

GOVERNMENT SYSTEMS DISCUSSIONS IN REPUBLIC OF TURKEY

Hilmi Can Turan

University of Maine School of Law, Visiting Scholar

ABSTRACT

Changes of government systems are one of the processes that are not very frequently pursued by states, unlike other legislative processes. Regardless of which state it is, it would not be true to argue that the past and future of a change of government occurs without any pain. Because any change to be made by a state in its government system is the most important change that affects ruling powers. Also, a change of government system will show its impact on a country for many years and constitute a change that is made in the name of future generations. For this reason, discussions and efforts about such a significant matter should be taken naturally and the topic should be discussed not based on individuals but on a scientific and academic basis.

In the history of republic, there have always been searches on government models, notwithstanding the government model used. The blame has been laid on failures of government system in all conflicts among the government bodies and inconsistency of governments. This is also the case today. The presidential system is on the agenda of Turkey for the last 20 years. Discussions about the presidential system have increased further in the single-party government since 2002 and the first serious step was taken with the draft presidential system that was prepared by the ruling party in 2013.

Key Words: Turkish style Presidential System, Government Systems, Semi-Presidential System

INTRODUCTION

Republic of Turkey has preserved the regime of Republic, used many government models. First of all, it must be pointed out that Turkey has preserved its democratic and unitary structure. In Turkey, the following were used;

- 1- Parliamentary Government System
- 2- Parliamentary system
- 3- Semi-presidential system¹, respectively.

In the history of Republic, there has always been a search for government models, whatever government system is used. In any conflicts among the organs of government, the bill was paid by the faults of government system in instability of the governments. The same goes for these days. In the last 20 years, presidential system remains on the agenda of Turkey. It must be pointed out that Parliamentary system, semi-presidential system and presidential system are all democratic systems. In fact, in a system where executive and legislative are elected separately by public vote, presidential system is suggested to have even more democratic legitimacy (Özbudun, 2015).

The discussions of Presidential system in Turkey have increased since 2002 in single government period and first serious step was taken with the presidential system draft prepared by the ruling party in 2013. Today, especially upon actions and statements of President of Republic of Turkey, it is suggested that actual state is existing currently. The questions we have to ask primarily are these?

- 1- Which government model is being practiced since 2014 Presidential elections in Turkey?
- 2- Why is Turkey in search of a government system for years?
- 3- Can the Presidential System be a solution for Turkey?

¹ Semi-presidential system is not being accepted by some lawyers and political scientists and being argued that it is a type of parliamentary system. The discussions about whether the system being practiced in Turkey today is semi-presidential or not have increased even more after election of President Recep Tayyip Erdoğan as a result of 2014 public voting.

In our opinion, looking for answers to these questions will provide a healthier contribution to government systems discussion in Turkey.

a. Today's Government System in Turkey

Despite that government systems based on separation of powers are usually divided into two as presidential system and parliamentary system, a third government system should be considered in this category is being mentioned by many people in the doctrine. (KILINÇ, 2016:450) This mentioned system is the semi-presidential government model, which is suggested to be existing in Turkey now.

In 2007, a referendum was made in Turkey and authority to elect the President was taken from TBMM (Grand National Assembly of Turkey) and given to public by Constitutional amendment as a result of this referendum. As for 2014, the first execution of this amendment has happened and Recep Tayyip Erdoğan was elected as president with public vote². For the first time in the political history of Turkey, with the election of a president by public vote, President has started using his authorities from Constitution more actively. This situation has also brought the discussions of semi-presidential system actually being practiced in Turkey. To argue that semi-presidential system is being practiced in Turkey, description of semi-presidential system should be made first.

According to Maurice Duverger, constitutions which accepted semi-presidential system gather the following three elements.

1. President is elected directly.
2. President is given broad authorities.
3. There are prime minister and council of ministers with executive authority as long as they have the trust of parliament. (Duverger, 1980:166)

Today, the exact semi-presidential system practiced suitably to the definition of Duverger is being practiced in Turkey. It is proposed that the President should be without a party according to constitution, at equal distance to all parties and argued by some scientists that a return to parliamentary system is required. President, with him elected by public, is using his Constitutional authorities more actively. Therefore, those defending the parliamentary system argue that President should be elected by the national assembly again and the authorities of the president should be made symbolic, in accordance with the spirit of parliamentary system.

Another argument is the suggestion that presidential system is being actually practiced in Turkey now. In presidential system, single leadership in execution and a harsh separation of powers are in question. In our opinion, single leadership has not become real in execution in Turkey and a transition period is ongoing. Between the years 2014 and 2016, in the two years that Prime Minister of Republic of Turkey, Ahmet Davutoğlu, functioned as prime minister, we can say that a duality was present in executive organ, but this was not reflected to public until the resignation of Ahmet Davutoğlu. Such a case is against the spirit of presidential system. Also, a system where executive and legislative is not separated from each other, prime minister and ministers born from legislative, president being unaccountable named actual presidential system is not correct.

Returning to the subject of current government system in Turkey, there is an effective president elected by public vote, a prime minister and a council of ministers continuing to function by approval of parliament. Also, since the very day Constitution of 1982 was written, there are broad authorities granted to president by constitution. President frequently presiding to council of ministers these days makes the executive organ president-centered.

In Turkey, president is elected in many presidential elections, including 2007 Presidential elections, following a coup or a general election. The regulation of election of president of Turkey by public has happened outside the discussions of government system. President being elected by parliament again, issuing a regulation on this matter, is not realistic according to political life of Turkey. Also, broad authorities granted to president is granted from the moment 1982 Constitution is prepared. To convert the government system into a pure parliamentary system, president needs to be elected by the parliament and his authorities reduced. Without these regulations, it will not be correct to suggest that parliamentary system is in effect in Turkey.

² In 10th August 2014, Presidential election was made by public voting for the first time in the history of Turkey. As a result of this election, official voting results announced by YSK (Supreme Committee of Elections) are as follows; Recep Tayyip Erdoğan: 51.79%, Ekmeleddin Mehmet İhsanoğlu 38.44%, Selahattin Demirtaş 9.76%. According to these results, Recep Tayyip Erdoğan became the first president of Republic of Turkey elected by public voting. (www.ysk.gov.tr)

Although it is suggested that presidential system is actually in practice in Turkey or parliamentary system, the view we have points closest to a semi-presidential system as a government model. Firstly, all the conditions of semi-presidential system are available in Turkey, theoretically. A president elected directly by public vote, a prime minister and a council of ministers born from legislative are present. In conclusion, we can safely say that for Turkey, semi-presidential system is valid both in theory and practice in our day.

b. Turkey's Reasons of Searching for a Government System

Since the 2nd Constitutional Monarchy Period, when 1909 Ottoman Basic Law became effective, many government models were tried to be practiced in the history of Turkish Parliament. If we chronologically order these;

- * Between 1909-1921, parliamentary system with constitutional monarchy,
- * Between 1921-1924, Parliament Government System,
- * Between 1924-1961, mixed government system - Parliamentary System Weighted
- * Between 1961-2014, Parliamentary System
- * From 2014 to day, Semi-Presidential System

We can talk about a parliamentary experience of more than 100 years in Turkish political life. Despite this 100 years of experience, there has always been a search for government system in Turkish parliamentary history. Whatever the reason for this search, we can argue that we couldn't settle down the government model.

If we have to classify the government systems search of Turkish parliamentary history, it would be more correct to divide as pre-1961 and post-1961. In our opinion, the reasons of searching a government model for the period starting from 1909 to 1960 military copy are different than the reasons of search for the period after Constitution of 1961.

In 1909, Ottoman Empire has re-announced the Ottoman Basic Law and started 2nd Constitutional Monarchy Period. Ottoman Empire has switched to constitutional monarchy in this period. If the authorities of the sultan were made symbolical, we could say that the period would have been the same as English Parliamentary system of today (Hakyemez, 2016). Following this period, 1st and 2nd Balkan Wars and World War 1 have happened, Ottoman Empire fell apart. With the removal of sultanate by Grand National Assembly of Turkey, monarchical parliamentary system of Ottoman has ended.

After World War 1, National Assembly of Turkey established in 1920 in Ankara has made a new constitution in 1921 and this period has used parliamentary government system. This period is also an extraordinary period for Turkish Parliamentary history. National assembly has gathered the executive and legislative authority on itself and adopted a typical parliamentary government system. National assembly has waged the independence war, prepared the 1921 Constitution, removed sultanate and declared the Republic.³

In 1924, TBMM has issued a new Constitution and a mixed government model was adopted together with this. In this period, which parliamentary system was weighted, parliament has used its judicial power by means of Independence Court from time to time. Sometimes national assembly government and sometimes parliamentary system was felt. In 1945, Turkey has adopted the multi-party system for the first time, more than one party have participated in the general parliamentary elections in 1946. By transition to multi-party system, a new era has started for Turkey and legitimacy of parliamentary system has increased in the eyes of public. Thus, more than one party was present in the legislative organ with 1946 elections. However, due to election system, even after transitioning to multi-party system, executive organ was owned by the government alone. Therefore, both before 1946 and from multi-party period to 1960 coup, there has always been stability in execution.

So, we can say until 1960 coup that

- If Balkan Wars and World War 1 didn't happen, parliamentary system within Constitutional Monarchy in Ottoman could've continued, even evolved in time and with more democratic conditions.

³ Sultanate was removed by TBMM in 1st November 1922 and Ottoman Empire ended legally. The regime of Turkey was determined as republic with the constitutional amendment made by TBMM in 29th October 1923.

- When extraordinary decisions such as carrying out Independence War, founding the Turkish Government, declaring Republic are needed, the national assembly government system was practiced between 1920 and 1924.
- Between 1924-1960, settling down of Republic regime and democracy, efforts of transition to multi-party system, the need to make authority of national assembly be felt from time to time⁴ are the extraordinary developments in this period. Thus, a mixed government model was practiced with changes between national assembly government and parliamentary system.

We can attribute the government model searches of pre-1960 to extraordinary developments and transition process to democracy.

Search for government model also continued after 1961 Constitution. However, the search in this period was different than the previous periods. Because in this period, regime of republic is settled down, transition to multi-party system is completed, parliamentary regime is constitutionally accepted. From this period to day, the reason for the search for government system has become parliamentary system based crises and problems. Reasons such as president election crises, duality in executive organ, coalition governments, governmental instability have formed the source of government system discussions. Especially the duration of governments not even 1 year long before the coup of 1980 have formed the most important reason of this search. Voters finding the coalition government periods unsuccessful have forced to search for executive that will remove the likelihood of coalition.

Most criticism made today by looking back on the 55 years history of parliamentary system is about the term of office of governments. There have been 42 different governments found from 1961 to day. This makes the average term of office for a government 1.3 years. In 19 years between 1961-1980, 20 different governments were found and term of office for governments decreased to less than a year. 12 governments were found between 1989-2003 and the term of office has become 1.15 years. After the election of president by public vote, 4 different governments were found and the stability of the government was broken down.⁵

c. Presidential System and Turkey

Presidential system was born in USA and is a government model being used by 62 (Danışoğlu: 2013) countries. In presidential system, harsh separation of power is in question.⁶

Presidential system, as mentioned in our study, have been brought to agenda many times in Turkish Political life. Today, presidential system is also a subject most discussed by both executive and legislative. It is considered 8th President Özal have brought the presidential system to agenda first. The thought of presidential system was continued by President Süleyman Demirel and DYP, and this system was presented as advanced democracy (Fendoğlu, 201: 24). In recent times, presidential system is being defended by president and ruling party, and worked on to be selected as the government model of Turkey by an amendment in the constitution. It should be pointed out that the discussions of Presidential system have moved away from academic discussions and became political. Two most important problems we observe in the discussions made regarding this subject are;

- a. Turkish type presidential system could not be filled out, what kind of government system in terms of legislative, executive and judicial powers is demanded is not certain or could not be explained.
- b. Discussions of Presidential System have become extremely political and moved away from scientific tone, the subject have moved outside the scientific and academic discussion framework.

What is intended by Turkish Type Presidential System...

When Turkish type presidential system is defined; a presidential system where unitary state structure is preserved and federal structure is not preferred is described. According to this description, all the nations using

⁴ For example, in 1927, TBMM have formed the Independence Courts again and used judicial power.

⁵ Relevant government numbers were taken from TBMM official web site. www.tbmm.gov.tr

⁶ Presidential system is a product of English Westminster model's political, cultural environment and political mentality. Presidential system was constructed by exactly preserving some and changing some attributes of Westminster system (Kalaycıoğlu, 2005: 14).

presidential system with unitary state structure is preserved use Turkish type presidential system. This criterion is not really sufficient to determine the type and structure of presidential system, never been sufficient. Formation of basic organs of the state, discussion of subjects directly related to government system such as structure, separation of powers and stating the status of these in a possible presidential system will be more explanatory. Surely government system and state being in a federal or unitary structure are different subjects. A presidential system may be in federal structure as well as in unitary system. Likewise, parliamentary system may carry on with unitary or federal state structure. The dominant thought in the doctrine relevant to the subject is towards this direction. Such focusing on the subject take precedence of the real subjects to be discussed. Turkish society, who are extremely sensitive about federate and unitary structure, are interested in this part of the subject. However, there are many issues to be discussed for a government model we are extremely foreigners in terms of harsh separation of power.

About the discussions being made on the presidential system, predictability can be mentioned especially two points. First of these is preservation of unitary structure and federate structure will not be preferred as we mentioned.⁷ Other predictable circumstance is the status of executive organ. Executive power in USA is used by the President of United States together with 15 ministers assigned by Vice President and approval of Senate (King, 2008:51-52) President of USA is the head of both the government and state. (Stern, 2004: 7)

If the presidential system happens in Turkey, it will be consisted of executive president and his cabinet, just like USA. President will be directly elected by public vote⁸ and will perform his function with his cabinet during his term of office. Especially this case, is the issue most emphasized by the opinion defending the presidential system in Turkey. As we mentioned in our study, therefore

- a. Government instability will not be an issue in Turkey
- b. No coalition will be in executive organ
- c. President election crisis will not happen⁹
- d. There will be no duality in Legislative and no crises will happen between president and prime minister.

Especially those who consider the presidential system necessary for Republic of Turkey regard these problems and tell that presidential system will provide a solution. When switched to a possible presidential system, the president to function during executive term of office resulting from the nature of presidential system will form his own cabinet and executive function will be performed by the president and the cabinet without any coalition being in question for executive organ. Since the offices of Presidency and President will be joined in president, there won't be any duality. When addressed theoretically, it will be an executive without crises and governmental stability. Also in our opinion, the situation is as such in terms of these issues. This situation, namely "single leadership of executive", is dubbed the most suitable style to Turkish State Tradition. Surely this comment has a grain of truth about the single leadership of executive, but it should not be forgotten that from Pre-Islamic Turkic States to Ottomans, from Early Republic period to day, in no period executive and legislative were separated harshly. If the presidential system become real, for the first time in Turkish history, executive and legislative organ will be independent of each other. In the history of Republic, especially after transition to multi-party period, especially in practice, executive born from legislative organ have been dominant over legislative. The contribution of this to democracy in a democratic system is surely questionable. But, what we want to state here is that harsh separation of power is foreign to Turkish State Tradition.

It should be stated that organization and formation of executive in operation of a government system is not a factor by itself. Legislative and judicial organs should also be discussed as much as executive, political party system, functional authorities of legislative and executive organs in unitary and federal state structures should be addressed. In none of the government models of democratic regimes, the system consist of executive.

⁷ Preservation of unitary structure has been very important in Turkey, both in political and social language. The existence of unitary structure is almost seen as the first condition for unity, solidarity and independence of the state.

⁸ Today, the president in USA is elected by a "selective assembly" elected by public vote. As for Turkey, President is directly elected by public vote. In case of presidential system being practiced, we think the election method in Turkey will continue to be practiced as is.

⁹ By 2007 Constitution amendment, the election of President is decided to be by public vote. However, returning back to old practice in accordance with the spirit parliamentary system, electing president with not public vote but by TBMM is being argued in the doctrine. If the presidential system is practiced, president will be elected by public, directly or indirectly.

Good operation of the system depends on coordination of state organs having powers at hand and supervising each other. In USA type presidential system, this is called brake and balance system.

If we return to the discussions of presidential system in Turkey, we see that the discussions focusing on the executive organ are not made on the legislative and judicial organs. Judiciary being independent and impartial in presidential system is extremely important. Especially on judicial independence, there are doubtful opinions on practicing of presidential system in Turkey. It is proposed that in Turkey without judicial independency, presidential system will not work. Judicial independency is important in all democratic government systems. Issues such as principal of constitutional state, guarantee of human rights, judicial independency and impartiality, separation of powers are foundations of a democratic regime. Judicial independency is therefore a discussion above government systems (Özbudun, 2015). In every country where judiciary is not independent or is partial, faults in operation of the system will happen, no matter the government system is. In our day, an opinion states that executive has dominated judiciary and judiciary is no longer independent. The opinion of judiciary not being independent is argued especially by executive organ. This will constitute a problem for presidential system as much as it does for operation of parliamentary system. Judiciary being independent and impartial will provide benefit to operation of government systems in any country. Thus, we believe the criticism made about presidential system not working by only using independency of judiciary are insufficient. The criticism of judiciary not being independent or impartial will surely fault in all government systems. A presidential system without judiciary independence leading to dictatorship will be examined in a separate topic of our study.

In presidential system, most important issue that is not emphasized in terms of those defending the system is legislative organ. For the system to operate, we can say that most important state organ in the parliamentary presidential system is legislative. When you look at American Presidential system, legislative authority belongs to American Congress. Congress has two assemblies (Bureau, 2013:69). First assembly is the Senate and called higher assembly. Each state sends two senators to the Senate (Stern, 2004: 12). These people represent the states equally. The House of Representatives consist of 435 delegates (Stern, 2004: 12). This assembly represents the American citizens. Delegates according to the ratio of population of each state is sent to House of Representatives. While California has 55 delegates, Maine only has 2¹⁰.

When we look at Turkish parliamentary life, a two assembly period happened only twice. The first was 2nd Constitutional Monarchy Period. The second is 1961 Constitution period. It should be noted that legislative organ consisting of one or two different assemblies does not affect the type of government system. Parliamentary, Semi-Presidential and presidential systems all can have single assembly legislative organ as well as having two assembly legislative. Now, in our day, single assembly is in practice in Turkey since 1982. Legislative power belongs to TBMM. In a possible presidential system, it is estimated to continue with a single assembly. In presidential system, there are other issues to discuss on the executive and legislative organ.

The issues which should be especially emphasized when discussing presidential system are;

- a. How the legislative process will be?
- b. How the constitutional relation between executive and legislative will be?
- c. Will the election threshold be removed in delegate elections?
- d. Will narrowed or single-member district election system be adopted in election system?
- e. Will the legislative elections be made at the same time with presidential elections?

As is known, the principles of stability in government, fairness in representation were added in 1982 Constitution with amendment of 1995. Especially to fulfill the requirement of stability in government principle, a nation-wide election threshold was used in general delegate elections. As a requirement of election threshold, parties which were able to receive 10% and above vote could send delegates to TBMM. Thus, parties with large numbers being present in the parliament was constitutionally prevented and the likelihood of coalition governments were tried to be minimized.¹¹ If transition is made to presidential system, an ongoing stability in government is a system requirement. As for the legislative organ, it is not possible to mention that same stability

¹⁰ Relevant numbers are taken from USA House of Representatives Official Website. <http://www.house.gov/representatives/> Access Date 24.05.2016

¹¹ As a result of 2002 general elections, election threshold could be passed by only AKP and CHP parties and in 22nd legislative period of TBMM, AKP became the ruling party on its own and CHP became the main opposition on its own.

will be available due to government model. It is also possible for the assembly to consist of many different parties of majorities, independent delegates in presidential system.

If presidential system is to be switched to, some regulations in legislative right might provide improvements in the name of democratization. Since the instability of executive, which is the most complained issue of parliamentary system, will not be available in presidential system, there will be no obstacles to fully practice the principle of fairness in representation, which is found in our constitution. If the switch to presidential system is made, we can say that positive results will be obtained in terms of legislative organ in case of single-member district election system is used and nation-wide election threshold is removed. First of all, in such case, separation of powers will happen in accordance with the spirit of presidential system and legislative organ will become independent of executive especially in practice. Single-member district, narrowed district election systems have been brought to agenda especially as a result of delegate majority calculations in legislative organ before general elections, and as a matter of fact, democratic representation aspect was ignored. Democratic representation power of single-member district election system will be valid in parliamentary system as well as presidential system. In the presidential system, especially in practice of separation of powers is essential. For this, single-member district election system will ensure operation of separation of powers principle and support the operation of presidential system. If TBMM will continue with its single assembly structure and consist of 550 delegates, the nation divided into 550 election region and establishing a direct relation with voters and candidate will be more in line with the spirit of presidential system. Thus, this will have direct positive effects on the in-party democracy in practice.

The in-party democracy we complain about in parliamentary system process and argue that it does not exist, is a problem in a democratic system. Same thing continuing in presidential system may bring the government system to unity of power. With single-member district election system, candidates will be in direct communication with the voter who will vote for them, parties will be forced to specify their candidates according to the inclination of the voters. This will especially prevent the party leader from acting arbitrarily when specifying the delegate candidates.

In the elections in Turkey, votes using their right to vote according to the parties to pass the election threshold is a sociological fact. Election threshold, which was implemented to ensure stability in government and minimize the coalition governments, will not be needed in presidential system, executive organ will perform its executive power as a single-leadership during the term of office. Together with the removal of threshold, voters will be able to use their votes more freely, thus representation ratio in legislative organ will increase more. In such case, president inclining to dictatorship will be more difficult in presidential system. Although election system and threshold issue is more in the background in presidential system discussions, they have a vital role in progressing of system in a democratic ground.

Presidential system causing dictatorship in Turkey is one of the most important criticisms made for the system. While pointing out that presidential system will cause dictatorship due to being one man government, dictatorship projection is made by considering in terms of judicial independence or authorities of the president. It is best if these opinions are addressed respectively

One man government and dictatorship argument

There are three main powers which forms the state. These are legislative, executive and judicial powers. Dictator is the person who has all these three powers. In parliamentary system, executive is used by president, prime minister and council of ministers, legislative is used by national assembly and judicial is used by independent judiciary.

In Turkey, it is seen that, especially in single ruling party periods, executive has dominance over legislative organ in practice. Government holding the executive power is in command of both powers by also holding the majority in legislative organ. As for the presidential system, which the powers are separated harshly, removal of threshold as mentioned and implementation of single-member district election system will minimize the command of executive on legislative. In a presidential system which legislative is not independent of executive, one man government concerns are appropriate in our opinion.

Likelihood of Judicial Independence Faulting

Judicial independence and impartiality is one of the cornerstones of a democratic system. In a system executive and legislative not acting legally and not supervised, it can be said that it is getting away from a democratic regime, whatever the government system. In a country with the principle of constitutional state, there is no place for arbitrariness of administration.

The authority of executive and legislative to assign members in member elections to higher judicial bodies should be at a level not to affect independence of judiciary and treated in a sensitive manner.

Responsibility of the President

In case of switching to presidential system, one of the most important differences in terms of the system in practice today in Turkey is the responsibility of the president. In our country, the President can only be put on trial in Constitutional Court in the capacity of Supreme Court by the decree of national assembly for treason. In presidential system, this is called as “Impeachment”. In case of switching to presidential system, a regulation should be made covering the responsibility and penal supervision of president and cabinet, including the ways of “Parliamentary inquiry and Impeachment”. Independency and impartiality of the institution to perform the inquiry stage should be especially be paid attention, if necessary, this authority should be given to judiciary organs.

Besides penal supervision of executive, legal supervision of the actions is also an important issue. As is known, judicial remedy for the single actions of President is closed in our day. In presidential system, this must also be regulated as a requirement for constitutional state principle, compliance with laws supervision should be possible for all actions of executive.

Authorities of President in Turkey

In the Constitution of 1982, strengthening of executive was aimed and authorities of President were increased. With the presidential system, executive power will belong to president and the cabinet that will be formed by him, which the cabinet formed is likely to obtain the approval of legislative. Especially the one man dictatorship argument, which the president will gather all the authorities, is impossible in a system which the powers are separated harshly in practice. Of the legislative, executive and judiciary powers, the authorities of president will be and should be limited with executive. In this case, compared to the prime minister of today’s parliamentary system, it will be a president with lower effect on legislative in theory. Of course, this is questionable in practice. If the election threshold remains, election system is changed and in-party democracy practice is not applied, it is possible to mention a system with a president in command of executive and legislative.

It would be useful to mention the authorities other than these to be granted to president. In USA, the president and cabinet does not have authorities such as assigning administrators to local administrations and selecting university presidents. In fact, each local state being authorized in itself considerably restricts the authority of federal government in terms of all powers. State governments are those which every citizen of USA deals with in daily life and is affected by their actions. As for our country where unitary system is considerably effective, how the authorities of president will be regulated in Turkish type presidential system is another matter of discussion. In case of the authorities granted by 1982 Constitution to president are granted to president of today’s Turkey, we can say that the president of Turkey will have a lot more authority compared to USA. However, it will not be correct to decide by looking at this data. For example, while TBMM is stronger compared to American Federal Congress in terms of legislative power, judiciary will be stronger in Turkey compared to Federal Judiciary. So, president having more authority compared to USA system as a result of unitary system in the Turkish type presidential system is not a special regulation. Compared to the system of USA, Executive, legislative and judiciary will be more powerful in Turkey.

In terms of majoritarian and pluralistic democracy...

In case of the regulations we mentioned in our study on legislative are made in the presidential system, legislative organ will be more suitable for pluralistic democracy. In parallel to this, representation power of legislative organ will increase. It is argued that in a Turkey where powers are clearly separated, presidential system will bring dictatorship and a majoritarian system will be practiced. In parliamentary system, establishing pluralism in legislative organs have not been possible other than a few coalition governments. When we look at Turkish political life, legislative organs have usually formed in parallel to majoritarian democracy understanding. In presidential system, the situation will not be different in terms of legislative organ and will be continued with majoritarian democracy understanding. In fact, when we look at the history of parliamentary system in Turkey, for example, after 2002 general elections, AK Party, which obtained 35% of the votes, performed the executive duty by itself for 5 years. This is not even close to majoritarian democracy understanding as a weakness of parliamentary system. In presidential system, for the executive to take office, president candidate should always get more than the 50% of the votes.

In terms of majoritarian and pluralistic democracy understanding, it is different in legislative organ. Pluralism has always happened in terms of legislative organ, whether it is parliamentary or presidential system. After the transition to multi-party system in Turkish parliamentary life, we can say that pluralistic democracy is dominating in terms of parliament. In presidential system, all precautions should be taken to preserve pluralism in terms of parliament carrying out its legislative duty. If the necessary legal regulations are made, presidential system will be a system which the pluralism will be more active in terms of legislative organ compared to parliamentary system. Especially if the regulations such as removing the threshold and implementing single-member district election system, we can say that parliament will enable highest level pluralistic democracy.

Possible Crises Between President and Legislative Organ

We can say that most important weakness of presidential system is the crises happening between legislative and executive due to harsh separation of powers (Turhan, 2012:63). In our opinion, the likelihood of these crises happening is high in the case of implementation of presidential system in Turkey. If the president cannot convince the congress regarding legal issues, resolution process in the system will be locked. Such a locking will bring both organs face to face before the public with the argument of having a superior legitimacy (ASLAN, 2015:18). In Turkish Parliamentary history, especially the crises between president and government are given as examples and pointed out that parliamentary system being a government model open to crises. It has to be mentioned here that problems occurring between President and council of ministers are the problems within executive itself. In presidential system, however, they are crises that may occur between executive and legislative organs. In presidential system, which executive and legislative are elected directly by public vote, both organs will argue that they are representatives of national will due to legitimacy they obtained from the public. This may cause deep conflicts (Kalaycıoğlu, 2005: 26). Indeed, such crises are happening in South American countries, which are governed by presidential system and a break is given to democracy when no solutions are found (Linz, 1990: 89-90).

It is being argued that no reconciliation culture is present in Turkey and polarization is increasing day by day. In our opinion, in a system which executive and legislative are elected separately, the responsibility of executive and legislative against public will be more distinctive. Especially if single-member district election system is used, voters will directly know the delegate they sent to parliament and delegate will be accountable against voter. This may be indirectly effecting the reconciliation culture. When we look at recent political life history, we witness that votes penalize political parties that are far from reconciliation. DYP, in the leadership of Mehmer Ağar and ANAP, in the leadership of Erkan Mumcu, have their votes considerably lowered in the elections made 2 months after the Presidential election made in 2007, which they didn't attend to national assembly. Together with renewal of the elections, MHP, which didn't attend to national assembly before, have attended after the election. Similar examples happened after the 7th June and 1st November elections of 2015. In our opinion, organs forming by election in a democratic system continuing crises arising from non-reconciliation is not a frequent occasion.

Making presidential and legislative organ elections at the same time periods would decrease the possibility of crises. Because, if the term of president and legislative are same, same majorities will be able to command both executive and legislative. Thus, frictions between executive and legislative will be minimized (Turhan, 2012:74). However, this also has some inconveniences. Especially a president in command of legislation will be able to hold both executive and legislative powers. Therefore, making the election of president and legislative organ in different periods and progressive renewal of legislative organ in certain percentages may prevent this happening.

What may happen in situations where no reconciliation is available and the crisis becomes bigger? First of all, we should point out that as a result of long-term crises, either a coup or an election has happened in parliamentary system Turkey. In 2007 Presidential elections and after 2015 elections, when no government could be formed, early election or renewal of elections have become a solution. In our opinion, in Turkish type presidential system, regulation of exceptional situations when legislative and executive could decide on elections binding to its own organs may be an outlet in crises which reconciliation is not possible.

CONCLUSION

Government system changes are actions which states do not perform frequently like other legislative actions. In whichever state, it will not be correct to argue that before and after of the government changes are painless. Because a change in government system by a state is the most important change affecting the powers of state. Also, a government change will be a change affecting a country for years, made in the name of next generations. It also should not be forgotten that a government change will have a cost for that country. Legal problems arising from change, problems arising in the process of learning the system and external reactions can be interpreted as the cost of government change (Gönenç, 2005: 8-10). Therefore, discussions and works on such

an important issue should be taken for granted and the issue should be discussed not only over people but scientifically and academically.

As mentioned in our study, implementation of presidential system in our country and for healthier operation of this system, some issues should be clarified and guaranteed. In Turkish type presidential system;

- a. Assignment of legal and penal responsibility of the president
- b. Practicing of single-member district election system
- c. Removal of threshold in delegate election system
- d. Guaranteeing the independence and impartiality of judiciary also in practice
- e. Taking necessary precautions for in-party democracy
- f. Guaranteeing constitutional state principal also in practice

will prevent any inconvenience of presidential system in terms of democracy in practice. Thus, separation of powers and stability in executive will be realized, independence of legislative from executive will be guaranteed.

Despite the many difficulties which Turkish democracy has gone through, Turkey has a very old and powerful tradition of state and long-established state experience. Also, we have a democracy experience which cannot be considered very short (Kılınç, 2015: 84). These discussions, consultations, efforts of searching should and must surely result to the benefit of Republic of Turkey.

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