

**TURKEY'S**  
**PRESIDENTIAL**  
**SYSTEM**

MODEL AND PRACTICES

NEBİ MİŞ  
BURHANETTİN DURAN

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SETA

SETA Publications 39  
First Published in 2018 by SETA  
ISBN: 978-975-2459-85-4

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Cover and Layout: Erkan Söğüt  
Proofreading: Dr. Eva Stamoulou Oral  
Printed in Turkey, İstanbul by Turkuvaz Haberleşme  
ve Yayıncılık A.Ş., July 2018

SETA Publications  
Nenehatun Caddesi No: 66 GOP Çankaya 06700 Ankara Turkey  
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## FOREWORD

On April 16, 2017, Turkey adopted a new system of government. In line with the constitutional amendments, which were adopted in the 2017 constitutional referendum, the country transitioned from parliamentarism to the presidential system. The constitutional reform bill proposed a gradual shift towards presidentialism and stipulated that the new system of government would become fully operational following the next general election. Certain other changes, in turn, became effective immediately after the referendum. The constitutional amendments, which resulted in the adoption of the presidential system, amounted to more than ordinary constitutional reform. They represented the replacement of parliamentarism with executive presidency – a total overhaul of Turkey’s executive branch.

The transformation of Turkish-style parliamentarism has been a hotly debated issue in Turkish politics for more than four decades. Although those deliberations took place within a variety of contexts over the years, the main focus has been the question of Turkey’s ‘governability’ and political crises. In this regard, advocates of change and the political system’s transformation were overwhelmingly representatives of right-leaning political parties, which spoke for the periphery. Turkish-style parliamentarism, they posited, facilitated the guardianship regime’s control over civilian politics. As such, political reform was expected to eliminate the establishment’s antidemocratic practices and promote stability by



addressing the existing system's crisis-prone structural flaws. Advocates of change, therefore, believed that transforming Turkey's political system was the only way to counterbalance antidemocratic instruments of power, which the guardianship regime built into the parliamentary system.

A closer look at the past 40 years of Turkish political history would reveal that the push for presidentialism dated back to the 1970s, when political parties affiliated with the National Outlook movement, i.e. the National Order Party (MNP), the National Salvation Party (MSP), and the Nationalist Movement Party (MHP) called for political change and the introduction of popular presidential elections citing a 'crisis of authority.' In the lead-up to the 1980 coup d'état, the Justice Party (AP) also stressed the need to hold popular presidential elections due to a crisis over that year's presidential race. By contrast, the military junta that oversaw the drafting of the 1982 Constitution viewed the idea as a threat against the guardianship regime and therefore disregarded such demands. In the late 1980s, however, the presidentialism debate was revived by Turgut Özal, then chairman of the Motherland Party (ANAP), who described the presidential system as the 'driving power behind change' and argued, citing the need for an effective executive branch to implement reforms, that it was the most suitable political system for Turkey. Again in the second half of the 1990s, President Süleyman Demirel talked about presidentialism as a path towards political stability amid instability caused by weak coalition governments.

Having argued throughout his political career that presidentialism was the right system of government for Turkey, Recep Tayyip Erdoğan and his Justice and Development Party (AK Party) made significant efforts to transform the country's political system to promote political stability; consolidate Turkish democracy; address the problem of dual legitimacy; ensure the effectiveness and efficiency

of the executive branch; eliminate bureaucratic tutelage; facilitate the proper functioning of the executive and legislative branches through a clear separation of powers; promote transparency and accountability of the executive branch through popular presidential elections; and eliminate the risk of crises in future presidential elections held by the Parliament.

Opponents of the presidential system, in turn, tended to concentrate on a range of existing and potential problems that occur(red) under parliamentarism rather than presidentialism itself. Moreover, critics argued that parliamentarism was inherently more democratic, claimed that presidentialism would lead to the 'personification of power' and sought to fuel fears of Turkey's territorial disintegration, future survival and authoritarianism.

In recent years, much has been said in Turkey about the presidential system. Advocates and opponents of change explained in great detail why, they thought, one system of government was better than the other in terms of their capacity to overcome existing crises and prevent future problems. At the same time, various opinions have been voiced with regard to the precautions that Turkey must take to avoid the reoccurrence of crises under the new system of government. Many proposals were repeatedly made to ensure that chronic problems would not re-emerge under presidentialism. Analyzing past experiences and current practices around the world, experts and policy makers discussed at length the relationship between political culture and the system of government.

This book analyzes various aspects of the presidential system of government in Turkey. It provides a detailed summary of the public debate on the transformation of Turkey's political system along with the arguments made by advocates and opponents of change. At the same time, it concentrates on the constitutional design of the country's new system of government, which was jointly introduced by the AK Party and the MHP and adopted

in the April 16, 2017 constitutional referendum. It also analyzes the impact of presidentialism on political life in Turkey. Three of the essays featured in this volume were previously published by this book's editors as part of a Turkish-language title called *The Transformation of the Political System in Turkey and Presidentialism*. Those essays, however, have been updated prior to the current book's publication.

The chapter by Burhanettin Duran and Nebi Miş titled "The Transformation of the Political System in Turkey and Presidentialism," concentrates on the historical background of the presidentialism debate in Turkey, which has been going on for more than forty years. Presenting the arguments made by the political parties and prominent figures who advocated or opposed change in the early stages of this public debate, it highlights the commonalities between supporters of the political system's transformation. The chapter's main focus, however, is the AK Party era, when the most intense and serious steps were taken towards presidentialism. At the same time, the arguments made by opponents of political change are presented in detail here. Finally, it provides a summary of the arrangements made in the April 16, 2017 referendum and their preparation. This essay is an updated version of material used by the authors in their book titled *The Transformation of the Political System in Turkey and the Presidential System*.

In "The Constitutional Design of the Presidential System," Serdar Gülener and Nebi Miş analyze the basic dynamics and main issues in the new system's constitutional design. Focusing on the design of checks and balances between the executive and legislative branches, this essay provides insights into the legal framework of elections and repeat elections, the mandate of the executive branch and the legislative monitoring mechanisms over the executive branch, along with the president's decree powers, accountability and ties to party politics. Moreover, the authors

engage in a discussion of those issues with reference to democratic presidential systems and models around the world. This is an updated version of the authors' earlier work, which was published in the book titled *The Transformation of the Political System in Turkey and the Presidential System*.

"Turkey's Democratic Reform," which was written by Mehmet Uçum, concentrates on the transformation of the political system with the April 16, 2017 referendum along with its timing, approach to political law, democratic criteria and content. The chapter analyzes the constitutional reform bill with reference to contemporary political developments in Turkey and the country's current needs. It also discusses the new system of government within the contexts of legitimacy, consensus, diversity, and singularity. At the same time, Uçum talks about the place of the political system's transformation within the broader process of democratic reform in Turkey and vis-à-vis reform efforts past and future.

In his essay on the reasons behind Turkey's need for a transformation of its political system, Ali Aslan analyzes the tensions between identity and diversity in modern democratic politics and identifies the main attributes of presidentialism as a system of government. This work summarizes the political and practical reasons for Turkey's adoption of the executive presidency model, as well as explains, from a historical perspective, why the country suffered from a seemingly unsolvable problem of political instability. Aslan also outlines the ways in which the presidential system could address that problem, discusses the strengths and disadvantages of presidentialism, and critically engages clichés about Turkey's new system of government. This is an updated and shortened version of the author's essay in *The Transformation of the Political System in Turkey and the Presidential System*.

In "The Necessity of Systemic Change in Turkey and the Legislative Domain," Haluk Alkan concentrates on the discussions

about system change and the mandate of the legislative branch in the lead-up to the April 16, 2017 constitutional referendum. This essay focuses on the claims that the presidential system would lead to ‘one-man rule’ and ‘restrict the legislative domain,’ and responds to those lines of criticism with reference to specific constitutional amendments and the general development of the politics of constitution-making in Turkey.

Mehmet Zahid Sobacı’s “The Presidential System and the Transformation of Turkey’s Bureaucracy” analyzes the potential contributions of Turkey’s transition to presidentialism to the transformation of the Turkish bureaucracy. In this regard, it identifies the universal factors that facilitate the bureaucracy’s involvement in policy-making processes and proceeds to discuss the tradition of bureaucratic administration in Turkey. The final part of the essay is devoted to the ways in which the presidential system could contribute to the transformation of the Turkish bureaucracy, which has traditionally exercised tutelage over civilian politics in the country.

In “The Judiciary and the Presidential System,” Cem Duran Uzun analyzes in detail arrangements made under the new system regarding the judiciary, explains the reasons for those changes, and provides a summary of relevant discussions. The chapter engages the various reforms related to the judiciary, including the replacement of the Supreme Board of Judges and Prosecutor with the Board of Judges and Prosecutors, and constitutional amendments regarding judicial impartiality and the abolishment of military courts. In addition, Uzun summarizes the arguments made by critics of the new system with regard to judicial independence and analyzes the practical implications of the relevant changes.

It goes without saying that many people deserve credit for their contributions to this book. As editors, we must first and foremost extend our gratitude to the authors, whose essays are featured in this volume. In addition, we are indebted to Hazal Duran, M. Erkut Ay-

vaz, Serencan Erciyas, S. Hüseyin Öztürk, Baki Laleoğlu and Ahmet Baykal – they all contributed greatly to this work. Finally, we would like to thank Mehmet Akif Memmi, who diligently worked on this book, including its design, and prepared it for print.

*Burhanettin Duran*

*Nebi Miş*



# THE TRANSFORMATION OF TURKEY'S POLITICAL SYSTEM AND THE PRESIDENTIAL SYSTEM<sup>1</sup>

NEBİ MİŞ\* AND BURHANETTİN DURAN\*\*

## INTRODUCTION

Systems of government are generally defined based on the ways in which their constitutional design reflects on the relationship between the executive branch, the legislative branch, and the judiciary. In broad terms, there are two classes: the 'unity of powers,' which refers to the collection of executive and legislative authority in one hand, and the 'separation of powers,' which refers to the allocation of powers to several branches of government to promote checks and balances. There are three types of democratic government that rest on the principle of 'separation of powers': the presidential system, where the separation is quite rigid; the parliamentary system, under which the separation of powers is relatively mild; and semi-presidentialism, which is a mix of presidentialism and parliamentarism. Moreover, the system of parliamentary government, under which the legislature exercises legislative and executive power, remains a democratic system of government that smaller countries like Switzerland (as well as Turkey under the 1921 Constitution) continue to use.

The various systems of government around the world underwent certain changes and transformations over time to improve in terms of democratic credentials and governability. How systems

<sup>1</sup> An earlier version of this essay was published in the Fall 2016 issue of *Insight Turkey* with the title "The Transformation of Turkey's Political System and the Executive Presidency." The current version is based on the chapter that was part of the 2017 book by SETA Foundation titled *The Transformation of Turkey's Political System and the Presidential System*, which has since been partly updated.

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of government are implemented varies across countries depending on their political culture, political parties, the design of their constitutional institutions, and their level of economic development. Moreover, the intra-systemic reforms made to overcome practical crises facilitate the transformation of those systems of government over time. Today, there are countries that implement each system of government in a democratic manner as well as others with antidemocratic practices. Therefore, efforts to analyze a given country's level of democratic consolidation on the basis of its system of government alone are bound to fail to accurately reflect the situation on the ground.

The public debate on political system reform and the adoption of a new system of government is directly related to the political crises experienced by that country. In other words, no country or regime seeks to reform their political system if it does not create serious problems. If a given country's system of government cannot promote political stability or strengthen its democracy in connection with political sociology and historical experiences, the public will start looking for ways to address those problems. Periodical political instability in a given country is directly related to the fragmentation of party organizations due to fierce competition between political parties, which results in the failure to form strong governments. Under such circumstances, frequently held early elections and political negotiations geared towards the formation of governments tend to fuel political fragility. Consequently, the people's confidence and trust in the political process will be weakened and tutelage mechanisms will take advantage of those popular sentiments to take control of the political center. If a given country cannot address persisting problems by making 'intra-systemic' constitutional and legal changes, it starts looking for a new system of government.

The search for a new system of government in Turkey started when crises broke out under coalition governments and ineffective

**T**his book analyzes various aspects of the presidential system of government in Turkey. It provides a detailed summary of the public debate on the transformation of Turkey's political system along with the arguments made by advocates and opponents of change. At the same time, it concentrates on the constitutional design of the country's new system of government, which was jointly introduced by the AK Party and the MHP and adopted in the April 16, 2017 constitutional referendum. It also analyzes the impact of presidentialism on political life in Turkey.

The book concentrates on the transformation of the political system with the April 16, 2017 referendum along with its timing, approach to political law, democratic criteria, and content. Additionally, the political and practical reasons for Turkey's adoption of the executive presidency model are explained from a historical perspective. The discussions about system change and the mandate of the legislative branch in the lead-up to the April 16, 2017 constitutional referendum are evaluated. Furthermore, the potential contributions of Turkey's transition to presidentialism to the transformation of the Turkish bureaucracy are analyzed. Lastly, arrangements made under the new system regarding the judiciary are systematically addressed.

NEBİ MİŞ • BURHANETTİN DURAN • ALİ ASLAN • CEM DURAN UZUN  
HALUK ALKAN • MEHMET UÇUM • MEHMET ZAHİD SOBACI • SERDAR GÜLENER

