AN OVERVIEW OF THE GOVERNMENT SYSTEM DEBATES IN TURKEY

Peri Uran

Yalova University, Turkey

Abstract: Governmental systems are one of the significant topics of constitutional law literature and comprehensive studies have been carried out on this issue. The answer to the question whether a parliamentary system, a presidential system or a mixed system is the most suitable system of government can change according to the political preferences of the countries. Discussions about governmental system change are also not new in Turkey.

Keywords: Constitutional law, governmental systems, parliamentarism, president with parliamentary system, presidential system.

Introduction

"During the application of the Constitution of 1982 first ex-president Turgut Özal, then ex-president Süleyman Demirel maintained that the governmental system in Turkey needed to be changed from parliamentary system to semi-presidential or presidential system, because Turkey’s growing and pressing problems require an “effective executive” which would take necessary decisions quickly and apply them effectively and the president in such systems fits this requirement. Governmental system change issue also came into question during the The Justice and Development Party Government’s term of office. Both the prime minister Recep Tayyip Erdoğan himself and the other senior party members occasionally mentioned that presidential system would be the best governmental system for Turkey. The constitutional amendment which was accepted through a nationwide referendum on 21 October 2007, overshadowed the discussions about governmental systems in Turkey for awhile. The amendment in question changed the Turkish Governmental System from parliamentary system to parliamentary with “president” system by introducing the principle of “popular election of the president”. Moreover, the new system is being considered as a step to pass through a presidential system in Turkey."

1 The main argument in favour of presidentialism is that the elected head of state is given greater legitimacy and is more accountable to the public. The president can rule without any party support until the next election. However, winning the presidency is a winner-take-all, zero-sum prize. Linz underlines the danger of zero-sum presidential elections as: “The danger that zero-sum presidential elections pose is compounded by the rigidity of the president’s fixed term in office. Winners and losers are sharply defined for the entire period of the presidential mandate. There is no hope for shifts in alliances, expansion of the government’s base of support through national-unity or emergency grand coalitions, new elections in response to major new events, and so on. Instead, the losers must wait at least four or five years without any access to executive power and patronage. The zero-sum game

---

in presidential regimes raises the stakes of presidential elections and inevitably exacerbates their attendant tension and polarization.”

Contrary to the parliamentary system, in presidential systems, the executive does not originate from the legislature. The president and the legislative organ are elected separately for fixed terms and they retain their independence from each other throughout their terms. Mutual independence of the president and the parliament results in their inability to interfere with each other’s areas of authority. Whereas the president is not involved in legislative activities, parliaments are not involved in executive activities.

Parliamentarism has been one of the defining characteristics of the Turkish constitutional system since 1876 Ottoman Constitution. Adoption of presidential system in Turkey may bring along some issues when we consider the unitary structure of Turkey, its parliamentary tradition, disciplined party structure, the difference between ideologies, and an unsettled democratic culture. Moreover, a directly elected strong presidency can lead to the personalization of the process, and encourage the president to ignore any opposition in the parliament. Especially, where democratic culture and judicial independence have not yet been established, presidential system can easily turn into a dictatorial structure and the fundamental rights of the individuals can be in jeopardy. What is common in countries where either parliamentary or presidential system work successfully is the fact that they are characterized as state of law. Therefore, efforts should be made towards encouraging the establishment of the concept of rule of law and independence and impartiality of judiciary in Turkey in the first place. Resolving probable systemic impasses and adopting tools of rationalized parliamentarism would be a feasible option for Turkey when its constitutional and political history is considered.

References


---