

Presidential System and Its Applicability to Turkey

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Abstract

This study examines the change of the government system that has been discussed for many years in Turkey and the proposals of transition to the presidential system.

Compilation method for the study, and this issue of scientific books, articles, magazines, etc. materials used. Work consists of three sections. First, the emergence of the Presidential System, general characteristics, the pros and cons mentioned. Secondly, Latin American Countries was examined where president system implemented and had negative outcomes. Lastly, it discusses the government system in the Turkish constitution and the problems of Turkish parliamentarism. Besides, in that part of the study, applicability of that system in Turkey has been discussed.

As a result of the research, it is understood that the political stability problem in Turkey doesn't result from the current government system. The case in point cannot be solved by the change of the government system and application of the presidential system in Turkey would lead to dangerous consequences.

Key words: Presidential system, parliamentary system, political instability

Başkanlık Sistemi ve Türkiye'ye Uygulanabilirliği

Öz

Bu çalışma, Türkiye'de uzun yıllardır tartışılan hükümet sistemi değişikliği ve başkanlık sistemine geçiş önerilerini incelemektedir.

Çalışmanın yöntemi derleme olup, bu konuda bilimsel kitap, makale, dergi vb. materyaller kullanılmıştır. Çalışma üç bölümden oluşmaktadır: Birinci bölümde; başkanlık sisteminin doğuşu, genel özellikleri, avantajları ve dezavantajlarına değinilmiş, ikinci bölümde; başkanlık sisteminin uygulandığı ve başarısız sonuçlar verdiği Latin Amerika ülkeleri incelenmiş, son bölümde ise Türk anayasalarında yer alan hükümet sistemleri ile Türk parlamentarizminin sorunları ortaya konulmuştur. Ayrıca çalışmanın bu bölümünde, bu sistemin ülkemizde uygulanabilirliği üzerine değerlendirme yapılmıştır.

Yapılan araştırmalar sonucunda, Türkiye'de yaşanan siyasi istikrar sorununun mevcut hükümet sisteminden kaynaklanmadığı anlaşılmıştır. Söz konusu sorunun hükümet sistemi değişikliğiyle çözülemeyeceği ve Türkiye'de başkanlık sisteminin uygulanmasının tehlikeli sonuçlar doğurabileceği kanaatine varılmıştır.

Anahtar kelimeler: Başkanlık sistemi, parlamenter sistem, politik istikrarsızlık

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Introduction

Since the beginning of 1980s, the political government's structure has been much debated subject both in Turkish academic and political platform. Some people assert that the reason of political deadlock is parliamentary system and can be solved by transition to presidential system. In order to evaluate those claims, we scrutinized that the reason of political deadlock is our current political system or not.

Presidential system showed up with 1787 constitution in America continent and since then just in America, the system implemented successfully. The other countries implemented this system, the political stability may change depending on countries' social and political structures.

Presidential system depends on the solid separation of powers. In the system, there is equality of arms but in the practice, executive organ is more superior than legislative organ. Being executive organ more powerful, is the biggest factor why to prefer this system. Yet to implement this system successfully, needed advance democracy and high social level. Otherwise, the system easily can turn to individual dictatorship. This is the reason why except

America, the implementation of this system has been unsuccessful in any other countries.

The aim of my study is to examine all positive and negative features of presidential system which offered as an alternative to our current governmental system, and reveal the applicability of the presidential system to Turkey.

1.The Emergence of the Presidential System, General Characteristics, the Pros and Cons

1.1 Definition and Emergence of Presidential System

Presidency system is the unique system. Generally, it composes of President, Congress and Supreme Court. It also called division of power. This system separates execution, legislation and judiciary. Although there is check and balance system such as between Senate and House of Representatives with sharing legislative power, they cannot dismiss or interfere each other.

Presidential system is a product of human mind. The constituent assembly gathered in Philadelphia in 1787 and after long discussions, this system was created. Basic features of this system is that unites democracy and individual potency together. The motherland of this system is America

this is the reason why when any country wishes to implement this system, firstly they need to apply to American Constitution. Yet all countries who applied, has been receiving different undemocratic consequences.

According to Sartori (1994), Presidentialism is generally defined by three criteria. First, the head of state is popularly elected (directly or indirectly) for a fixed time span; second, the parliament can neither appoint nor remove the government; third, the head of state is also the head of government (p. 84-85).

1.2 General Characteristic of Presidency System

In presidential system there is a strong executive organ. The President represents his nation. Because of s/he elected by popular will, his sovereignty came from people. The president irresponsible on his acts and s/he has authority. If someone mention about presidential system, s/he refers to 'one person'. Presidential system's root came from constitution. Founders of U.S. constituted several rules and then they settled their states. Due to this reason, presidential system has different features contrary to others.

Well known main characters of presidentialism are one head of state instead of two heads in the executive brunch. The fixed tenure of government and firm separation of power between three fundamental organs of state distinguish the presidential system from the parliamentary government.

Other main characteristics of presidentialism can be stated as follow:

- *Popular election for a fixed office time (legislation has little or no control of the selection process and removal),*
- *Presidential control over the selection and removal of the ministers,*
- *Cabinet members are appointed out of the legislative branch,*
- *President has veto power, yet legislative branch makes the budget,*
- *Two separated institutions, mutual checks and balances,*
- *President has no right to propose legislation (Mainwaring, 1990: 202-205).*

1.3 Advantages of Presidential System

After mentioning the main and the distinct characters of the presidential system, we will focus on how a presidential system has

positive advantages and functional priorities in the sense of political activities.

First of all, it is clear that one of the advantages of presidential systems is a strong and stable government. If we look at the presidential system in the United States, it is obvious the system provides a long and stable government. However, we cannot say that other countries who applied this system also have similar outcomes like U.S. The second crucial and significant character of presidential system is that it addresses the broad and the colorful identities and provides consensus. In the presidential system, there is not a coalitional government, so any candidate president should get votes of majority in order to come to office of presidency. That is why candidates should be close and address more and more voters in order to gain the competition in the election. Another important character of presidential system is, it also brings accountability. Finally, direct election of the president is a significant character of presidential system in sense of democracy. Electors have right and opportunity to determine directly the candidate presidents. Thus, the president is responsible directly to citizens and the legitimacy of president comes from citizens.

The assembly is not source and legitimacy of president and cannot dissolve the president since citizens directly elect him or her.

Disadvantages of Presidential System

In the presidential system like in the parliamentary system, there are disadvantages of the system as well as advantages and positive sides. In this part I try to summarize and point out some basic disadvantages of the presidential system.

Although those disadvantages are not definite, and they are sometimes relative, those interpretations and outlooks should be considered for comparing both sides of the medallion concerning presidential system.

One of the disadvantages of presidential system is a zero sum game. According to Juan Linz (1990), when president gains, he would see himself as the representative of the majority and accepts every political activity as legitimate (p. 51-69).

There is an independent way of election by the population for the authority of president. It is a threat and a risk that may lead the president to do anything as if legitimate. President may turn embodiment of legitimate authority of the citizens. Minority

could be a shadow of political activities in the presidential system.

With zero sum game, the Congress cannot intervene in the political program of the president. The authority of the President is free from the congress. The president is not derived of the Congress and would not feel responsible toward the Congress since it is not the source of the legitimacy for the presidential office.

Secondly, in the presidential system, there is a peril of the gridlock. According to Juan Linz, since both organs, the legislature and the executive, come to authority with legitimacy of democratic election by citizens, it means that both claims to be legitimate and may cause chaos and struggle between themselves. Linz (1990) claims that it prepares a situation of chaos and uncertainty for the legitimacy (p. 84-91).

According to Lijphart (1992), there are not necessary and obligatory reasons for the president to cooperate and take support of the opposition. The constitution defines, accepts and promotes the president with a super power and a sole executive power. Thus, for Lijphart, it is a danger and it leads the president to act solely. Therefore, in this

system there is not any mechanism of accountability. The accountability of the president is weak and nothing else may be done (p. 38-41).

Third disadvantage of this system is the threat of abuse of power: A despotic government. All the arguments about the presidential system in Turkey are generally based on the abuse of power and despotic president. What they show as examples, are the presidential models of Latin America.

According to Duverger, if the democratic system is not perfect and has serious shortcomings, it is too dangerous to have presidential system. In these circumstances, the president may make demagoguery and act omnipotently with sole authority, where we unfortunately see in the Latin and the African presidential systems. Duverger (1974) claims that strong and well developed democracy is obligatory for a presidential system (p. 58-59).

Scott Mainwaring (1993) claims that the presidential system is very open and attractive for despotic governments and that is why there are many coups in Latin America. As a result of coups and revolutions, despotic regimes would grow

and dominate the public and the political life (p. 202-205).

Like Mainwaring, Arend Lijphart (1989) points out that compared to the parliamentary regime, in the presidential system there is not a trend and a tendency to work and consult the Congress. Moreover, this leads the president to be stricter and firm in political issues. However, in a parliamentary regime, political issues are softer and flexible approaches.

2. The Presidential System of Latin American Countries

If we directly look at America where the system existed then in theory, it will be impossible to see negative sides of the system.

We can see negative sides of this system by examining Latin American countries. Settled political culture and political potency in Latin America countries prevent to make this system successful and allow us to look this system in every respect.

Latin American countries imported this system and implemented without adapting countries' conditions. Therefore, armed forces sometimes take control of governments. Within these countries, almost

there is no countries to implement this system successfully.

The main difference between American presidential system and Latin American countries' presidential systems are the differences of historical, cultural and social structure.

To reflect Latin America's general political style, I will mention some of countries who applied this system.

2.1 Brazil

In Brazil, president has executive power and also has some authority on legislative activity. In country, there is undisciplined multi-party system. Presidents typically take some constitutional measures to carry out their policies. Presidents partial veto power let him to make adjustment on articles. President prepares the budget and Congress cannot make serious changes on this draft. President can bring back the unapproved enactment to Congress (Akman, 2007: 187).

Apart from that in many subject, president can undertake unpolitical and extralegal applications, especially in federate level, some of the groups' support has been used to the detriment of rivals.

The system in Brazil, many times it has been deviated undemocratic ways. The reason was that countries' federal structure, presidential tradition, and political favoritism has been important factor.

2.2 Chile

In Chile, instability showed up as a major issue. Presidential system has been applied for a long time in Latin American countries caused many politic depressions. For president, it has been very hard to manage the country. Like in Brazil, president needs various groups support and most of times he did not get this support. In the country, there was shattered party system and there are many minority groups.

According to Chile's constitution, presidents have authority to publish a decree on various subjects. Besides that, presidents have authority to declare extraordinary situations and during this extraordinary situation, president can restrict political and syndicate freedoms.

The biggest chance of Chile's presidential system, inversely Brazil, Peru, Ecuador, and Bolivia, partial party system's actors are strong and relatively institutionalized parties. Therefore, for presidential system in Chile's

operability provide a good basis (Akman, 2007:191).

2.3 Argentina

In the general sense, presidential system in Argentina has been evaluated as the most positive one in the continent.

Argentina is under favor of two strong party systems; president gets perpetual support of legislative organ. With this support, president can go into constitutional modification. With committed constitutional modification, president's influence on jurisdiction has been decreased. On the other hand, on legislative area, president's authority has increased on partial veto power and extraordinary situations enactments.

Most people and experts claim that depressions that Argentina faced so far, originated from economic crisis and they were social depressions. It was not connected to current political system.

2.4 Peru

In the continent, Peru is the only country who deviates from the democratic ways and the system become undemocratic. President often adjourns parliament and suspends all

freedoms. This feature is related to president's strong executive function whether or not to adjourn parliament originate from country's indigenous dynamics not presidential system.

Peru's current political and social style prevents to settle the democracy. In this manner, this system is prone to turn individual potency. To be managed by presidential system increases the threat to deviate anti-democratic way. As is seen, In Latin America countries presidential system has potential to turn individual dictatorship. Although in some periods, it provided democratic continuity; in general manner, coup de main and crisis threatening stay up to date. Yet, besides preferring this system, it is also related to government's habits. Even it is obviously known that Latin American countries where managed by parliament democracy, the system will likely collapse.

As Taha Akyol said (1997), presidents became dictators in Latin American countries but the reason for this was not related to presidential system. It is related to its social structure.

Due to various regional civil wars and cold war, they attach importance and strengthen their military forces. Thereby, democratic

governance for that time period falls into abeyance.

It should be noted that each presidential system, independent from legal practices and rules, has unique characteristics arising from social, cultural and traditional aspects of the specific country. Thus, a reductive approach to evaluate systems without concerning distinctive features of each country can cause misinterpretations in debates. Debates on a presidential system in Turkey should be more fact-based and offer reliable information to create a more productive platform for discussion.

3. DISCUSSION ON POSSIBLE PRESIDENTIAL SYSTEM IN TURKEY

Discussions regarding the possible political system change are going on for some time and neither side seems to convince the mass population with the merits of their arguments yet. Turkish political system, which is parliamentarism for a long time, has been through hard times for many years and some of its problems are structural which means that they cannot be eliminated with small changes. It is obviously known that since the foundation of the young republic, Turkey has witnessed three constitutions, four military interventions and sixty

governments in eighty years, which proves that something is not going right.

3.1 Constitutions

In order to understand how the presidency took its current shape in terms of power and liability, the change through the historical process should be studied. Within this scope, the constitutions of 1921, 1924, 1961 and 1982 periods and the law amendment executed in 2007 carry importance.

3.1.1 1921 Constitution

The period of transition to the republic was rather painful. When the country's military and political situation of the time are considered, it is figured out why the political structuring was rushed. 1921 constitution gathered executive, legislative and judicial bodies in one hand in parallel with the requirements of this period. There was not a head of the state in the assembly government founded by this constitution. Only the Speaker has the representative authority. The speaker was also the head of the cabinet councils (Karatepe, 2013: 225).

3.1.2 1924 Constitution

The state model was determined in 1924 constitution. It was moved from assembly government to parliamentary system. The

presidency took its place in Turkish political history. The institute was defined and its powers were determined within the scope of the constitution. The powers assigned to president were rather limited compared to these days. By qualifying the president to the execution, the constitution actually indicated that the execution belonged to the assembly.

The assembly was the only body using the national sovereignty directly. The government and president were qualified to the legislative power.

When 1924 constitution is considered, it is observed the president had only symbolic powers. It can be claimed that these symbolic powers were given to the president as he was an institution of the execution. These powers are to preside over special ceremonies, signing the laws and vetoing the law, choosing the PM and pardoning power. (Becerem and Kalağan, 2007: 173).

3.1.3 1961 Constitution

This constitution was made after the transition to the multi-party system. The position of the president became clear. The period resulted in loosening the ties of the legislation and execution in this constitution. 1961 constitution was issued as a reaction against the political problems of the period.

It was figured out from the powers of the president that it was a reaction constitution. 1961 constitution stated that the sovereignty is used by the authorized bodies and president was one of these authorized bodies (Eroğlu, 1978: 39).

The president's term of office was enlarged with this constitution and extended to 7 years. With this amendment, the ties between the president and legislation were loosened (Beceran and Kalağan, 2007: 174).

The efforts to strengthen the execution and to move it away from the legislation can be seen clearly in 1961 constitution. The thought of building a powerful execution started in that period and in order to manage this, the execution should not have taken its power from the assembly. Therefore, in 1961 constitution while defining the main feature of the presidency institution in articles 97 and 6, this sentence "the president is the head of execution and the state" was used (Eroğlu, 1978: 38).

1961 constitution gave a special place to president. Besides it was a constitution aimed at meeting the requirements of its period. While the president could be a member of his party in 1924 constitution, he could not be a member of a party in 1961 constitution (Özbudun, 2013: 212-213).

3.1.4 1982 Constitution

The president's power was extended and this power was out of the judicial control. It can be said that in 1982 constitution, it was desired both strengthen and limited the constitution. The reason of this dilemma is to control the tension in the country with a powerful execution and to avoid forming an uncontrolled power that would personalize the government with a limited executive power (Fendoğlu, 2010: 11).

The president has power but it does not allow him to be the only ruler of the execution. He needs to have liability in order to broaden his powers. However, president's being without liability is a rule. According to 1982 constitution, the one who is liable is the authority. Because of the parallelism between the liability and power, president cannot perform a political action in every situation alone. For this reason, even in president's foreign visits, the liable minister is present along with him (Bilir, 2013: 303-305).

Some people claims that there is a formula to form a military bureaucratic structure instead of a political government determined by election. It was discussed from time to time in public that the powers given to president

in 1982 constitution were designed especially for Kenan Evren (Gülsoy, 2013: 266).

3.1.5 2007 Constitutional Amendment

2007 constitutional amendment and presidency system discussions started with 82 constitutions and continued until today. Although it was claimed that the powers given to president in 1982 constitution were broader than the ones in France, it was asserted that the election system had a great difference (Fendoğlu, 2010: 19-21).

Despite President's powers were increased in 1982, there was not any change in the election system. With the change of the president election system in 2007, it became similar to semi-presidency in terms of its form. However, with president's being without liability and authority, the system still carries the features of the parliamentary system (Asilbay, 2013: 258).

According to the law accepted in 2007, the president is to be elected by the public for 5 years and legislative election is to be performed in every 4 years. According to Levent Gönenç (2013), the system became a parliamentary system with president as a result of this amendment (p. 274).

3.2 Weakness of Turkish Parliamentarism

The missing points of Turkish parliamentarism can be ranged as the following:

1. *Government always needs support of parliament. With the motion confidence, there is always risk to drop government. Therefore, government cannot make radical reforms.*
2. *Electorate were not able to see possible government options. For this reason, the basic principles of democratic regime such as responsibility and accountability cannot come true.*
3. *President's broad authorization given by 1982 constitutions, most of the times cause problems with the head of the executive organ, Prime Minister.*
4. *Multi-party system enables to occur coalitions, and depending upon this, political instability may occur.*
5. *Ministers are deputies at the same times and there is a threat that the party in power's partisans can use state's resources easily.*
6. *Both legislative and executive organ can come to an end its entity, mutual dependency among them may cause political instability.*

7. *In theory, its separation of powers but in practice both legislative and executive organs are nested with each other.*

3.3 Presidential Systems discussions in

Turkey

Discussions over the presidential system are not new. Since 1980s it has been occupying the country's agenda. Even while drafting 1982 Constitutions, Advisory Council encouraged universities, high court and governorships to pass a remark related to discussions. All those institutions strongly suggested that we need to protect parliamentary system. But also, we need broad president's authorizations. They were against to presidential system because of Turkish political culture; it may form a basis to individual potency.

The first political leader who suggested the presidential system as an alternative to parliamentary system was Turgut Özal. Then Süleyman Demirel and Recep Tayyip Erdoğan also gave attention to it.

3.4 Evaluation of Presidential System for

Turkey

To be freed from government's instability, transition to presidential system has been

offered as a solution. Especially last 15 years it has been discussed by academic and political sphere. Any possible regime changes in the country will lead to a certain number of changes in the country's political, judicial, and social areas. Those changes have to be taken into consideration as a whole without separating positive and negative sides (Hekimoğlu, 2009: 5).

Presidential system is based on the separation of powers and legislative and executive organs cannot end each other's duties. This makes continuity and stability at the wheel. During 1970s and 1990s instability governments and coalitions officiated in Turkey, government's brittle structure prevented to provide stability and long-term management. Country's problem became chronic and this situation weakened the democratic politics' prestige and power.

Some people claimed that those problems originate from the current system and offered the presidential systems. Unfortunately, they ignored the system's deadlock that originates from the separation of powers. In presidential system, there are no interaction tools as in parliamentary system. For example, as is said before, legislative organ has power to drop

executive organ by motion confidence. On the other hand, executive organ has power to abolishing legislative organ. For this reason, they may work incompatibly each other; president and parliament may lock the system and break it down.

In American model, this problem can be easily solved by accommodationist and pragmatist political cultures. However, it is not easy to say the same things for Turkey (Hekimoğlu, 2009: 52-57).

President is directly elected by public. It is strongly believed that president's legality gain strength in the system. Public know who they select and even at the end of period, they can punish the president by not selecting him again. It was advocated that this matters are the positive sides of presidential systems. But in most of countries where implemented presidential system, president can be elected only two times so for a person who is president for second time, most probably he or she would not care accountability (Onar, 2005: 100).

A possible problem that we will face if we implement the presidential system in Turkey to strengthen the position in executive organ; there is a threat that with the

influence of autocratical political culture, he or she sees his self/herself as elected padishah.

The biggest distress during electing president in Turkey is becoming polarized in terms of politics and culture. In Turkey there is a matter of rigid ideological disintegration between rightist and leftist, islamist and revolutionist which came from our political history, so even impartial matters, can easily be a political symbol or propaganda for one side in short time. This reveals a divided community models in terms of politics and social.

Also, In Turkey %65 of people is right-leaning and %35 of people is left-leaning. If we switch to presidential system, it will be almost impossible for leftist to be a president. This also makes problem. It will separate the community. Because rights, to be president will only focus on right-leaning people and isolate his self/ herself from left-leaning people. This situation may cause to be undesirable events (Oruçlu, 2013).

It may not always be possible to stop a president who has strong authorization. Especially in Turkey, there is strong

possibility that this system can turn to individual potency.

Stable and strong civil governments are some of advantages of presidential system that may contribute to solve some chronic problems of Turkey; but when we look the political system as a whole, that kind of system's disadvantages quiet likely overbear (Hekimoğlu, 2009: 60-61).

Out of American example, it was not seen that the presidential system made out a stable and democratic regime. This system is strange to Turkish political traditions and to gather all executive power in one hand may cause to individual potency in countries where democratic progress did not complete (Özbudun, 2013: 212-213).

Factors like communal subversion based upon ideology and identity axis, state o law's features are not being developed enough, disciplined party structure, weakness of local administrations, media, and non-governmental organizations, nonavailability of independent judiciary, reconciliation culture was low in politics, those factors indicate that presidential system cause deadlock in the system and may plunge into a quest of undemocratic. Accordingly, we

need to act with suspicion towards claims that presidential system can be successfully implemented in Turkey.

4. Conclusion

Every political system has positive and negative sides. Even so every political system has a good example where implemented successfully. Today, presidential system implemented very well in America due to its own pure characteristic. In other countries, we cannot expect that presidential system will be successful as it was in America. In presidential system, executive power gathers in one hand, in the election there is a policy that 'all or nothing', and the opposition is alienated from the execution power for a while will lead to increase political rivalry and become definite political polarization.

Turkish parliamentary system, produced three constitutions and four military interventions. Turkish governing system has reached to the point that it needs a total reformulation of the system. Some people claimed that all those problems occurred because of the parliamentary system and if we switch to presidential system then we will not have this kind of problems anymore.

To compare presidentialism and parliamentarism are not an easy task. Even though most of the scholars favor parliamentarism over presidentialism, there is a less consensus on choosing between parliamentarism and presidentialism. Because of the nature of those two governing systems, we cannot easily define one of them as a better choice under all circumstances. One specific feature of a system can be labeled both as a merit and disadvantage from different aspects. Taking 'fix term' feature of presidentialism for example; contrary to instability of parliamentarism, this is the main factor providing stability in presidential governing modal. However, the same feature can be blamed to be anti-democratic because it is believed that once the president knows he or she does not need a consensus, he or she will have less tendency to compromises. The same is valid also for 'zero sum game' feature of the system. On one hand it provides stability, on the other hand, it is found less democratic for not presenting all of the voters.

Those facts take us to the point that no single form of government can maximize the achievements of the alternative systems' merits and minimize the relevant

weaknesses simultaneously so that there is no generally good or bad system but whether a right choice for a specific country.

As a result of my research, it is understood that the political stability problem in Turkey doesn't result from the current government system. The case in point cannot be solved by the change of the government system and application of the presidential system in Turkey would lead to dangerous consequences. Because the political culture in Turkey is not suitable for the presidential system. As Turkey is successor of Ottoman State, Turkey is applicable for the individual potency like padishah.

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