, 1968, pp. 67–69.



The Second Axis: Procedures for Answering the Parliamentary Question

There is no doubt that the parliamentary question only has an effect through the government's (or the responsible minister's) reply. If the components of the question and its conditions are satisfied, it becomes eligible to be answered. Answers to both types of question require certain procedures to be followed, either prior to the answering stage or specific to the session in which the question is addressed.

First: Procedures prior to answering the question

For a question to be eligible for an answer, it must first be submitted to the relevant authority (a), and then served/notified to the relevant authority so that they can respond within the specified time limits (b).

1. Submitting the question

The text of the question, both written and oral, is submitted by its author to the Office/Secretariat of the two-chamber Parliament, in accordance with Articles (70) and (73) of Organic Law No. 16-12.

It should be noted that, under the legal provisions in force prior to the Constitution of 1996, submission used to take place with the President of the Council⁴¹.

It is highly positive that the question is deposited with the Office of the chamber. This is because, according to their constitution, the offices of both chambers may include members agreed upon by parliamentary group representatives or elected by secret ballot with multiple names, both of which guarantee that the question will not be ignored. This differs from the situation in which a question is submitted to the President of the Council, who, as he is often from the ruling party that supports the Government, may ultimately neglect questions submitted by opposition members.

The Organic Law No. 16-12 did not specify a particular deadline for submitting parliamentary questions to the Office of the Parliament's two chambers. However, Article (69) of Organic Law No. 99-02 set this deadline for oral questions as at least ten working days prior to the day of the session scheduled for that purpose. Likewise, Article (82/1) of the Rules of Procedure of the Parliament Council for 1998 required that oral questions be submitted at least seven days prior to the session devoted to posing questions to the Government. This was the same period that had been stipulated in Article (100/1) of the Rules of Procedure of the People's National Assembly for 1997.

To prevent questions from being submitted outside the sessions of the People's National Assembly, Article 2 of Instruction No. 08/2000 concerning oral and written questions issued by the People's National Assembly stipulates that such questions must be submitted during the two

⁴¹- Cheriet, Walid, op. cit., p. 328.



ordinary sessions of the People's National Assembly only. Once a question has been submitted and verified as meeting all the conditions required for acceptance, the office to which it was submitted must undertake the necessary procedures to ensure that it is answered. The first of these procedures involves recording/entering the question in the dedicated register. Questions are recorded according to their submission date, in accordance with Article 74 of the Parliament Council's Rules of Procedure for 1999⁴². This provision is not included in the 2017 Rules of Procedure of the Parliament Council.

In contrast, Article 126/a of the Rules of Procedure of the Jordanian House of Representatives (2013) stipulates that questions are submitted to the President of the House, who forwards them to the relevant Minister once the conditions have been met. However, this may expose the President to arbitrariness, particularly if they belong to the parliamentary majority⁴³.

These procedures do not apply to questions addressed by Members of Parliament to ministers while the general budget is being considered or bills are being examined. In such cases, each MP has the right to intervene in any question raised concerning them and to receive an answer⁴⁴.

2. Notification of the question

Notifying the question is considered one of the necessary procedures for answering it⁴⁵. Internal regulations differ regarding the authority to which the question must be notified and the timeframe for carrying out that notification. Article 128(a) of the Jordanian House of Representatives' Internal Rules of 2013 states that questions must be notified to the relevant minister within seven days of being submitted by a Member of Parliament.

In Algeria, Article 70(2) of Organic Law No. 16-12 stipulates that questions are notified to the government. Article 93(2) of the 2017 Internal Rules of the Council of the Nation affirms this, stating that the Minister for Relations with Parliament is responsible for notifying questions to their addressees⁴⁶. However, the Algerian legislature has not specified the authority responsible for responding to questions, nor the time limit for notification. Despite this, Article 69(2) of Organic Law No. 99-02 states that questions must be notified to the Prime Minister immediately⁴⁷.

⁴²- Dhabih, Miloud, *The Effectiveness of Parliamentary Oversight in Algeria: A Comparative Analytical Approach*, Dar Al-Huda, Algeria, 2015, p. 119.

⁴³- Farhan Nazzal Ihmeid Al-Masaeed, *Parliamentary Oversight*, op. cit., p. 124.

⁴⁴- Najm Abboud Faisal and Muayyad Hosni Ahmad, op. cit., p. 203. Accessed at: <https://journals.iugaza.edu.ps/index.php/IUGJSLS/article/view/6052> on 12/7/2025 at 00:05.

⁴⁵- Medhat Ahmed Youssef Ghonaim, *Means of Parliamentary Oversight over Government Activities in the Parliamentary System*, National Center for Legal Publications, 2011, p. 196.

⁴⁶- Dhabih, Miloud, op. cit., p. 119.

⁴⁷- See Articles 95(2) and 100(2) of the Rules of Procedure of the People's National Assembly of 1997; Article 97(2) of the Rules of Procedure of the People's National Assembly of 1989; Article 82(2) of the Ordinance Concerning the



If the minister is responsible for answering a question, he must be informed of it so that he can prepare his response. This can be done by preparing the answer to be delivered in the House or by sending it to the President of the House, who will then notify the submitter of the question if it is one that requires a written response.

The requirement to notify the minister of the question applies only to the original question and not to any additional questions. The additional question emerges during the session, after the minister has answered the original question. Therefore, there is no need to notify the minister of it.

All regulations agree on the necessity of notifying the minister of the question in advance, though the extent of this advance notice varies according to the type of oral question. If the question is ordinary, the minister must be notified with more time before the session than if the question is urgent. An urgent question may be submitted to the President of the House before the session with a notice period of up to one day⁴⁸.

3. Inclusion of the question in the agenda

For an oral question to be answered, it must be included in the agenda for the meeting at which it is to be answered. This is the first distinction between the procedures for questions requiring an oral or written response. Inclusion in the agenda serves as a 'green light' for the former, as no preparation for answering or discussion would take place without it being recorded in the agenda⁴⁹.

By contrast, written questions do not require this. That is, those that are answered in writing. These questions do not necessitate the convening of a session to receive the answer. Instead, the answer is communicated to the member who submitted the question by the President of the House or the House's Bureau, depending on who is responsible for referring questions to the relevant minister.

Including the question in the agenda of the session in which it is to be considered represents permission to discuss it. Therefore, failing to comply with this procedure is tantamount to failing to answer the question.

The question here is: what criterion does the legislative council's bureau use to select questions for the agenda? Two positions emerge when answering this question.

The first method involves automatically registering questions in the agenda without any prior selection or sorting. In this case, the date and order in which the questions are registered and

Organization and Operation of the National Transitional Council of 1994; and Article 151(2) of the Rules of Procedure of the People's National Assembly of 1977.

⁴⁸- Medhat Ahmed Youssef Ghonaim, op. cit., p. 196.

⁴⁹- Bernard Begon, *Les questions au Gouvernement à l'Assemblée nationale*, Doctoral Thesis, Montpellier, 1986, p. 148.



notified to the relevant authority are taken into account. While this method motivates Members of Parliament and encourages them to use the question mechanism to oversee the actions of the executive authority, it may adversely affect questions of the utmost importance or urgency, which may be included at the end of the agenda⁵⁰.

The second position, however, relies on the prior selection and sorting of questions. Here, the legislative council's bureau is granted the authority to select the questions to be included in the agenda based on their urgency. Perhaps the aim of this procedure is to ensure that questions are more closely connected to current events. However, this method has certain drawbacks because the controlling majority may exclude questions submitted by opposition deputies on the grounds that they are unimportant or not connected to current events, especially if, under party pluralism, the bureau is based on a controlling majority that draws up the agenda⁵¹.

On this basis,

Combining the processes of automatic registration and selection is the most effective approach, taking into account both the date of submission and registration and the importance of the question. Thus, questions are included in the agenda according to the date and order of their submission and registration, and according to their urgency. However, this does not prevent similar questions from being grouped together.

Parliamentary practice in Algeria has shown that the Bureau of the National People's Assembly usually selects two or three important questions and includes them in the agenda.

Article 71 of Organic Law No. 16-12 provides for a weekly session during which Government members answer oral questions. This session is held through deliberation between the two chambers of Parliament. It is worth noting that the day on which oral questions are addressed, as well as the number of questions, is determined through consultation between the Bureaux of the two chambers and in agreement with the Government.

In contrast, the 1997 Internal Rules of the National People's Assembly determined the scheduling of sessions for debating oral questions according to the volume of recorded questions, as decided by the Bureau of the National People's Assembly and the heads of parliamentary groups. Meanwhile, under the 1989 Internal Rules of the National People's Assembly, the Bureau of the National People's Assembly determined the session devoted to raising oral questions and set the maximum number that could be raised, prohibiting them from being raised more than once per week.

Under the 1964 Internal Rules of the National Council, the Conference of Presidents decided whether to include oral questions in the agenda. The Conference of Presidents could register any

⁵⁰- Cheriet, Walid, op. cit., p. 330.

⁵¹- Cheriet, Walid, op. cit., p. 330.



oral question on the agenda, regardless of its order in the relevant register, and could also link oral questions that addressed similar or related subjects⁵².

In comparison, pursuant to Article 134 of the National Assembly's Rules of Procedure, the Conference of Presidents (including the President of the National Assembly, the Vice-Presidents, the Chairs of the Standing Committees, the Heads of Political Groups and one Government representative) organises oral question sessions⁵³.

Oral questions identified by the Conference of Presidents are distinguished by being placed at the top of the agenda as a priority. Accordingly, the Government's right of priority regarding the placement of legislative proposals at the top of the agenda does not apply to oral question sessions.

However, as the parliamentary majority controls most parliamentary committees, the opposition is in the minority when voting on the inclusion of questions in the agenda. Therefore, it is impossible for the opposition to include questions in the agenda without the majority's approval, and thus without the Government's approval, as it determines which questions will be debated in the session.

The situation in the French Senate is no different from that in the National Assembly. The Conference of Presidents is responsible for recording oral questions in the agenda of the session in which they are to be answered, in accordance with Article 77 of the French Senate's Rules of Procedure⁵⁴.

Second: procedures related to the session for answering the question

After the relevant minister has been notified of a written question or an oral question has been included in the agenda of a session scheduled to answer it, procedures are carried out to handle the programmed questions. These procedures may be summarised as follows:

1. Time for questions⁵⁵

Article 71 of Organic Law No. 16-12 provides for a weekly session during which government members answer oral questions. However, the day on which these questions are addressed is determined through consultation between the bureaus of the two parliamentary chambers and in agreement with the government.

Regarding the length of oral questions, Article 96(1) of the 2017 Internal Rules of the Council of the Nation sets it at three minutes. The same duration is specified in Article 4/2 of Instruction No.

⁵²- Boukafa, Abdallah, *The Algerian Constitution: Origins – Jurisprudence – Legislation – Constitutional Law of the Republic*, 3rd ed., Dar Al-Huda, Algeria, 2005, p. 219.

⁵³- Bernard Begon, *Les questions au Gouvernement à l'Assemblée nationale*, Doctoral Thesis, Montpellier, France, 1986, p. 149.

⁵⁴- Medhat Ahmed Youssef Ghonaim, *op. cit.*, pp. 202–203.

⁵⁵- Medhat Ahmed Youssef Ghonaim, *op. cit.*, p. 219.



08/2000, issued by the National People's Assembly. Nevertheless, parliamentary practice in the National People's Assembly has shown that some deputies have protested against the question-submitting deputy being cut off before their time is up, particularly if there is enough time.

Regarding the length of the government member's response to the oral question, Article 96/1 of the Council of the Nation's 2017 Internal Rules sets it at six minutes. In contrast, Article 6(1) of Instruction No. 08/2000 sets it at seven minutes, a time limit that the Chair of the session may extend if they consider it necessary. During this period, the minister to whom the question is addressed gives their reply. The minister may also refrain from providing an immediate reply if the matter concerns issues of vital national interest. This does not constitute an absolute refusal, but rather the response is deferred to a subsequent session.

Regarding the government member's response to a written question, pursuant to Article 74(1) of Organic Law No. 16-12, it must be provided within thirty days of notification of the question. This is in line with Article 152 of the 2016 constitutional amendment and Article 158/2 of the 2020 Constitution.

Conversely, Article 48-6 of the French Constitution stipulates that at least one weekly session be dedicated to questions from Members of Parliament and the Government's responses thereto⁵⁶. Accordingly, the Friday afternoon session is allocated for oral questions, whether with or without debate⁵⁷. As for "questions to the Government" (or urgent questions), the first hour of the Tuesday and Wednesday sessions is reserved for them; these questions must be submitted approximately one hour before the session begins—specifically by 2:00 PM—given that the session itself commences at 3:00 PM. Furthermore, one session per month—in both the National Assembly and the Senate—is dedicated to European questions, defined as those addressed by members to the Government regarding its policy within the context of the European Union⁵⁸.

In the French political system, responses to written questions are provided one month after the date of the question's publication in the Official Journal, rather than the date of its initial submission. The distinction between these two dates is significant and works to the advantage of the minister to whom the question is addressed, as it affords sufficient time to prepare a response. Additionally, the minister may request an exceptional extension of up to one month to gather the necessary information regarding the question⁵⁹.

⁵⁶- Article 38 of the French Constitution: "At least one sitting per week, including during extraordinary sessions provided for in Article 29, shall be reserved as a priority for questions from Members of Parliament and the Government's answers."

⁵⁷- Dominique Chagnollaud and Jean-Louis Quermonne, *Le gouvernement de la France sous la Ve République*, Fayard, Paris, 1996, p. 441.

⁵⁸- Leclercq, Claude, *Droit constitutionnel et institutions politiques*, Litec, Paris, 1995, pp. 719–720.

⁵⁹- Al-Tabtabai, Adel, *Parliamentary Questions*, op. cit., pp. 98–99.



3. Comment on the answer

The Algerian legislator did not expressly provide for the deputy's right to comment on the minister's response to an oral question, except in Article 96(2) of the Standing Orders of the Council of the Nation (2017), which granted this right to the person who asked the question within a time limit of three minutes. In contrast, Article 4(2) of Instruction No. 08-2000, issued by the National People's Assembly, granted this right while stipulating that the comment could not exceed two minutes in length. It is only fair that a deputy should have the right to comment and seek clarification after hearing the Minister's answer⁶⁰. The minister also has the right to respond to the deputy's remarks once, for a period not exceeding two minutes, in accordance with Article 6(2) of the Instruction. The person who posed the question may comment within three minutes, in accordance with Article 96(2) of the Standing Orders of the Council of the Nation, provided the reply and comment concern the subject of the question.

In France, if an oral question is asked without debate, only the person who asked the question has the right to comment on the minister's answer, and only for a period of five minutes, as set out in Article 136 of the National Assembly's Rules of Procedure. However, if the question is raised with debate, this right is granted to deputies who have registered in advance to comment on the minister's response. Nevertheless, priority remains with the person who asked the question, who has the right to comment for ten minutes or more depending on Article 135(2) of the National Assembly's Rules of Procedure. If the Senate's Rules of Procedure grant the minister a period of five minutes⁶¹, they have the right to respond to the deputy's comment after it has been made. Furthermore, if the oral question is one of the 'current' or 'incidental' questions (questions concerning current circumstances), the person who raised the question has the right to comment on the minister's response for two minutes⁶².

4. Absence of the person who posed the question

The Algerian legislator did not specify the legal effect resulting from the absence of the person who posed the oral question. The only exception is the Standing Orders of the Council of the Nation for 2017, which state in Article 97 that if the person who posed the oral question is absent from the session devoted to presenting it without appointing someone to act on their behalf, they lose the right to pose it.

In contrast, Article 5 of Instruction No. 08/2000, issued by the National People's Assembly, states that if the person posing an oral question is absent from the scheduled session without justification, they lose the right to pose the question. In this case, the Government member does not answer it and it automatically converts into a written question. However, if the person is

⁶⁰- Medhat Ahmed Youssef Ghonaim, op. cit., p. 268.

⁶¹- Bernard Begon, op. cit., p. 158.

⁶²- Medhat Ahmed Youssef Ghonaim, op. cit., p. 269.



absent due to a justified reason, as evidenced by prior written notice filed with the Office of the Assembly, the question is deferred to the next subsequent session, but this can only occur once.

It is noteworthy, however, that this Instruction does not define situations that constitute a ‘justified absence’ for the purpose of postponing the submission of the question. Therefore, it would be preferable for the Algerian legislator to exhaustively specify in the internal rules of the two parliamentary chambers the cases in which postponement of the question may be allowed in the event of a justified absence, as the French legislator has done.

In France, if the person who posed the oral question is absent from the scheduled session for presenting it, one of their colleagues may stand in for them to receive the answer and comment on it, pursuant to Articles 137 of the National Assembly’s Rules of Procedure and 18/3 of the Senate’s Rules of Procedure. This substitution is subject to one of the cases provided for in Parliamentary Order No. 58-1066 occurring, namely illness, accident or serious family circumstance; temporary assignment on behalf of the government or military service; participation in the activities of international associations; unusual legislative duties; or absence from the capital. Otherwise, the question is removed from the agenda. Similarly, if the substitute is absent from the National Assembly session, the question is removed from the agenda. In the Senate, the question is postponed to be answered in a subsequent session, in accordance with Article 78(3) of the Rules of Procedure.

5. Verification of the existence of the question.

In order for a question to be answered, it must remain in force, along with all its conditions and elements, until the process of answering it begins. Accordingly, if the question ends due to the explicit or implicit withdrawal of its holder (1) or its original lapse (2), it cannot be answered due to its absence.

A. Withdrawal from the question

Withdrawal takes two forms: An explicit withdrawal, meaning the withdrawal or recovery of the question; and an implicit withdrawal, which is referred to as leaving the question.

Withdrawal or recovery of the question:

Unlike the Algerian legislator, who regulated withdrawal or recovery of the question in Articles (71/3) and (74/2) of Organic Law No. 16-12 and Article (98) of the Standing Orders of the Council of the Nation for 2017, the Jordanian legislator did not provide for it. Similarly, the Egyptian legislator provided for withdrawal in Article 129 of the 2014 Constitution and Article 210(1) of the Rules of Procedure of the House of Representatives.

This is done by submitting a request to the President of the Assembly, in which the question holder declares their desire to recover or withdraw their question.

According to Article (71/3) of Organic Law No. 16-12, the question must be withdrawn before the session devoted to that purpose. While Article 98(2) of the Standing Orders of the Council of



the Nation for 2017 states that withdrawal must occur before the date of the oral questions session is set, it follows by implication that the questioner cannot withdraw their question once the person addressed has begun answering it. From that moment onwards, both the question and the answer become the property of the Assembly and not merely of the member who submitted the question. Furthermore, it would be futile for the member to withdraw or waive their question after it has been answered. Our legislator has done well to determine the time for withdrawing a question.

The question arises: May another member adopt the question if its holder withdraws or recovers it?

The question arises as to whether another member of the Assembly may adopt this question if its original owner withdraws or retracts it. Some argue that, once the questioner announces their intention to withdraw their question, no other member can substitute them by adopting it. This is justified on the basis that the question is of a personal nature, which prevents such substitution. In this regard, Article 292 of the Rules of Procedure of Egypt's People's Assembly states that a question can only be withdrawn by the member who submitted it. This is also confirmed by Article 210(1) of the Rules of Procedure of Egypt's House of Representatives.

However, this is at variance with Article 130 of Kuwait's National Assembly Rules of Procedure, which states that if the questioner withdraws their question, any member has the right to adopt it and the Assembly will continue to consider it. Thus, this approach brings together two rights that reflect the dual nature of parliamentary questions: (1) the questioner's personal right to withdraw their question and (2) the Assembly's functional right to continue considering the question by having one of its members take it up for discussion.

We believe that even if the right of the questioner to withdraw or recover their question is not explicitly regulated and is not expressly provided for in the context of withdrawal, whoever has the right to submit the question also has the right to withdraw it at any time before it is answered, by applying the principle of the personal nature of the question, which is understood as an individual right of the parliamentary member that may be exercised. However, once the question has been answered, the questioner no longer has the right to withdraw it because the answer has already been made available to the members of the Assembly and public opinion. Similarly, nothing would prevent another member from adopting a withdrawn question, provided there are no express provisions prohibiting it.

Leaving/abandoning the question:

Leaving the question is an implicit withdrawal from it. This can be inferred from the questioner's unequivocal stance indicating a lack of desire to continue with the question, such as failing to attend the scheduled session to consider it without providing justification or appointing someone to attend on their behalf.



In Algeria, Article 5 of Instruction No. 08/2000, issued by the National People's Assembly, states that if the questioner is absent from the session allocated to the oral question without justification, they lose the right to ask it. The Government member does not answer it and it automatically becomes a written question. Similarly, Article 97 of the Standing Orders of the Council of the Nation (2017) states that if the questioner is absent from the session designated for oral questions without appointing a substitute, they forfeit the right to ask the question. In contrast, Article 130 of the Standing Orders of the National Assembly of 1964 states that if the questioner is absent, the question will be removed from the agenda. However, the Standing Orders of the National People's Assembly permitted substitution (i.e. representation by another member) until 1989.

The National Assembly's Rules of Procedure in France provide for the question to be removed from the agenda in two situations: first, if the person who posed the oral question is absent from the scheduled session without one of the cases provided for in Order No. 58/1066 being met; and second, if the substitute is absent from the session.

In contrast, Article 131(b) of the 2013 Jordanian Rules of Procedure for the House of Representatives provides that if the submitter of a question is absent from the allocated session without justification, the question will not be included on the agenda a second time. The 1996 Jordanian Rules of Procedure did not address such a case.

However, it should be noted that absence does not always have this effect. For example, under the Kuwait National Assembly Rules of Procedure, the questioner's absence from the session for answering does not result in the question being cancelled. Article 124(2) of the Rules states that the Prime Minister or Minister may submit the answer and required documents to the General Secretariat of the Assembly for the information of members, with the approval of the person who posed the question. This is recorded in the minutes of the session. Similarly, the Egyptian House of Representatives' Rules, as mentioned above, do not result in the immediate removal of a question solely because the member is absent from the session allocated to considering their question. Instead, the first absence results in postponement to a future session⁶³.

It should also be noted that withdrawal, whether by recovery or abandonment (prevents the questioner from submitting the same question again, either permanently or for a specified period, as a penalty for neglecting their question. However, they retain the right to submit it again by following the required procedures for submission and discussion.

B. Lapse/forfeiture of the question

Neither Organic Law No. 16-12, nor the Standing Orders of the Algerian parliamentary chambers, nor the Jordanian Standing Orders provide reasons for the forfeiture of a question⁶⁴.

⁶³- Article 204 of the Rules of Procedure of the Egyptian House of Representatives.

⁶⁴- See in this regard: Abdel Hamid Mahgoub Al-Sqaan Mohamed, Questions and Interpellations in Parliamentary Traditions, Dar Al-Nahda Al-Arabiya, Cairo, 2011, p. 52.



By contrast, Article 211 of the Rules of Procedure of the Egyptian House of Representatives provides for such reasons.

Accordingly, the cases in which the questioner's status ceases may be confined to two categories, depending on whether the cessation is voluntary or non-voluntary: (i) voluntary cessation of membership and (ii) non-voluntary cessation of membership.

1) Cases of voluntary cessation of membership

A Member of Parliament may, for one reason or another, wish to relinquish their membership of the representative body. The means of termination fall into three categories:

First, the member may submit an explicit resignation to the Assembly, clearly stating their refusal to continue as a member. In this respect, the situation is akin to that of any person entrusted with a public service: such a person cannot be compelled to continue performing it. In such cases, membership does not end automatically, but only by virtue of the Assembly's decision to accept the resignation.

Secondly, through implicit resignation, as set out in Article 25 of the Rules of Procedure of the Kuwaiti National Assembly. This occurs when a member repeatedly fails to attend without excuse after the provisions of that Article have been applied to them. In this situation, the member's continued absence after all of these measures have been applied signals that they do not intend to remain a member and that they intend to forfeit their membership. Otherwise, he could have attended before the consequences of his absence materialised and announced his intention not to resign, presenting his justifications.

The final ground is holding membership in the Council together with a public office that is prohibited from being combined, or holding Council membership together with membership in local or municipal councils⁶⁵. Although the People's Assembly Rules of Procedure did not attach the forfeiture of membership to the prohibition on such dual office-holding, rather treating the member as having relinquished the other office or membership, this situation nevertheless constitutes one of the cases of invalidation of membership under Article 385 of the Egyptian House of Representatives Rules of Procedure. However, such dual office-holding may be grounds for forfeiture of membership under the Kuwaiti framework. Article 14 of the Kuwaiti National Assembly's Rules of Procedure requires the member, in that case, to specify within eight days of the conflict occurring which position they choose. If they remain silent and do not act, they are deemed to have chosen the latter. Consequently, if the Council membership is the earlier one and eight days pass without the member making a choice, this leads to the forfeiture of that membership by operation of law.

Unavoidable/non-voluntary loss of membership

⁶⁵- Articles 372 et seq. of the Rules of Procedure of the Egyptian People's Assembly; and Articles 12 and 13 of the Rules of Procedure of the Kuwaiti National Assembly.



In this case, membership lapses against the will of the member⁶⁶. This is provided for in Articles 123 and 124 of the Algerian Constitution. There are two forms of this: The forfeiture of membership and its removal/deregistration.

The former occurs when the legally required conditions for membership of the Chamber of People's Representatives are not met on election day, or when one of the conditions on the basis of which the member was elected is subsequently lost.

Removal from membership takes place when the member commits an act that is genuinely inconsistent with the honour or dignity of their office. In accordance with the applicable situation, the Parliamentary Council/Assembly has the competence to decide on forfeiture and removal from membership, issuing its decision by an absolute majority of its members.

Therefore, in this scenario, membership does not lapse or terminate automatically. Instead, a decision regarding this matter must be issued by the relevant parliamentary chamber(s), in accordance with the case at hand. Until such a decision is issued, questions submitted by the member remain valid and continue to have legal effect; they only lapse upon a decision being issued that declares the forfeiture or removal of membership.

Some may wonder whether, under certain conditions, the forfeiture of membership or its removal would prevent the member from standing for election again after correcting their situation or after the cause that led to the lapse or removal of their membership has ceased. In other words, can a member resubmit questions they had previously submitted before their membership is formally declared to have lapsed or been removed?

There is nothing to prevent this, as it constitutes the exercise of a right guaranteed by their new membership and is not an effect of a previous membership. Moreover, these questions cannot be objected to on the grounds that they have become invalid due to the lapse or removal of membership, because when they raise them, they are not relying on any entitlement stemming from their former membership. Rather, they are relying on their current membership.

Conclusion:

From the foregoing, it is clear that the parliamentary question is one of the means of parliamentary oversight in Jordan. It is a constitutional right granted to members of Parliament, allowing them to direct questions to ministers or the Prime Minister. This right is regulated by statutory provisions contained in the internal regulations of the two chambers: the Chamber of Deputies and the Senate (or Senate of Notables).

Although parliamentarians are granted considerable freedom in the formulation of their questions, the mechanism for utilising this instrument is nonetheless subject to specific conditions

⁶⁶- Abdel Hamid Mahgoub Al-Sqaan Mohamed, op. cit., p. 53.



and controls, the purpose of which is to prevent abuse that could impede the work of the government.

The most important results are as follows:

Article 96 of the Jordanian Constitution grants each member of both the Chamber of Deputies and the Senate the right to ask questions. However, it restricts the direction of questions to ministers only, unlike the internal regulations of the Chamber of Deputies, which allow parliamentary questions to be directed to ministers and the prime minister.

- Under the internal regulations of the Chamber of Deputies, Article 115(d) stipulates that parliamentary questions must not refer to material published in newspapers. However, newspapers and media outlets are currently among the most significant means of revealing governmental errors and violations.

Directing questions to members of the government is a right conferred by the constitutional legislator upon every member of parliament, and it is one of the instruments of parliamentary oversight of the executive authority's actions.

- The parliamentary question establishes a personal relationship between the MP who raises the question and the relevant minister. Accordingly, if the MP considers the minister's response to be inadequate, if the minister does not respond at all, or if the response is ambiguous, only the MP who asked the question is entitled to comment on or follow up on that response.

Parliamentary questions are one of the most frequently used tools by MPs when exercising their oversight role. They are also the most common tool because they draw the government's attention to any breach of a constitutional or legal rule, enabling correction when such an error occurs.

There are several conditions that must be met for a parliamentary question to be accepted. These are classified as formal and substantive (objective) conditions.

Parliamentary questions can be of different types. They may be divided into:

- Written questions, which are questions that are clear and concise and specify their subject matter. They are submitted by one Member of Parliament to the President of the Chamber, who then notifies the relevant Minister in accordance with the designated form.
- Oral questions, meaning questions that require the responsible minister to appear before parliament to answer them. They are usually used to present voters' problems and complaints regarding different government departments.

Recommendations

In light of the above discussions and the results reached, the following recommendations have been formulated:

- Review and refine the legal framework governing the parliamentary question in Algeria to ensure consistency between constitutional provisions, the organic law and the



Parliament's internal regulations, and remove any ambiguities that may hinder the exercise of this oversight right.

- More precisely determine the competent body to which the parliamentary question should be addressed by clarifying the scope of the government entity responsible for answering, particularly in cases where the question concerns more than one ministerial sector, so as to ensure clear accountability for the response and its effectiveness.
- Strengthen the guarantees related to answering parliamentary questions, especially with regard to respecting legal deadlines and submitting replies in accordance with prescribed procedures. This will ensure that parliamentary questions are not merely a means of inquiry without any real oversight effect.
- Support MPs' right to follow up on and comment on the answer to their question, in order to clarify points not addressed or addressed insufficiently in the reply, thereby enhancing the effectiveness of the parliamentary question as an oversight tool.
- Draw on comparative constitutional experiences to develop the Algerian regulation of parliamentary questions, particularly with regard to the procedures for submitting questions and answers, as well as the follow-up mechanisms — while taking into account the specificities of Algeria's constitutional system.