

## Türkiye’de Yeni Bir Hükümet Sistemi: Cumhurbaşkanlığı Hükümet Sistemi

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### Öz

Uzun yıllardır tartışılan hükümet sistemi değişikliği önerisi, 16 Nisan 2017’de yapılan referandumla sonuca ulaştı. Türkiye’nin kabul ettiği cumhurbaşkanlığı hükümet sisteminin, dünyadaki hiçbir hükümet sistemine tam olarak benzemeyen Türk tipi bir başkanlık sistemi olarak görülebileceği ileri sürülebilir. Türk kamu yönetiminde köklü değişikliklere yol açan yeni sistemi eleştirenlerin yanı sıra destekleyenler de oldukça fazladır. Bu çalışmada, öncelikle dünyanın demokratik ülkelerinde yaygın olan parlamenter, başkanlık ve yarı başkanlık hükümet sistemleri ele alınacaktır. Daha sonra Türkiye’ye özgü Cumhurbaşkanlığı Hükümet Sisteminin temel özellikleri, öncü gelişmeleri ve son zamanlarda meydana gelen değişiklikler kapsamlı bir şekilde incelenecektir. Bu çalışma, yeni hükümet sistemi ile Türkiye’nin 2023 hedeflerine ulaşmasını mümkün kılan çeşitli politika alanlarında önemli bir ivme yakalayabileceğini ortaya koymaktadır.

**Anahtar Kelimeler:** Cumhurbaşkanlığı Hükümet Sistemi, Hükümet Sistemleri, Türkiye

## A New Government System in Turkey: Presidential Government System

### Abstract

The proposed system change, which has been the subject of discussion for many years, reached a conclusion with the referendum held on 16 April 2017. It can be argued that the presidential government system Turkey adopted can be regarded as a Turkish-type presidential system that is not precisely similar to any government system in the world. There are a large number of critics as well as supporters of the new system, which has made fundamental changes in Turkish public administration. In this paper, firstly, information about parliamentary, presidential and semi-presidential government systems common among the democratic countries of the world will be presented. Later on, the Turkish presidential government system's essential features, pioneering developments, and recent changes will be extensively examined. This study reveals that with the new government system, Turkey can have significant momentum in various policy areas, which make it possible to achieve its targets for 2023.

**Keywords:** Presidential Government System, Government Systems, Turkey

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## **1. INTRODUCTION**

Various countries in the world have developed a specific system of government shaped by their historical, political, social and cultural structures and conditions. Among the countries governed in accordance with democratic principles, the most widely used systems are parliamentary, presidential and semi-presidential systems. Advantages and disadvantages can be listed according to the historical, economic, social, cultural etc. characteristics of the countries where these three systems are applied. Therefore, it is not possible to claim with certainty that any system is the ultimate best or worst. Since the inter-power relations are based on the classification of the government system, it is accepted that there are two types of government systems: one based on the fusion of powers and the other based on the separation of powers. The separation of powers and the fusion of powers take into account the power relationship between the legislative and executive powers as well as their focus on any one of the powers.

In a parliamentary government system, the Prime Minister personally determines the Council of Ministers and its members, who are obliged to be appointed by the President from among the members of the assembly. In this system, the legislative and executive powers are not fully separated from each other. On the other hand, the presidential government system based on the exact separation of the powers (legislative and executive) that are exercised on behalf of the nation, in which the President is directly elected by the public and has all executive duties and powers. (TBMM, 2018: 15-16). The third system, which includes some features from both of the aforementioned government systems, is the semi-presidential government system.

The Republic of Turkey has made the transition to a new system of government named the Presidential Government System as a result of the Presidential and Deputy General Elections held on 24 June 2018, following the Constitutional Amendment on 16 April 2017 by referendum. As a result of the Presidential and Parliamentary Elections held on 24 June 2018, the transition to the new government system, the Presidential Government System, was made. In this paper, Turkey's new government system, whose aspects are still a topic of controversy, will be discussed and the changes will also be taken into consideration for a comprehensive analysis.

## **2. THE GOVERNMENT SYSTEMS AROUND THE WORLD**

Although there is a great body of research and a multitude of opinions on the subject, it is generally accepted that there are two main types of government systems: the parliamentary government system and the presidential government system. There is a general consensus that others are mixed systems that combine the characteristics of both (mixed, semi-presidential or parliamentary-presidential system) (Martinez, 1999: 5; Cheibub, 2007: 33).

As mentioned above, when we consider the specific constitutional structure of each country in the classification of government systems, it is clear that presidential and parliamentary government systems are the most common government systems in democratic systems. One of the most fundamental distinctions between these two systems is how the president is elected and unseated (Skach, 2007: 95). Despite the fact that the head of state in the presidential system is elected directly by the people, the head of the state in parliamentary systems is elected by the country's legislative power (Sargentich, 1993: 579). Two other forms of government are based on the relationship between the government, parliament and the president (if any). One of them is called a presidential system where the parliament cannot dismiss the government, and where it can be terminated, it is called a parliamentary or mixed system (Cheibub, 2007: 34).

The parliamentary system is shaped according to the fusion of powers principle; thus, the executive and legislative powers are mutually dependent. Due to the fact that the Prime Minister is appointed by the legislature and his/her term of office is possible with the parliament's vote of

confidence, the interdependence between the legislature and the executive remains as such. In contrast, presidential government system exercises the separation of powers where the executive and legislative powers are independent of each other and the president and members of the parliament are elected independently for a certain period of time and neither has the authority to terminate each other (Skach, 2007: 95-96).

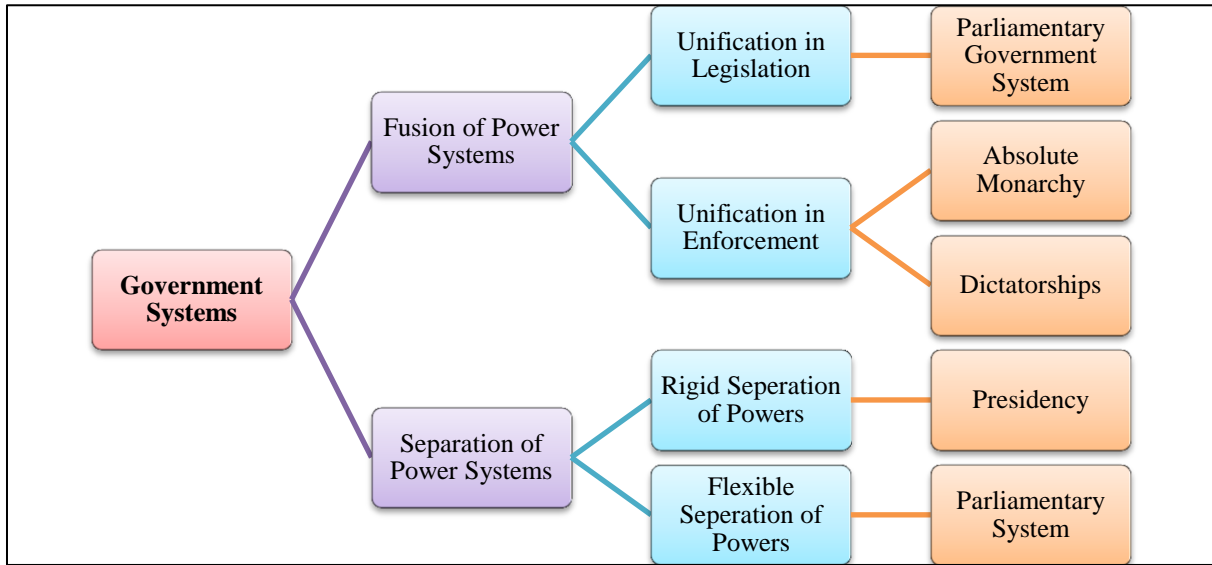
In the presidential system, the head of government is elected by the public for a certain period. For example, the term of office of the president is four years in the United States. Under normal circumstances, the president cannot be dismissed except through a specially designated, politically exceptional process of impeachment. In parliamentary systems, however, the term of office of the head of government and the council of ministers may end with a motion of no confidence from the legislature (Sargentich, 1993: 580).

Thus, the main distinctions between the start and termination of the head of state's term in these two systems express the independence of the executive and legislative from the presidential system and the link between the legislative and executive. However, in countries like England, where two parties are dominant, this is limited to theory. Because the party members who won the majority in the parliament guarantee the support of the Prime Minister from his/her party in all matters, but it is a fact that the coalition parties cannot support the Prime Minister on all issues (Sargentich, 1993: 581).

By 1990, the emergence of new democracies such as Russia and Poland led to a new system, which included features of both the presidential and parliamentary systems. Under the so-called semi-presidential government system, there is a parliament with a Prime Minister, as in the parliamentary system, and a president is elected by the people for a certain period, as in the presidential system (Skach, 2007: 96). In other words, the semi-presidential government system creates a common ground between presidential and parliamentary government systems (Stacey and Choudhry, 2014: 1).

The dual structure of the executive system makes the system completely different from the presidential system. This system may be particularly attractive for countries where parliamentary governments are not fully mature, party structures are weak, and parliamentary democracy is not fully established, especially when we look at it in terms of new and temporary democracies (Stacey and Choudhry, 2014: 1). The system, which is based on the principle of the fusion of powers rather than separation of powers, foresees equal distribution of powers by preventing the concentration of power in one place (Martinez, 1999: 13).

One of the most common methods used in the classification of government systems is the principle of separation of powers. Accordingly, a parliamentary government system exists if the forces are concentrated in the legislature. A presidential system is formed when the forces are gathered in the executive body. Finally, if the legislative and executive powers are separate and the head of state is given more importance, the output is a semi-presidential system. Besides, the fact that the forces are concentrated on the executive body brings the possibility of anti-democratic regimes such as an absolute monarchy or dictatorship (Parsak, 2012: 2). In this context, the classification based on the principle of fusion of powers/separation of powers is presented in Figure 1 below:



Source: Gözler (2015)

**Figure 1.** Government Systems

The classification of governmental systems developed on the basis of the separation of powers principle is now classified by taking into account the relationship between the legislature and the executive. According to the fusion of power systems, the forces are concentrated in one of the legislative (parliamentary government) or executive organs (absolute monarchy and dictatorships), while with separation of powers the outcome is either a flexible (parliamentary system) or rigid (presidential system) one (Kahraman, 2012: 433).

### 2.1. Parliamentary Government System

TBMM (2018, p. 15) defined the parliamentary government system as “a system of governance involving the interactive separation of powers exercising executive power, in which the Prime Minister, who personally determines the members of the council of ministers, is among the members of parliament”. Özer (2009: 140) states that the features of the parliamentary government system are cooperation and solidarity between the forces, the separation of the head of state and the head of government, the legislative and executive forces have powers against each other, the continuation of the government's duty is possible as long as the majority of the legislature is responsible for the executive body and that the head of state is irresponsible.

In a narrower sense, the parliamentary system is the only democratically legitimate institution of the assembly and a system in which the powers of the government depend entirely on the confidence vote of the parliament (Linz, 1990: 52). Executive power and policy belong to the council of ministers and the Prime Minister (Stacey and Choudhry, 2014: 9).

In the parliamentary system, where the legislative and executive powers are not completely separate and still interact with each other, the Prime Minister must be appointed by the President from among the members of the Assembly. The Council of Ministers, chaired by the Prime Minister, bears the responsibility for the parliament. The Assembly can dismiss the government through methods such as confidence motion and interpellation. The Government may draft and submit a draft law to the Assembly, as well as direct legislative power if the Assembly is authorised to issue a Decree Law. The counter-signature rule is valid in the parliamentary government system and the president is not responsible except for accusations of treason (TBMM, 2018: 16).

It is guaranteed that the legislation is independent in terms of the cooperation and solidarity between the legislature and the executive, which ensures the efficient functioning of this system, in which the relationship between the legislature and the executive is based and where the legislature remains independent under all conditions. Compared to the head of government, the president is unauthorized, impartial, and has no political responsibility (Parsak, 2012: 4-5). The executive authority, composed of a Prime Minister and a cabinet, emerges from the legislature. The executive is always subject to potential dismissal by a vote of confidence by the majority of the legislature (Shugart, 2005: 324).

## 2.2. Presidential Government System

Although the presidential system is the most widely used management system around the world, the models may vary in each country. Unlike the parliamentary government system, it is a system which emerged as a result of historical development: after the long debates at the constituent assembly convened in Philadelphia in 1787 resulted in a vision where “democracy” and “personal power” are unified. One of the critical differences of this system is that the most authorised person with the highest authority of the state administration is the President (Parsak, 2012: 6-7).

According to the presidential government system, the executive led by the President is not responsible for the legislation, works independently of it and cannot be dismissed by the legislature under normal conditions. In other words, the President does not need any legislative support to survive (Cheibub, 2007: 26; Szilágyi, 2009: 308).

According to the US system, the first country to be exemplified for the presidential system, the President is both the head of state and the head of the executive. The President is elected by the citizens, independent of the legislature. Although the powers of executive and legislature are legally balanced, the head of state has the power to veto certain laws, but the legislature has the right to cancel the veto if it can provide enough votes (Szilágyi, 2009: 308).

Even though the systems applied differ in countries around the world, they share similarities such as the election of the president directly or indirectly by the people, the term of office established by the constitution and the failure of the legislature and the executive to terminate each other due to the principles of independence (Gökçe, 2012: 11). In addition, the most essential features of the system in the structure of organs, such as the separation of organs, the functions of the separation of organs and the relationship of the principles of separation of organs, organs working independently of each other and to be selected by the individual (legislative and executive) ensure that each of them are directly responsible to the public (İzci, 2017: 4).

The most important feature of the presidential system that emerged with the development of the separation of powers theory is that the separation of powers is rigid and very distinct. In this system, the President, who is directly or indirectly elected by citizens for a certain period of time without distinction between the head of state and the head of government, is the head of both the state and the government. The secretaries, elected by the President, who are regarded as advisors to the President rather than ministers, are accountable to and dismissed only by him (Parsak, 2012: 7).

All duties and powers of the executive are exercised by the President. As such, he/she is the competent decision-maker for the determination of the country's foreign policy, public diplomacy, and the military (Kahraman, 2012: 438-439). Güler (2018: 305) listed the advantages and disadvantages of the presidential system in Table 1, taking the US as the example country where the presidential system is successfully implemented:

**Table 1.** Advantages and Disadvantages of the Presidential System

Advantages	Disadvantages
The system requires compromise	<i>Bringing double legitimacy</i>
Stability in execution	<i>Inability to dismiss</i>
The system is more democratic	<i>Consensus cannot always be achieved</i>
Legislation becomes easier to work with its own dynamics	<i>The presidential system sharpens the struggle for power by polarising political life</i>

Source: Güler (2018)

According to the supporters of the presidential system, the system has some advantages that cannot be ignored, apart from the advantages listed in Table 1. The first is the argument that the direct election of the president by citizens would be much more legal than that of the indirectly elected leader, who is appointed by the councillors. Also, it is argued that the collection of powers in a person will ensure stability and speed and determination in the decision-making process, and that possible misconduct will be prevented by the legislative and executive bodies controlling each other in parallel (Szilágyi, 2009: 309).

### 2.3. Semi-Presidential Government System

The semi-presidential government system is a system in which citizens elect a President for a certain period of time, there is a Prime Minister in charge of the legislature and there is a council of ministers (Elgie, 2004: 318). The most important features of this system are that the head of state is elected by the people and equipped with essential powers, that together with the head of state the government forms two wings of the executive, and that they are responsible for the legislature. The system is also attractive for new democracies since the existence of a dual executive will prevent political power from concentrating in the hands of a single person (the President or the Prime Minister) (Stacey and Choudhry, 2014: 4).

The semi-presidential government system started to develop with the worldwide democratisation waves around 1990-1991, and many countries adopted this system. The advocates of the system emphasise that despite the presidential system, in which the winning party gathers all the power in one hand, it is possible to bring the opposition forces together as a whole in the semi-presidential system to share power. Also, the election of the president by popular vote for a period of time increases the stability and legitimacy of parliamentary systems and accelerates the democratisation process (Elgie, 2007: 54-55).

Directly elected by the people in the semi-presidential government system, the President shares power with the Prime Minister and the council of ministers that can remain in power with the confidence vote of the democratically elected legislature. Thus, this system is characterised by dual execution with separately selected authorities (Stacey and Choudhry, 2014: 1).

In this context, Martinez (1999: 11) argued the following in addition to the essential features of the semi-presidential government system:

- Election of the President directly by referendum,
- Recognition of the President's broad constitutional powers,
- The President appoints the Prime Minister and presides at cabinet meetings,
- The government should also include features such as responsibility for parliament.

The semi-presidential system was applied in some countries before the waves of democratisation: it first appeared in 1919 in the Weimar Constitution in Germany. In the same way as the parliamentary government system, there is a two-person executive where the executive powers are shared between the Prime Minister and the President. In the parliamentary system, the Prime Minister uses the executive powers of the executive, whereas in the semi-presidential system, this power belongs to the head of state (Kahraman, 2012: 440-442). In sum, the semi-presidential system is the parliamentary government system in which the President is elected by citizens.

An essential feature of this system is that the President and Prime Minister are not equal in terms of legitimacy, accountability and responsibility towards citizens and elected representatives. The fact that the Prime Minister is elected by the legislature makes him/her accountable to the parliament, while the President, elected by citizens, is not dependent on the parliament and has to account directly to the public (Skach, 2007: 97).

The existence of a dual executive means the division of the executive power by the Prime Minister and the president on a growing scale from small issues to large issues such as national policy-making. This can often lead to constitutional uncertainties by preventing the full definition of authority limits. Because when there is a disagreement between the president and the Prime Minister, it is often not clear which opinion will be superior (Skach, 2007: 96).

As a result, the semi-presidential government system is a system in which the President is directly elected by referendum for a certain period of time, the Prime Minister stays in the administration unless he/she loses the confidence of the parliament and shares the executive power of the President and Prime Minister. Since the President is elected by the people, he/she is responsible to the citizens and the Prime Minister and the government are responsible to him/her for the legislation. The fact that there is a dual executive in which one is responsible to the public and the other to the parliament completely differentiates the system from the pure presidency and pure parliamentary system (Stacey and Choudhry, 2014: 4).

### **3. PRESIDENTIAL GOVERNMENT SYSTEM OF TURKEY**

In Turkey, the government system change debate has increased especially in the preparation process of the 1982 Constitution (Akman, 2019: 661). Following the adoption of the 1982 Constitution, a total of 184 amendments were made over 19 times, the first being in 1987, as a result of the debates on changes in the government system (Türkiye Cumhuriyeti Anayasası, 1982). The debate on the change of the government system came to the fore again on 14 March 2003, when Recep Tayyip ERDOĞAN took office as Prime Minister. According to the constitutional amendment made after the 2007 referendum, the election of the President by the people was the first concrete step in this regard (Çalışkan and Önder, 2017: 572).

The Constitutional Reconciliation Commission, which consisted of representatives of the Republican People's Party (CHP), the Nationalist Movement Party (MHP), the People's Democratic Party (HDP), and the Justice and Development Party (AKP), was established in 2011. The primary purpose of the commission, which gathered opinions and suggestions from the political parties, non-governmental organisations, universities, and the public, was to prepare a new constitution and put it to the vote. However, as a result of the disagreement between the AK Party defending the presidential system and the other parties defending the parliamentary system, the commission ended its activity before reaching a compromise (Becerren and Kalağan, 2007: 175; Çoşkun, 2017: 4-5; Gökçe and Aksu, 2019: 603-604).

As the result of the election held on 10 August 2014, Recep Tayyip ERDOĞAN was elected as the President for the first time with 51.79% of the votes and started to take steps towards changes in the government system, although he was not a "Symbolic President". The MHP, which was on the

side of the parties that did not favour this opinion, stated that it stood with AK Party after the coup attempt on 15 July 2016. Following the agreement on the text of the two parties on 10 December 2016, "a law proposal of the Republic of Turkey on the Amendment of the Constitution" with the signatures of 316 deputies of the AK Party was presented to the Grand National Assembly of Turkey. The negotiations were concluded on 21 January 2017 and the proposal, approved with 339 votes, was accepted. The law approved by the President was presented to the public in accordance with Article 175 of the Constitution and was adopted on 16 April 2017 (Coşkun, 2017: 5-7).

With the presidential government inspired by the US presidential system, Turkish system is claimed to contain great differences from the system in question and to be a Turkish-style presidential system (Güler, 2018: 311). The transition to the presidential government system aimed at ending the guardianship mentality and structures that were trying to design politics and society without the will of the people, eliminating the double title in the executive and stability and quick and effective execution in the administration (Sobacı, Miş and Köseoğlu, 2018: 1).

The Presidential Government System was defined by the TBMM (2018: 16) as follows:

“It is a management system in which the President is directly elected by the people and has all executive duties and powers, which uses authority on behalf of the nation and is based on the rigid separation of forces. In this system, the executive is completely separated from the legislature”.

The main features of the Presidential Government System can be summarised as follows (Güler, 2018: 312):

- The presidential election and the general election of the Assembly to be elected by the public will be held every five years and on the same day.
- The Prime Ministry and the Council of Ministers will be abolished and the dual title will be terminated and the executive body will be composed of only the president. The President shall appoint his deputies and ministers.
- The President may issue a decree on executive power. The appointment of senior public officials will also be carried out by these decrees.
- The President and the Assembly may terminate each other. However, in case of termination in accordance with the rule of joint selection, re-election will be made in both bodies.
- Criminal responsibility is imposed on the President. In the parliamentary system, instead of the competent but non-responsible President, the principle of the President elected by the people in the new system is to be responsible both politically and in other matters.

### 3.1. Presidential Government System and Judiciary

According to the amendments made on 16 April 2017, the judicial power is stated to be used by independent and impartial courts on behalf of the Turkish nation (Türkiye Cumhuriyeti Anayasası, 1982, Article 9). The duties and powers of the President regarding the judiciary are as follows (Gözler, 2017: 284):

- To elect some members of the Constitutional Court,
- To elect one-quarter of the members of the Council of State,
- To elect the Chief Public Prosecutor of the Court of Cassation and the Deputy Chief Public Prosecutor of the Court of Cassation,
- To elect the members of the Military Supreme Court,
- To elect members of the Supreme Military Administrative Court,
- To elect some members of the Supreme Council of Judges and Prosecutors.



“Supreme” was removed from the name of the Supreme Council of Judges and Prosecutors (HSYK), whose structure was reformed by the Amendment Law submitted to the public, and the name was changed to the Council of Judges and Prosecutors (HSK) and the number of members was reduced from 22 to 13 as well as the number of departments from 3 to 2. Under the new system, no military courts can be established except for disciplinary courts. It is stated that military courts can only be established in the event of war, in charge of handling cases related to the offences committed by military persons. Thus, the Law on Military Courts of Appeals, the Supreme Military Administrative Court and the military courts were abolished as of the date of entry into force (Coşkun, 2017: 25; Turan, 2018: 52).

### 3.2. Presidential Government System and Legislation

Just as it is in the parliamentary system, the legislative power consists of a unicameral legislature in the presidential government system as well (Akçakaya and Özdemir, 2018: 927). In this aspect, Turkey differs from other presidential government systems around the world. For example, the US. has a bicameral legislature consisting of the House of Representatives and the Senate. The requirement to hold yearly elections for the Turkey Grand National Assembly, constituting the legislative body of the Republic of Turkey, has been re-introduced and the duties and powers of the assembly are regulated as follows:

“to set, to change and to remove laws; to negotiate and accept budget and final account law proposals; to decide whether to issue money and declare war; to approve the ratification of international treaties, to decide on general and special amnesty by the decision of the majority of the three-fifths of the total number of members of the TGNA and to exercise the powers envisaged in the other articles of the Constitution” (Türkiye Cumhuriyeti Anayasası, 1982, Article 87).

The most crucial emphasis on the system change was the separation of powers. Thus, a strong distinction was made between the legislature and the executive according to the 2017 Constitution. The number of deputies was increased from 550 to 600. Presidential and Grand National Assembly elections will be held every five years on the same day. The age of being elected as a deputy has been reduced from 25 to 18 and the condition of having served in the military has been changed to having responsibility to non-military service (Türkiye Cumhuriyeti Anayasası, 1982: Article 75-77).

Significant changes have been made regarding the powers and duties of the Turkish Grand National Assembly (TGNA). The authority of the Grand National Assembly to oversee the Council of Ministers and individual ministers has been abolished, and the authority of the Grand National Assembly to authorize the Council of Ministers to issue decree laws on certain issues has been terminated. According to the new system, since the appointment and dismissal of the ministers taking on the role of secretaries of the President is carried out by the President, the ministers are also responsible to the president in their activities. In addition, the practice of confidence vote and interpellation, which are features of the classical parliamentary system, which means that the government has a political responsibility to the parliament, have been abolished. (Coşkun, 2017: 12-13; Turan, 2018: 50).

### 3.3. Presidential Government System and Execution

Prior to the amendments made in 2017, the executive authority and mandate belonged to the President and the Council of Ministers, while the executive authority and mandate according to the new system were changed and used by the President in accordance with the Constitution and the Law (Constitution of Turkey, 1982, Article 8). There is no government that is composed of members of Parliament and is responsible for it, and the President establishes the government with his own ministers (Akçakaya and Özdemir, 2018: 928).

Furthermore, while the term of office of the President cannot be more than five years and two terms, the term of office of the President has been preserved for five years and the way for one person to serve as president for more than two terms has been opened (Coşkun, 2017: 15).

Based on changes made on April 16, 2017 (Türkiye Cumhuriyeti Anayasası, 1982, Article 101):

- The President is directly elected by the public among Turkish citizens who are over forty years of age, have a higher education, and are qualified to be elected as deputies.
- The term of office of the President is five years.
- One person may be elected President at most two times.
- Political party groups may nominate with at least one hundred thousand voters and political parties that have received at least 5% of the total valid votes alone or together in the latest general elections.
- If a deputy elected as the president, their membership in the Turkish Grand National Assembly ends.
- In the election to be held by general voting, the candidate who receives the absolute majority of the valid votes is elected as the President.

The President is the head of the state and has executive power. It also has powers and duties as follows (Türkiye Cumhuriyeti Anayasası, 1982, Article 104):

- The President represents the unity of the Turkish nation and of the Republic of Turkey as head of the state.
- The President ensures the implementation of the Constitution and the regular and harmonious functioning of State bodies.
- The President, if it deems necessary, makes the opening speech on the first day of the legislative year in Turkey's Grand National Assembly.
- The President sends a message to the Parliament on the domestic and foreign policies of the country.
- The President puts into motion the laws.
- The President sends back the laws to the Turkey Grand National Assembly to be discussed again.
- The President of the Republic of Turkey files a lawsuit for annulment in the Constitutional Court if Grand National Assembly of Turkey Laws or all or certain provisions of the Constitution in form or in substance contrary to the bylaw matter.
- The President appoints vice-presidents and ministers and dismisses them.
- The President appoints, dismisses, and regulates the procedures and principles for their appointment by the Presidential decree.
- President sends representatives of the Republic of Turkey to foreign states and accepts foreign state representatives sent to the Republic of Turkey.
- The President approves and publishes international treaties.
- If deemed necessary, the President of the Republic submits laws concerning the amendments to the Constitution to the public.
- The President determines the national security policies and takes the necessary measures.
- The President of Turkey represents the Commander in Chief of the Armed Forces on behalf of the Turkish Grand National Assembly.
- The President decides to use the Turkish Armed Forces.
- The President shall alleviate or abolish penalties for persons suffering from permanent illness, disability and ageing.

- The President may issue a presidential decree on matters relating to executive power.

The authority of the President to appoint and dismiss senior public officials was among the most debated issues. There are views on who the concept of senior public administrators will be, their appointment and dismissal will be implemented in accordance with the decrees of the President and these decrees will weaken the Parliament and strengthen the President. For example, in the US, which implements the presidential system, the appointment of ministers is done by the President only after obtaining the approval of the Senate. In Turkey, there is no such law giving the Assembly the power to approve it, suggesting it would lead to an imbalance between the executive and the legislature (Coşkun, 2017: 17-18).

The new powers and duties granted to the President include the Presidential Decree. The President implements the policies through presidential decrees. However, a presidential decree cannot be issued in some areas. In the matters concerning fundamental rights and personal rights and duties, political rights and duties, which are foreseen to be regulated exclusively by law in the Constitution, and on matters explicitly regulated by law, the presidential decree cannot be issued and the rule of law is above the presidential decree in the hierarchy of norms (Akçakaya and Özdemir, 2018: 930).

#### 3.4. Presidential Organisation

The executive wing of the presidential government system was designed with the Constitutional amendment of 16 April 2017 and the Decree-Law No. 703 and Presidential Decrees. The Prime Ministry and the Council of Ministers were abolished, and the Secretariat General of the Presidency was abolished and was replaced with Vice Presidency (Turan, 2018: 60). However, the fundamental changes regarding the system were made with Article 1 of the Presidential Decree No. 1 on the Presidential Organisation. The central organisation was restructured with the presidential government system. The Central Presidential Organisation was established as the President's Office and Directorate of Administrative Affairs, as shown in Table 2 below. The number of ministers was reduced from 24 to 16. Some ministries were shut down while others were merged. Two new system-specific structures were created: policy boards and offices. Nine policy boards and four offices were established. Affiliated institutions and organisations have also been redefined (Turan, 2018: 60). The following table presents the new structure established within the framework of the Presidential Government System.

**Table 2. Presential Organisation in Turkey**

PRESIDENT	
President's Office	Office of the Private Secretary Lead Consultant and Consultant Special Representative
Directorate of Administrative Affairs	Chairman General Directorate of Law and Legislation General Directorate of Personnel and Principles Directorate of Security Affairs General Directorate of Support and Financial Services
Vice Presidents	

Policy Councils	Science, Technology and Innovation Policies Council Education and Training Policies Council Economic Policies Council Security and Foreign Policy Council Legal Policies Council Culture and Art Policies Council Health and Food Policies Council Social Policies Council Local Government Policies Council
Affiliated Institutions and Organisations	Presidency of State Archives State Supervisory Board Presidency of Religious Affairs Presidency of Communication Secretary General of the National Security Council National Intelligence Organisation Department of National Palaces The Presidency of Defence Industries Directorate of Strategy and Budget Turkey Fund Assets Savings Deposit Insurance Fund
Ministries	Ministry of Family and Social Services Ministry of Industry and Technology Ministry of Trade Ministry of Treasury and Finance Ministry of Agriculture and Forestry Ministry of Transport and Infrastructure Ministry of Justice Ministry of Interior Ministry of Foreign Affairs Ministry of National Education Ministry of National Defence Ministry of Culture and Tourism Ministry of Health Ministry of Environment and Urbanisation Ministry of Youth and Sports Ministry of Energy and Natural Resources Ministry of Labour and Social Security
Offices	Digital Transformation Office Finance Office Human Resources Office Investment Office

Source: Turan (2018)

Article 1 of the Presidential Decree No. 1 on the Presidential Organisation states that the President may delegate some of his powers to his subordinates in writing if necessary and may directly exercise the authority delegated if they deem it necessary (Resmi Gazete, 2018, Article 1).

As a result of the closure of the Prime Ministry, the abolition, the merging, and the renaming of some ministries, the number of ministries was reduced from 24 to 16. According to this regulation, the status of deputy ministers is maintained and the ministries are composed of central, provincial, overseas, affiliated, related, and connected organisations. Below are the changes related to the ministries (Turan, 2018: 65-66):

- The Ministry of Labour, Social Services and Family was established with the merger of the Ministry of Labour and Social Security and the Ministry of Family and Social Policies.
- The Ministry of Foreign Affairs was established by closing the Ministry of the European Union and incorporating it into the Ministry of Foreign Affairs.
- The Ministry of Treasury and Finance was established by merging the Undersecretariat of Treasury with the Ministry of Finance, and the institutions and organisations related to the economy were connected to this Ministry.
- The Ministry of Industry and Technology was established in place of the Ministry of Science, Industry and Technology and the Ministry of Development.
- The Ministry of Forestry and Water Affairs and the Ministry of Food, Agriculture and Livestock were closed, and the Ministry of Agriculture and Forestry was established.
- The Ministry of Trade was established in place of the Ministry of Customs and Trade.
- The Ministry of Transport and Infrastructure was renamed as the Ministry of Transport, Maritime Affairs and Communications.
- The Ministry of Environment and Urbanisation was assigned to the General Directorate of Local Administrations as the service unit of the General Directorate of Local Administrations previously within the Ministry of Interior, and the authority over tutelage was laid over to the Ministry of Interior. The General Directorate of National Real Estate, which was previously attached to the Ministry of Finance, was linked to the Ministry of Environment and Urbanisation.

The Presidency consists of the Office of the Private Secretary, the Chief Advisor and the Consultant and the Special Representative as specified in the Presidential Decree No.1. The Office of the Private Secretary was established in order to carry out the affairs of the President in general and it is defined as the authority where deputy directors can be assigned and where there is Principal Clerk Manager, who has the title of ambassador (Turan, 2018: 63). They may also appoint the Chief Advisor and Consultant to the President to advise him and to carry out other duties assigned to him. Finally, with the title of Ambassador, they can be appointed as Special Representative to work in foreign countries and international organisations in matters requiring special knowledge and expertise (Presidential Decree No 1, 2018, Articles 2-4).

#### **4. CONCLUSION**

It is possible to say that the subject of ongoing debate in the government system since the adoption of the 1982 Constitution of Turkey had gained more vitality when the AK Party came to power. The first step was taken with the direct election of Recep Tayyip ERDOĞAN in 2014 as a result of the constitutional amendment regarding the election of the President by the people in 2007. According to the results of the Constitutional referendum on April 16, 2017, the next important development was the adoption of the model of the Presidential Government system by referendum.

According to the new government system, the first Presidential and General Elections held in the country on 24 June 2018 and Recep Tayyip ERDOĞAN was elected as the President with a rate of 52.6%. Thus, the new management model, the Presidential System of Government of the Republic of Turkey entered into force. Accordingly, there have been unique arrangements and changes in government organisation. The Prime Ministry was abolished and there was a significant increase in the duties and responsibilities of the president. The new government system aims to provide more effective and prompt solutions to social problems and needs. Policy councils and offices were established in various policy areas. Different members from numerous institutions were appointed to the policy councils and offices. The fundamental aim the newly established institutions is to search and find out the issues exist in public policies. By doing so, policy alternatives and solutions are aimed to be provided by policy councils and offices (Babaoğlu and Kulaç, 2021: 197). To this end, new

institutions have responsibilities to work in cooperation with the President and provide comprehensive reports and analysis for the public policies.

The presidential system has been frequently discussed and even emphasised its necessity by former governments throughout history. It might not be possible to see the positive or negative effects of the government system in a short time. However, the creation of new organisations and the right of the president to make legal arrangements is promising for solving the problems in Turkey.

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