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DIRECT ELECTION OF THE PRESIDENT BY THE PEOPLE: THE CASE OF TURKEY

CUMHURBAŞKANINI HALKIN DOĞRUDAN SEÇMESİ: TÜRKİYE ÖRNEĞİ

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ABSTRACT

The government of law is defined as the government bound by the rules of law and provides all kinds of legal guarantees to its citizens. The democratic government of law, also, is obliged to protect the rights of citizens, especially fundamental rights and freedoms. The most important trait of democracy is that the people transfer their sovereignty to a structure, institution or power through democratic principles. The focus of the conception of democracy in this context should be to provide, protect and develop fundamental rights and freedoms.

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In the regimes in which democracy is practised, each government branch (power) is been entrusted with specific duty. The members of the parliament are elected by the people through democratic methods and gathered under the roof of the parliament. The legislative power regulates the rules of social life in the context of the concepts of sovereignty and democracy. Executive members are responsible for implementing the rules and regulations of the legislative body. The president represents the government and assumes the role of government. The judiciary has undertaken the duty of enforcing the laws following the codes. In democracies based on the principle of separation of powers, the limits and responsibilities of each power mentioned in the Constitution and laws have been determined together with the executive, judicial and legislative functions.

According to article 8 of the Constitution, the executive power and duty shall be exercised by the President in accord with the Constitution and the laws. The twelfth Presidential elections in Turkey in 2014 were of historical importance. Following the 367 crisis in the Turkish Grand National Assembly in 2007, the referendum for the amendment regulating the direct election of the president by the people was approved. Thus, for the first time in Turkish democracy people, not the members of the parliament went to the ballot boxes and voted for the 12th president of Turkey. In this study, systematic review method was used. It is concluded that the direct election of the President by the people in Turkey is forward step in terms of democracy.

Keywords: President, Democracy, Legislature, Executive.

ÖZ

Hukuk devleti, hukuk kurallarına bağlı ve vatandaşlarına her türlü hukuki güvenceler sağlayan devlet olarak bilinmektedir. Demokratik hukuk devleti ise temel hak ve özgürlükler başta olmak üzere vatandaş haklarını korumakla yükümlüdür. Demokrasinin en önemli özelliği, halkın kendi egemenlik hakkını demokratik ilkeler yoluyla bir yapıya, kuruma veya kuvvete devretmesidir. Demokrasi anlayışının bu bağlamda odaklandığı alan temel hak ve özgürlükleri sağlamak, korumak ve geliştirmek olmalıdır.

Demokrasinin uygulandığı rejimlerde kuvvetlere (erk) birer görev yüklenmiştir. Yasama üyeleri olan milletvekilleri halk tarafından demokratik yöntemlerle seçilerek parlamento çatısı altında toplanmaktadır. Yasama kuvveti egemenlik ve demokrasi kavramları bağlamında halk adına toplumsal yaşamı düzenleyici kuralları düzenler ve kararlar almaktadır. Yürütme üyeleri ise yasa-

ma organının oluşturduğu kurallar ve düzenlemeleri uygulamaktan sorumludur. Yürütmenin başı Cumhurbaşkanı devleti temsil eder ve hükümet etme görevini üstlenmektedir. Yargı erki ise kanunları hukuka uygun olarak uygulamak görevini üstlenmiştir.

Anayasa'nın 8. Maddesine göre yürütme yetkisi ve görevi, Cumhurbaşkanı tarafından Anayasa ve kanunlara uygun olarak kullanılır ve yerine getirilir. Türkiye'de 2014 yılındaki 12. Cumhurbaşkanlığı seçimleri tarihe geçmiştir. 2007 yılında TBMM'de yaşanan 367 krizi sonrasında yapılan referandum ile Cumhurbaşkanı'nın doğrudan halk tarafından seçilmesi kabul edilmiştir. Böylelikle 2014 yılında ise bir ilk yaşanmış ve Türkiye Cumhuriyeti'nin 12. Cumhurbaşkanı belirlemek için seçmen sandığına giderek oyunu kullanmış ve ülkesinin Cumhurbaşkanı TBMM'deki temsilcileri yoluyla değil doğrudan kendisi seçmiştir. Bu çalışmada, sistematik derleme yöntemi kullanılmıştır. Türkiye'de Cumhurbaşkanı doğrudan halkın seçmesinin demokrasi lehine bir adım olduğu sonucuna varılmıştır.

Anahtar Kelimeler: Cumhurbaşkanı, Demokrasi, Yasama, Yürütme.

1. INTRODUCTION

The government of law is known as the government that is bound by the rules of law and provides all kinds of legal guarantees to its citizens. The democratic government of law, on the other hand, is obliged to protect the rights of citizens, especially fundamental rights and freedoms. The most important feature of democracy is that the people transfer their sovereignty to a structure, institution or power through democratic principles. The focus of the understanding of democracy in this context is the provision and development of fundamental rights and freedoms.

In regimes where democracy is implemented, powers have been assigned a specific task. In democracies based on the principle of separation of powers among the executive, judiciary and legislative bodies, the limits and responsibilities of each power are determined in the Constitution and laws. Deputies who are members of the legislature are elected by the people through democratic methods and gather under roof of the parliament. Legislative power makes decisions on behalf of the people in the light of the concepts of sovereignty and democracy. The executive members are responsible for implementing the rules and regulations established by the legislature and undertake the government task. Judiciary is the power which is performed through trials in courts.

According to the 7th Article of the Constitution, legislative power belongs only to the Turkey Grand National Assembly and this power is not transferable. According to Article 8 of the Constitution, executive power and duty are exercised by the President in accordance with the Constitution and laws. According to Article 9 of the Constitution, judicial power is exercised by independent and impartial courts on behalf of the Turkish Nation (T.C. Constitution, 1982). The deputies elected through the votes of citizens of the Republic of Turkey act as legislators in the parliament. In this way, they make regulations that will ensure the welfare and peace of the society by arranging laws on behalf of the people.

The president's election by the people, in principle, caused controversy on the grounds that, although electing the president is acceptable in the context of democratic principles, it is also considered as a violation of the parliament's authority. According to some, the presence of the president, who is directly elected by the votes of the people, contradicts the parliamentary system since it does not fit the general structure of the political system. According to this view, although presidential government is a system that carries the elements peculiar to the parliamentary system, when the president is directly elected by the people, it is considered to be in contrast to the parliamentary system (Erdoğan, 1993, p.48; Kuzu, 2000, p.55). On 16 April 2017, Turkey experienced a transformation in history and as a result of the 24 June 2018 elections held in accord with the constitutional amendments, Turkey switched to the new system of government called "Presidential System of Government" (6771 Law No. 2017).

2. DEMOCRACY

Democracy as a concept is defined as the self-government of the people on behalf of themselves. Democracy consists of the words "demos", which means people in Latin, and "Kratos" meaning "sovereignty-power" (Tunç, 2008, p. 1115). Based on this definition, democratic administration is a form of government where the people are in the foreground and the people take administrative decisions on their behalf. The issue of how the people should be governed is one of the issues that are discussed today and will probably continue to be discussed. Looking at the historical process, many thinkers and writers have expressed their views on democracy.

In his understanding of democracy, Aristotle argued that above everything is the will of the people, not the laws. Aristotle argues that while government by a single person for the general good is called "monarchy"; government for pri-

vate benefit is “tyranny.” If government by a minority aims at the state’s interest it is called “aristocracy” and if it benefits only the ruling minority it is called “oligarchy”. While popular government in the common interest is called “polity”; “democracy” means the common interest of majority (Aristotle, 1993, p. 81). Basic points in Aristotle’s distinctive six political regime classifications are the principle of the people’s interest in conjunction with the numerical minority or majority principle.

According to conception of the democratic government, sovereignty belongs to the people, to the nation. The people try to use this sovereignty through democratic methods. Due to the different government systems and structures, the people gain the authority to exercise their democratic right in different ways. What is essential here is that elections be held democratically; and the existence of political parties aiming to get the power through democratic methods is also accepted as the conclusion of this competition for power race.

When the existence of democracy is evaluated from a different perspective, it can mean the acquisition and sharing of power by various classes. There have been objections to this view on the grounds that that democracy should not cause class distinctions. Regarding this, Aristotle while comparing the concepts of democracy and oligarchy succinctly, stated that democracy is achieved when people rule, and oligarchy is realized when few people rule. However, according to him, regardless of quantity, the places where freedom is dominant are accepted as a constitutional democracy (Aristotle, 1993, p. 113). According to Aristotle, democracy is the government’s, founded by and for the people, taking decisions in the people’s assembly. In short, the concept of democracy, which is used to mean the sovereignty of the people, has passed through important stages until today. Huntington tried to describe these stages as waves of democracy and classify the stages of democracy. He emphasizes that democracy has three waves and that each wave is the opposite of the other. The first wave of democracy that started in 1828 continues as the third wave under the leadership of globalization and capitalism (Huntington, 1993, p. 11). Looking at the rapid changes in the 21st century, it is said that a fourth wave may be digital and technologically oriented.

The political system, which refers to a comprehensive institution that gathers together the common goals of citizens living in a society and work for this purpose, is more comprehensive terms than the concept of a government

system (Turan, 1977, p. 16). Government systems briefly refer to the set of rules and structures applied for the formation, distribution and regulation of the three basic powers of the government (legislation, executive and judiciary) (Özdemir, 2018, p. 11). Nowadays, it is observed that the meaning and importance of the concept of sovereignty differ greatly. In this context, in terms of democracy, there is no difference between a constituent assembly and a constituent referendum on the basis of popular sovereignty; both are considered to be equally democratic (Gözler, 1998, p. 94).

2.1. Types of Democracy

It is not possible to talk about a single definition in the concept of democracy. Ignoring the literal meaning of democracy we could argue that democracy means that the government of law is a constitutional institution that guarantees certain rights and freedoms and is governed by the representatives who win the elections with the numerical majority in the elections in which all citizens can participate (Hobsbawm, 2007, p. 100).

The concept and theories of democracy have been discussed until today and a new approach has been added to the literature every day. In 1970s, Huntington discussed three different waves of democracy. These are, the first wave of democracy that started in the USA in the 1820s and lasted for more than a century; the second democratic wave that emerged after the Second World War and progressed very rapidly, and finally the third wave of democracy formed after 1970, especially through Western Christianity and the Catholicism (Huntington, 2017, p. 134-136).

Democracy is divided into various classes in terms of the use of sovereignty. Among the classifications, the most commonly used and widely accepted direct democracy is semi-direct democracy and representative democracy. Direct democracy is the most difficult type of democracy to implement because the people use democracy themselves. It is applied in some cantons of Switzerland. Semi-direct democracy is the kind of democracy that the exercise of sovereignty is shared with the people. Representative democracy, on the other hand, is the empowerment of its representatives, that is, parliamentarians, to exercise the people's sovereignty.

In a direct democracy, the people themselves make the decisions to be taken for the state. However, this type of democracy is not applicable today. In such democracies, the theory of inalienability of sovereignty is considered

valid. However, this form of democracy, which can be partially possible in regions with a low population, becomes inapplicable as the population increases.

Semi-direct democracy appears as direct democracy due to direct participation of the voters and as representative democracy because of the use of sovereignty therepresentatives elected by the people (Tunç, 2008, p. 1117). It is known as the combination or mixture of two democracies in terms of practice.

In representative democracies, the sovereign power rests with the people. However, the people elect their representatives and send them to the parliament to govern them. While electing their representatives, the people transfer them some sovereign rights. Representatives elected with these delegated powers come together under the roof of the parliament and form the legislative power (Arslan, 2004, p. 40-41). They use the power to make laws in the parliament on behalf of the nation.

Apart from the classifications expressed so far, with a purposeful approach democracy can be classified as liberal, social, radical and Marxist, based on political and economic teachings. Apart from these, democracy can also be divided into types such as protective, developmental, classical pluralist, conciliatory and deliberative.

3. GOVERNMENT SYSTEMS

To talk about the existence of the rule of law, the jurisdictions of the legislative, executive and judicial bodies should be clearly defined and their limits of duty must be observed. There is always a tendency to arbitrarily use the powers of the executive branch and to exceed their jurisdiction. Therefore, the public authority has to be audited by independent judicial bodies. The fact that all transactions of the state comply with the rules of law constitutes one of the main conditions of existence of the rule of law. The system that will ensure compliance with the legal rules is in which the actions and actions of the government are under judicial control. Judicial control of the legislative and executive branches is generally well established in democratic countries.

In his modern constitutional studies, the British philosopher John Locke accepted the separation of powers as a guarantee of freedom and he has been cited a lot for his views on separation of powers. In his famous work “Two Studies on Civil Political Management” (1961), he stated that the government administration is essentially composed of three forces. According to Locke, those with

legislative power may tend to use the law according to their will. Therefore, the task of implementing the laws established by the legislature should belong to separate power, the executive. With this view, Locke also constantly criticized and opposed the monarchical structure that had the legislative and executive power (Erdoğan, 2001, p. 168).

The parliamentary system is known as the system of government expressed as the soft separation of powers or cooperation. In the parliamentary system, although the legislative and executive powers are legally independent of each other, there is cooperation and interaction between them (Akgül, 2010, p. 92). Considering the implementation of the parliamentary system, it was seen that each government implementing the system had to accord the system to her conditions, and therefore, different parliamentary system structures have developed. However, in parliamentary system it is observed that the Head of State is politically irresponsible and therefore unauthorized, and the Council of Ministers, who have political responsibility work with with the President, as the executive body (Kahraman, 2012a, p. 22). Germany and England are the leading countries that implement the parliamentary system. However, while there is a republican and federal structure in Germany, there is a monarchical and centralized structure in England.

Under the presidency of the politically irresponsible President, there is a weak separation of powers between the executive and the legislature; in addition in such a system equality and balance between governmental bodies come into play (Teziç, 2009, p. 415). Still, the parliament is of central importance. Essentially, the assembly or parliament draws its power from the people themselves. Therefore, the ruler of the system becomes the people and the concept of popular sovereignty is observed (Sartori, 2017, p. 50). The parliamentary system is also the representative management system. According to this system model, governments are formed by the participation of member of the parliaments. Those who deserve executive power exit the assemblies and have responsibilities to the same assembly.

According to Duverger, who has made an important contribution to the establishment of the semi-presidential system in the literature, this system has three important elements. The direct election of the head of state or the President by the people is that the President elected by the people has powerful authorization and the President has a cabinet which exercise the executive power

together unless the parliament opposes it (Duverger, 1974, p. 85-88).

In the semi-presidential system, the people directly elect the President and the deputies. In this system, the prime minister is directly subordinate to the President, although s/he is elected by the majority of the parliament. The Prime Minister is in a strong constitutional position and with the powers s/he has, s/he evokes the reserved king (Arslan, 2004, p. 41).

The presidential system, on the other hand, appears as a concept that has become synonymous with the USA since it came to the agenda with the US Constitution of 1787. Among the general features of the system are: the executive body consists of a single person, the president is directly elected by the people, and does not rely on the legislative trust (Özdemir, 2018, p. 52-53). The system has been implemented in the USA for more than two centuries. The claims that the presidential system is a democratic and stable administration model are strengthened with reference to the case of the USA.

The presidential system can also be shown as a model in which Montesquieu and before him John Locke's precise distribution of power principles are put into practice. Because in this model, the government of the country is not occupied by a single person but is distributed among the legislative, executive and judicial institutions. The principle of separation of powers expressed by Montesquieu in his work "On the Spirit of Laws" is concretely implemented in the Presidency system. There is also a distribution of powers in the parliamentary system, but since the parliament and the government work together in the parliamentary system, the prime minister who is the head of the executive is the leader of the majority in the parliament and can control or influence two constitutional bodies (legislative and executive). For this reason, the parliamentary system, instead of proving a system that exemplifies the principle of separation of powers in real terms, means the mixing of powers (mixed system) or simply the joint work of two legislative bodies under one roof (Arslan, 2004, p. 68- 69).

4. PRESIDENTIAL ELECTION AND TURKEY

For the Rule of Law to be observed, the principle of separation of powers must be applied, so the legislative, executive and judicial powers must be strictly separated from each other. The main purpose of constitutionalism studies is the government structure and to ensure that this structure is smooth with certain rules, and to prevent the powers of the government from falling into a single hand. Concentrating powers on one hand creates a problem according to the

principle of judicial control of the administration (Gözübüyük, 1998, p. 83).

In the case of states such as Italy, Germany and Greece, the President can be elected by different electoral boards consisting of legislative representatives. Countries that have a parliamentary system, such as Austria, Norway, Belgium, Iceland, the Netherlands, Australia and Japan, elect their presidents directly by the people and they assign the president representative duties. From a different perspective, then, these countries transfer their executive powers to the Prime Minister and his cabinet (Atar, 2003, p. 14). Depending on the type of political regime, the President can be fully authorized, less authorized or symbolic. The fact that the President, who is the head of the state, has symbolic powers and has unlimited authority can also become a problem.

The first president of the Republic of Turkey is Mustafa Kemal Atatürk. Atatürk, who served between October 29, 1923, and November 10, 1938, was elected by the Turkish Grand National Assembly. Second President, İsmet İnönü, was elected by the Turkish Grand National Assembly immediately after Atatürk's death and served until 22 May 1950. Besides, he was elected as the CHP Chairman in December 1938 and received the title of "National Chief" by being accepted as the permanent chairman of the party. On May 22, 1950, Celal Bayar was elected as the third President by the Turkish Grand National Assembly and served until the coup d'état of May 27, 1960. With the coup of May 27, 1960, the fourth President, Cemal Gürsel, served as the head of state and government under the chairmanship of the National Unity Committee, and the TAF Commander in Chief and the Ministry of National Defense until the 1961 elections. After the 1961 Constitution, he was elected President by the Turkish Grand National Assembly and served until 28 March 1966. Cevdet Sunay was elected by the Turkish Grand National Assembly as the fifth President on March 28, 1966. On April 6, 1973, Fahri Korutürk was elected as the sixth President by the Turkish Grand National Assembly and served until April 6, 1980. Kenan Evren, who was the head of the General Staff and the National Security Council following the coup of September 12, 1980, also took over the presidency. Kenan Evren became the seventh President with a constitutional provision submitted to a referendum in the 1982 Constitution and served until 9 November 1989. Turgut Özal, who was elected as the eighth President by the Turkish Grand National Assembly, started his term on 9 November 1989 and served as President until his death on 17 April 1993. After Özal, Süleyman Demirel was elected as the ninth

President by the Turkish Grand National Assembly and served between 16 May 1993 and 16 May 2000. Tenth President Ahmet Necdet Sezer was elected by the Turkish Grand National Assembly on May 16, 2000, and served until 28 August 2007. The eleventh President Abdullah Gül was elected by the Turkish Grand National Assembly and served until 28 August 2014. The twelfth President, Recep Tayyip Erdoğan, became the first president in Turkish political life, who was elected directly by the public and in the first round on 10 August 2014. Recep Tayyip Erdoğan, who was elected President in the first round in the 24 June 2018 elections, continues to serve as President today (TCCB, 2020). Before the twelfth Presidential elections, all other presidents were elected by the TGNA, except for the presidential election provision in the 1982 Constitutional vote. After the 2014 elections, the highest authority of the government was elected with direct votes of the people and an important gain was achieved in the name of law and democracy. In a sense Turkey's Presidential System of Government is a unique presidential model. The current situation (Government System and the position and election of the President) does not constitute a political crisis.

In Turkish political life, presidents have made statements on issues such as the separation of powers, the powers of the president, and the problems of the parliamentary system. In this context, Turgut Özal said the following to a journalist when he was the Prime Minister in 1987 (Onar, 2001):

“I think the president elected by the people is more democratic because the president has a lot of authorities. What I mean is not like the 1961 Constitution. Parties can nominate candidates to run for the presidency but the people should elect the president, instead of the parliament. Thus, the President should feel more authorized. Please pay attention to the fact that this is not a presidential system. So it's not the presidential system in America. We will have given authority to our President... He has the right to decide... If people elect, the President will be more authorized. “

Discourses similar to the above statements were made by some politicians in the following years. In 1999, the 9th President Süleyman Demirel also made evaluations emphasizing the choice of the people.

In the year 2007, with the amendment numbered 5678, titled “Turkey's Constitutional Law Amending Certain Articles” and the relevant articles of the 1982 Constitution were amended and temporary 18th and 19th articles were added to the Constitution of 1982 (Official Gazette, 2007, 26554). According to

this change, Articles 101 and 102 of the Constitution emphasize the direct election of the President by the people. In addition to these changes, an amendment was made in the Presidential Election Law in June 2012. The provision that the President could not be elected twice was annulled and the term of office of the 7th President was extended to 7 years.

Following “April 27 e-memorandum” and “367 Charter” as two important developments in Turkey political history, presidential elections directly by people amendments approved in 2007 was put into force. However, it should be noted that in this period, the 11th President Abdullah Gül was elected in accord with the previous method, that is, by the Turkish Grand National Assembly. In this context as result of the presidential elections in 2014 Prime Minister Recep Tayyip Erdogan became the first president directly elected by popular vote in the Republic of Turkey. Recep Tayyip Erdogan, who also won the Presidential elections held in 2018, was elected directly by the people for the second time in a row.

As a result of the voting held on 21 October 2007, a regulation on the election of the President by the people was introduced in the Constitution. Regarding this election some argue that election by popular vote will move Turkey with a more authorized president compared than the one in parliamentary system to a semi-presidential system.

It is clear that an electoral system in which the president is elected by people and the parliamentary structure cannot be sustained together. In fact, with the election of two different powers together in elections, the focus is no longer on a “single” power and the double legitimacy is formed with two different electoral cycles (Ulusahin, 2011, p. 33). There is a soft and balanced separation of legislative and executive power in the parliamentary system. The responsibility of the council of ministers before the legislature is the main distinguishing feature of the system. At the same time, the executive body should have the power to dissolve the legislature. Thus, a balance is provided between the legislative and executive organs. In the parliamentary system, the executive body is divided into two. On the one hand, there is the politically irresponsible head of state; on the other hand, the Prime Minister and the Council of Ministers are the responsible wing of the executive body. With the Presidential Government System, which became active after the June 24, 2018 elections, the office of the Prime Minister was abolished and the two headed system (President-Prime Minister) in the executive power came to an end.

Without changing the existing powers of the President and keeping the parliamentary system and simply changing the election method may cause problems and conflicts within the executive itself, and the regime to become incapable of doing business. The problem will become even greater when the elected President and the majority of the parliament are from different parties. If the president and the majority of the parliament are from the same party, the president who gains democratic legitimacy can become the sole ruler of the system (Kahraman, 2012b, p. 282).

On the contrary some think that, direct election of the president by the people may be appropriate in terms of democracy, but not suitable to the structure of the parliamentary system. According to the proponents of this view, even if a system has elements of a parliamentary system, the direct election of the president by the people can be considered as a deviation from the parliamentary system. In this context, the president, who gets power from people, may conflict with representative democracy (Erdoğan, 1993, p. 48). The method of electing the president by the people, which is not suitable for a parliamentary structure, is more suitable for a presidential or semi-presidential model of a government system. Therefore, there is no problem between the Presidential System of Government and the current election method of the President.

Whether the president is elected by the parliament or the people do not pose a problem on its own. It can be regarded as an achievement in the context of democracy, mainly because it is direct participation through which that people will involve more in the administration. However, the presence of a president who derives his legitimacy directly from the public and a political party with a different ideology having the majority in the Parliament can complicate the system. This is because the President-Government problems, which are common in the parliamentary system, may emerge under this system as well. However, the President of Turkey has always played an important role in politics. Presidents interfered in political arena even when the president was elected by the parliament (Yavuz, 2008, p. 1194). From this perspective, the election of the President by the people alone will not be sufficient to solve systemic problems, and the government system will have to be adapted to this. Indeed, as of June 2018 Turkey launched her peculiar Presidential System of Government.

5. GENERAL EVALUATION

The election of the president by the people is a very important step in the name of the use of sovereignty and democracy. Although it may seem like a

regulation that can have some positive and negative consequences when viewed from different angles, it is also a fact that it will not be appropriate to oppose or over-adopt this practice which had not been tried before in our country. However, arguing that the new system is incompatible with the basic principles of the Constitution and it will disrupt the unitary structure of the nation indicates a misunderstanding regarding the new system. For the Presidential Government System currently does not contain an article suggesting the unitary-federal distinction. With the Presidential Government System, when the people go the ballot boxes they both vote for the president and the members of the parliament. Thus, it is seen that the legislature and the executive are determined by the vote of the people. What is more, the direct election of the highest authority by the people is very compatible with the basic principles of democracy. At this point, while we should respect the representative powers of the legislative power, we should not ignore the decision of the people.

That voters elect the President and members of the legislature on different ballot papers in the same election could be considered as a control from a different perspective. When the citizens consider the President or members of parliament unsuccessful, they will be able to evaluate them separately. The current election system allows such an application. Contrary to the criticisms, the exercise of the right of sovereignty belonging to the people by the people is a legitimate situation without doubt.

It is a fact that a candidate elected by the nation that owns the sovereignty will be the strongest side of the executive in the current government system. However, it should be considered that a strong executive is an important requirement in the geopolitical field. On the other hand, there are risks of distributing different enforcement of the legislation to different bodies and individuals. The presence of legislative and executive members on different political grounds will affect the harmony between the two important forces. Any incompatibility between the powerful executive and legislators could have significant political, social and economic consequences. It is doubtless that problems that seem minor, especially in the rapidly changing world, can cause great damage in an instant.

The benefits and drawbacks of the president's election by the people can be discussed in more details. If we consider a few of them again, we could argue that the President, who will be elected with the votes of the people, may have

to calculate the reactions that may come from the people in making a decision. In this case, it will force the limits of his/her powers. It is also among the possibilities that the executive power will enjoy more authority than the legislative power. In the past elections in Turkey when political parties selected their presidential nominee, NGOs interfered with the competition and tried to exercise influence to determine the candidate's agenda and caused heated discussions all around the nation.

Since the parliamentary system is as a mixed structure, it raises doubts that the two important powers will be interfere with each other and their effectiveness will be weakened. For this reason, the presidential system, in which the principle of separation of powers is fully applied, allows the public to determine the legislature and the executive separately.

When we look at the government systems and election methods around the world, relatively inconvenient and beneficial implementations can be seen. Each regime may have its problems. The main reason for this is the social, political, historical and geopolitical position of each country. For this reason, it would be quite meaningless to consider the political systems outside the realities of the country. System in Turkey, the changes made to the regime and amendments regarding election must be evaluated with reference to the context of the nation. Thus, the election of the President by the people and the transition to the Presidential Government System can be seen as a result of conjunctural developments.

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