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Arařtırma Makalesi

**NEW PRESIDENTIAL SYSTEM OF TÜRKİYE: A SAMPLE MODEL FOR STABLE AND EFFECTIVE GOVERNMENT?\***

*Türkiye'nin Yeni Başkanlık Sistemi: İstikrarlı ve Etkin Yönetim İçin Örnek Bir Model?*

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**Abstract**

*Mongolian semi-presidential political system which has long suffered from institutional dilemmas and instabilities is very similar to the former political system of Türkiye, which was so-called parliamentary system, but worked just like a semi-presidential system. This paper will explore the newly adopted Turkish presidential system as a search to find out whether or not it would be an applicable model for the cases like Mongolia which have long suffered from political instability. In this regard, I will first draw the situation of Türkiye under the former parliamentary system and show the vulnerability of the political system until 2017 when presidential system was adopted. Then, I will indicate basic characteristics of newly adopted presidential system of Türkiye and how it deals with gridlock. I will argue that Turkish presidential system is a unique political system which brought about stability and efficiency, and thus may be a sample model for the cases like Mongolia having inefficient and instable political environment.*

**Keywords:** Türkiye, Mongolia, Political System, Presidentialism, Semi-Presidentialism, Gridlock, Stability.

**Öz**

*Yarı başkanlık sistemine dayanan ve büyük oranda kurumsal sorunlar ve istikrarsızlıklarla yürüyen Moğolistan siyasal sistemi, parlamenter sistem olarak adlandırılan, ancak yarı başkanlık sistemi gibi işleyen Türkiye'nin eski siyasal sistemi ile büyük oranda benzerlik göstermektedir. Bu çalışmamızda Moğolistan gibi sıklıkla siyasal istikrarsızlık yaşayan ülkeler için bir çözüm olarak önerilebilecek Türkiye'nin yeni başkanlık sistemi üzerinde durulacaktır. Bu bağlamda öncelikle parlamenter sistem altında Türkiye'deki durum özetlenecek ve başkanlık sisteminin kabul edildiği 2017 yılına kadar Türkiye siyasal sisteminin kırılganlıkları irdelenecektir. Daha sonra Türkiye başkanlık sisteminin temel özellikleri ön plana çıkarılarak özellikle Türkiye başkanlık sisteminin Amerikan başkanlık sistemi başta olmak üzere çoğu siyasal sistemde sıklıkla görülen kilitlenme*

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*sorununu nasıl çözdüğü ortaya konulacaktır. Bu çalışma Türkiye başkanlık sisteminin etkin ve istikrarlı yönetimler doğuran özgün bir model olduğunu ve dolayısıyla Moğolistan gibi siyasal istikrarsızlık ve kilitlenme sorunu yaşayan ülkeler için örnek bir model olabileceği tezine dayanmaktadır.*

***Anahtar Kelimeler:*** *Türkiye, Moğolistan, Siyasal Sistem, Başkanlık, Yarı-Başkanlık, Kilitlenme, İstikrar.*

## **Introduction**

In a recently completed Ph. D. Dissertation under my supervision titled “Institutional Dilemma in Semi-Presidentialism: The Mongolian Case,” Mr Uurtsaikh Batbayar (2023) examines the effect of semi-presidentialism on institutional dilemmas and instabilities in the Mongolian case. Indicating that semi-presidentialism creates different effects on the form of the state structure in the process of democratic transition and consolidation, Mr. Batbayar argues that semi-presidentialism exacerbates institutional dilemmas and creates political instability. According to Batbayar and Bingöl (2022), semi-presidentialism creates four main situations: cohabitation, a divided minority government, a divided government, and a unified majority government depending on the results of the presidential and parliamentary elections. Covering four situations of semi-presidentialism that occurred in Mongolia from 1992 to 2020, Batbayar and Bingöl (2022) argue that institutional dilemmas between the president, parliament, and government institutions led to governmental and political instability, but did not result in the retreat or collapse of democracy in Mongolia.

Mongolian case has indeed remind me of the former political system of Türkiye, which was so-called parliamentary system, but worked just like a semi-presidential system. Therefore, in this paper, I will explore the newly adopted Turkish presidential system as a search to find out whether or not it would be an applicable model for the cases like Mongolia which have long suffered from political instability. In this regard, I will first draw the situation of Türkiye under the former parliamentary system and show the vulnerability of the political system until 2017 when presidential system was adopted. Then, I will indicate basic characteristics of newly adopted presidential system of Türkiye and how it deals with gridlock. I will argue that Turkish presidential system is a unique political system which brought about stability and efficiency, and thus may be a sample model for the cases like Mongolia having inefficient and instable political environment.

## **The Former Parliamentary System of Türkiye: Quest for Change**

The primary reason why the search for a change in the government system came to Türkiye’s agenda was the frequent system crises. Türkiye had a tutelage system of government, the foundations of which were laid by the constitutions made after the coups. This tendency, which was institutionalized with the 1961 Constitution, turned into a bureaucratic oligarchy with the 1982 Constitution. Bureaucratic tutelage institutions established by the constitution created mechanisms that repressed the democratic will based on the elections with anti-democratic methods.

The general characteristic of the former parliamentary system, which operates under the pressure and control of tutelage institutions, was a political system lacking stability, short-term governments, military interventions and economic or financial crises. There were frequent incompatibilities between the dual-headed executive branch consisting of the authorized but irresponsible President and the Prime Minister together with the Council of Ministers. Dual headedness in the executive branch always had the potential to create a crisis. It was clearly seen that this system, except for some exceptional periods, could not keep up with the needs of the developing Türkiye and the needs of the age. The parliamentary system, which constantly had produced instability and crisis, played a major role in the acceleration of the search for a new presidential system.

With the 1982 Constitution, a powerful but irresponsible Presidency had already been created. The legitimacy of the President was strengthened when the President was directly elected by the people for the first time in 2014. Because, it was elected by the people, a presidency emerged that was accountable to the people and used its powers with the legitimacy it received from the people. After these radical regulations, the system started to work like a semi-presidential system.

In this context, the AK Party government claimed that the main purpose of the demand for change in the government system was to strengthen the principle of democracy and the rule of law. It was claimed that the last remnants of the bureaucratic tutelage structures, which dominated the national will with the 1961 and 1982 Constitutions and have been the focus of undemocratic interventions in politics to date, would be eliminated. Turkey's presidential system would democratize the parliamentary government system in the current version of the 1982 Constitution, which weakened the legislature and created bureaucratic tutelage over civil politics and would eliminate the dual-headedness in the executive and provide a stable and effective government model with a strong single-headed executive.

The new government system would strengthen the characteristics of the Republic of Türkiye as a democratic, secular and social state of law. (Karatepe, Ş., Alkan, H., Atar, Y., Bingöl, Y., Durgun G.B., 2017).

At the time when the presidential system discussions were held, 65 governments had been established in the Republic of Türkiye in 95 years. The average term of office of the governments of the Republic of Türkiye, some of which cannot even receive a vote of confidence from the parliament, was below 1.5 years. During the same period, government crises, the inability to elect the President and the Chair of the Parliament by the parliament due to political disagreements, transfers of MPs, and short-term coalitions became chronic problems of Turkish political life. The former parliamentary system produced governments that came to power through elections but were not powerful enough to rule. Political conflicts caused by crises arising from the lack of strong governments in the elected parliament were filled by tutelage institutions. Economic and social crises caused by government instability resulting from the former parliamentary system were used as justification for coups and memorandums that interrupted the democratic regime in the 1970's and 1990's.

In a normal parliamentary system, presidents, in principle, are irresponsible and have symbolic powers. However, when the 1982 Constitution was made, the office of the President was strengthened in order to maintain the influence of military tutelage in the civilian period. While making such an arrangement, it was thought that the tradition of the "president with military-origin", which started with the 1961 coup, would be continued. However, this fiction was overturned in favor of democracy in 1989, when a civilian Turgut Özal, was elected President for the first time. With the election by the people in 2014, the President became the most powerful organ of the political system. The elected Prime Minister, who relied on the majority of the Parliament and received a vote of confidence from the Parliament as required by the former parliamentary system, was one of the powerful organs of the political system. Both responsible and irresponsible heads of the executive were elected and had broad powers changed the nature of the parliamentary system. After these regulations, it can be said that Türkiye was governed by a semi-presidential system rather than a parliamentary system.

A conflict between the elected office of the President, which has strong powers, and the Prime Minister, who is powerful due to the system, was turning directly into an executive crisis, and from there, into a political and constitutional crisis. Moreover, the fact that government formation depended on a high vote rate brought with it the danger that coalition governments would deepen such a crisis. The June 2015 elections brought Türkiye face to face again with this crisis that had been constantly experienced in the 1970s and 1990s. This crisis had been solved when the people gave the majority to a single party to form a government on the election rerun on November 1, 2015.

Since the president was elected by the people and had large-scale powers, Türkiye was no longer governed by the classical parliamentary system. Although, two important steps were taken towards a single-headed government system. It was not sustainable for Türkiye to be governed by a double-headed executive. The Constitutional Amendment, which was accepted in the Parliament in 2017 with the approval after referendum, would change the system and solve the problem of ineffective and instable government. With the new presidential system, the constitutional status of the legislative and executive bodies were reorganized in a way that they derive their legitimacy directly from the people and are accountable to the public.

### **The New Presidential System of Türkiye**

In a presidential system, the executive branch is single-headed. The president, directly elected by the people, is the head of both the state and the government. In a presidential system, the parliament, which exercises legislative power, and the president, who exercises executive power, are separate. However, they are independent bodies with some harmony and cooperation mechanisms. The presidential system is based on the principle of separation of powers. The system works in balance as the legislative, executive and judicial bodies, mutually control each other without having no organic connection to one another.

The implementation of the presidential system coincides with the development of representative democracy. The principles of this system were determined by the constituent assembly, which gathered in Philadelphia in 1787 and made the United States Constitution. The presidential system was first

implemented in the United States of America with the entry into force of the Constitution made by the Constituent Assembly in 1788. Over time, approximately 50 countries in the world especially Latin American countries, have adopted the presidential system.

With the presidential system introduced by the Constitutional Amendment on April 16, 2017, the powers of the Turkish Grand National Assembly to form a government were transferred to the President, who was directly elected by the people. The president might or not be a party member. President has executive authority and duty as head of state and head of government. He carries out his executive duties with the vice presidents and ministers he appoints. Ministers must be elected from outside the parliament. With the abolition of the office of Prime Minister, the President gained the title of both head of the state and head of the government.

The President also exercises his legislative power through decrees, provided that they do not violate the constitution, law and basic rights and freedoms. Decrees issued by the President may be invalidated or annulled by the Parliament or the Judiciary.

### **Check-and-Balance Mechanisms in the Turkish Presidential System**

President Recep Tayyip Erdoğan's advisor Şükrü Karatepe et al. (2017) claim that the check and balance mechanisms in the Turkish Presidential system are more and more effective than the former parliamentary system. Since the principle of separation of power is clearly defined in the presidential system, the executive led by the President can be more effectively supervised by the Parliament.

The legislature, which is directly elected, is the one that controls the government, not the one that determines it. The budget prepared by the executive can only come into force with the approval of the legislature. Control of the budget also belongs to the legislature. The independence and impartiality of the judiciary is regulated by the guarantee of a judge. The judiciary is a balancing element that it has the authority to supervise all transactions and actions of the executive and administration. In the new system, the Constitutional Court, in its capacity as the Supreme Court, is envisaged to have the authority to justify the President, vice presidents and ministers accused by the legislative body.

The power of the President to issue decrees is balanced both with the supervision of the Constitutional Court and the actions of the legislative body. If a law is passed regarding the area regulated by the decree, the decrees are annulled. The President, who is the head of the executive, also has the authority to approve the laws passed by the Grand National Assembly of Turkey, send them back, or apply to the Constitutional Court for their annulment. However, as is usually the case in presidential systems, a two-thirds majority was not required for the returned laws to be accepted as they were in the parliament; a simple majority was deemed sufficient. This makes the Parliament more powerful vis-à-vis the President, unlike the American presidential system.

### **A Unique Presidential Model Solving Deadlock Problem**

The presidential system, adopted by referendum on April 16, 2017, is a unique model designed to overcome the deadlock problem frequently encountered in contemporary democratic regimes. In fact, the primary reason why the presidential system came to Türkiye's agenda was the deadlock crisis experienced by the former parliamentary system.

“Deadlock”, conceptualized also as gridlock or political stalemate in the political science literature, is seen as an important problem of both parliamentary and presidential systems. Political deadlock can manifest in different ways. In bicameral presidential systems, deadlock may occur in cases where the majority in the two houses of Congress is held by different parties and parties or members of the legislature disagree on the issue of passing certain laws. On the other hand, political deadlock in presidential systems may be due to the fact that one or both houses of the legislature and the president, who constitutes the executive, are from different parties or have different political preferences. In the American presidential system, the deadlock between the legislature and the executive emerges as a result of the President's veto power and filibuster practices, which mean that Senate members occupy the parliamentary rostrum indefinitely. In parliamentary systems, deadlock usually occurs when a political party cannot obtain a majority in the Parliament to form a government on its own. Recently, in many countries, especially in the United States, efforts to resolve the deadlock problem have intensified with

proposals such as switching to a unicameral system, the Senate's filibuster, and limiting the President's veto power.

Although the deadlock seen in bicameral systems has not been experienced in Türkiye due to the single-chamber Parliament, the crises caused by the conflicts between the bureaucratic tutelage institutions, the foundations of which were laid by the 1961 and 1982 coup constitutions, and the representatives of the civil politics, have hindered the democratic functioning of the system. Having experienced coalitions in the 1970s and 1990s, Türkiye had to be governed by weak and unstable governments. The political system, which was locked when a single party could not obtain the majority in the Parliament as a result of the general elections held on June 7, 2015, was opened in the re-elections held on November 1, 2015, and a possible political crisis was prevented.

One of the most important issues that causes deadlock in the former parliamentary system was the double-headed executive. There had been frequent incompatibilities between the authorized but unaccountable president and the dual-headed executive branch consisting of the prime minister and the council of ministers. With the 1982 Constitution, a powerful Presidential office equipped with important powers was created. Since the President was directly elected by the people for the first time in 2014, a Presidency emerged that is accountable to the people and uses its powers to the fullest with the legitimacy it receives from there. Therefore, Türkiye's former system consisted of two powerful branches of the executive branch, functioning almost like a semi-presidential system. This system can only be called "a genetically modified parliamentary system" (Bingöl, 2017). Since both sides of the double-headed executive were authoritative and powerful, deriving their legitimacy from the people, it was very likely that the system would be locked in case of disagreement. The deadlock caused by double-headedness in the executive branch always has the potential to produce a crisis.

The general feature of the former system, which operated under the pressure and control of tutelage institutions, had weak and unstable coalition potential, and consisted of a double-headed executive. There had been unstable governments, military interventions and economic and financial crises. It was clearly seen that this system, except for some exceptional periods, could not keep up with the needs of a developing Türkiye and the requirements of the age. It was aimed to strengthen the principle of democracy and the rule of law with the presidential system that adopted by referendum on April 16, 2017. On the other hand, introduction of presidential system in Türkiye was aimed to liquidate the bureaucratic tutelage structures created by the 1961 and 1982 Constitutions, to eliminate the dual-headedness in the executive, and form a stable and effective system with a strong single-headed executive. It was envisaged to create a government model.

### **Conclusion**

The Presidential system, which can be considered as Türkiye's unique contribution to the presidential system, has adopted the rules of "legislative and executive determination by direct election by the people" and "single-headed executive power", which are the general characteristics of presidential systems. However, in the Turkish Presidential system, some different and unique designs have been envisaged to eliminate the political deadlock, which is frequently seen in presidential systems and is stated as a disadvantage of this system in the political science literature.

Unlike the American presidential system, in the Turkish presidential system, the rule of holding the Presidential and Turkish Grand National Assembly elections simultaneously has been adopted in order to establish a stable government, to support the formation of a harmonious cooperation between the legislature and the executive, and therefore to prevent the system from getting locked. Again, within this framework, the fact that the President and the Grand National Assembly of Turkey are mutually authorized to renew elections in the Presidential system aims to overcome the deadlock crisis that may arise between the legislature and the executive and to motivate them to work together in harmony. Moreover, in the presidential system, if the Parliament does not accept the Budget Law presented by the President, it comes into force at the valuation rate, which can be considered as a systemic mechanism to prevent the deadlock between the legislature and the executive, which is seen as a disadvantage in the political science literature on presidential systems.

The Turkish presidential system is a well-designed, original model in this context, aimed at preventing the system crises that contemporary democratic regimes have experienced and are likely to

experience. Countries experiencing deadlock problems and instable governments may take this unique model of Türkiye as a sample.

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