

Original Paper

The New Turkish Presidential System

Mehmet Nur Altınörs^{1*}

¹ Başkent University, Ankara, Turkey

* Mehmet Nur Altınörs, Başkent University, Ankara, Turkey

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1. Introduction

Democratic societies have long tried to restore the delicate balance between political stability and fair representation in order to find the most suitable political regime and election system for the country. Pursuit of political stability is considered a prerequisite for sustainable economic growth, social development, international respect and foreign investment. On the other hand, once the equilibrium is disturbed in favor of political stability, this leads to failure of fair representation and consequently may pave the road to weakened check and balance mechanisms and subsequently to totalitarian rule.

In general three distinct governing systems are recognized in democratic states. These are the presidential, semi presidential and parliamentary systems. All systems harbor parliaments with different distribution patterns of authority, responsibilities, duties and reciprocal relations between the legislative and executive organs. Some states practice a combination of these administrative models. The pros and cons of each system are well known in political literature as experience has revealed it.

Turkey has recently performed a transition from her 67 year old parliamentary system to presidential system. The discussion below includes general pros and cones of the main governing systems with a short overview of US and French examples, possible effects of the constitutional shift in foreseen future of Turkey along with personal suggestions for a higher standart democracy in the country.

2. Recent Turkish Political History

Turkish Republic established on October 29,1923, has been ruled by the founding Republican People's Party (RPP) until 1950 when the first fair, multiparty election was held. This election resulted in the glorious victory of the main opposition party, the Democratic Party (DP). Since then the country has been ruled by parliamentary system with a president as the symbol of the state but with limited functions and carrying no political responsibility. The Prime Minister is the head of the government and has the first degree authority of execution and responsible to the parliament named "The Turkish Grand National Assembly".

Unfortunately two military coup d'états took place in 1960 and 1980. Aside from these interventions two memorandums declared by military high command caused resignation of the governments in both incidents. The junta of 1960 closed the ruling DP and the junta of 1980 dissolved all political parties and banned political activity for 3.5 years.

In spite of military interventions the system remained parliamentary until the referendum held on April 16, 2017 when Turkish citizens voted for 18 major changes in the existing constitution. Participation was high, 85.32 % and a narrow majority, 51.41 % of the voters approved the proposed changes.

The major important constitutional changes included abolition of the prime ministry, canceling of some check and control procedures of the parliament, adding new legislative rights to the president including preparation of the budget at the beginning of each fiscal year. The president also assigns the cabinet and the vice-presidents. The vice-presidents, the number of which is not clear, are not declared by the presidential candidates during the election campaign so the public has no knowledge about the possible future vice-presidents.

The cabinet members are appointed either from parliament members and/or preferably from non-parliamentary individuals as has been the practice in the first cabinet following the constitutional reform. If a parliamentarian is appointed as a minister then he or she has to resign from the parliament thus meaning that all cabinet members are non-parliamentarians.

The number of parliament members is increased to 600 from 550 with the new constitution.

Before the start of the new legislative year on October 1st, 2018, all seats reserved in the Grand Assembly for the cabinet members were removed which symbolizes the lessening of the bridge between the cabinet and the parliament.

The president is authorized to execute decrees and regulations provided that they would not interfere with fundamental civil and political rights and duties of the citizens. It is within the authority of the president to take the laws passed in the parliament to the Supreme Court for cancellation.

The presidential and parliamentary elections are scheduled to take place simultaneously at every five years. If no candidate receives more than 50 % of votes in the first round then a a-run off will be held in 14 days similar to French system.

The presidential candidates are nominated either by political parties receiving at least 5 % popular vote in the last election or by 100,000 citizen's signed proposal.

3. Presidential System

The presidential system, the best example of which undoubtedly is USA, has been successfully practiced without any interruption since the foundation of the country. The US political system firmly depends upon the principle of absolute separation and independence of legislative, executive and jurisdictive powers.

The US Congress is composed of two wings: The House of Representatives and the Senate.

The president is the prime political figure of executive force. He or she can veto a law, but if the two

thirds vote is reached in both chambers then the veto is rejected. The president makes assignments for many important positions, but the Senate has the right to refuse.

The president is the commander in chief, but the Congress has the right to declare war.

The Congress may dismiss the president only in unusual circumstances. There are three big impeachable offenses: treason, bribery, high crimes and misdemeanors. The House of Representatives may accuse the president by majority vote while the Senate acts as the judge and jury. Two-thirds vote is needed in the Senate to convict the president.

The system is traditionally based on two major parties although a couple of trials were undertaken to include multiple parties. These attempts have failed and such parties have stayed local and transient. The two major parties in US do not stem from social layers or ideology in contrast to many parties in different European countries.

The presidential system is practiced in Central and South American countries, in newly independent African states, in Philippines, South Korea and Thailand. In many countries with presidential system the parliamentary and presidential elections are held at different dates. In US House of Representatives is completely renewed at every two years while one-third of the Senate is renewed similarly.

4. Semipresidential System

Semipresidential system has originated in western Europe and is a combination of presidential and parliamentary systems. France is the best known example of the semipresidential system. The constitutional reform in 1962 under Charles de Gaulle's presidency has realized a shift from parliamentary to presidential system although there are serious differences compared to presidential system.

In France the president is elected by popular vote at every five years and may serve for two terms. If none of the candidates receives simple majority in the first round then the election is repeated in fourteen days with two candidates placed as the first and second in the first round.

The French president appoints the prime minister. In case when the president and the majority party in the parliament belong to the same party then the president may appoint the cabinet. The president has the right to dismiss the parliament and call for elections. Other presidential privileges include asking for referendum about vital national matters and implementing marshal law.

The president with a wide spectrum of authority is not responsible to the parliament, instead the prime minister is the person responsible to the parliament.

The parliament is composed of two chambers The National Congress has 577 members elected directly by the people. An overwhelming majority of the congressmen, 555 members, are elected from the mainland and the remaining 22 members are elected from French citizens living abroad and from overseas lands belonging to France.

The Senate is composed of 348 members who are elected by the secondary voters nominated either locally or on national basis.

5. Discussion

In the parliamentary system the executive power is shared between the head of the state and the prime minister. This is in a way balance and check system. The title of the head of the state may be the king, prince ,emperor in monarchies and president in republics. In parliamentary system the head of the state carries no political responsibility and can not be impeached by any legal organ during his term. The previous Turkish constitution noted treason as the only crime that can be attributed to the president.

The Justice and Development Party (JDP) and its leader insisted on the recent constitutional change and consequent shift of the system into presidential type of government. Their main argument was that the coalition and minority governments had deficiencies in rapid decision making and taking action. It is contradictory enough to note that JDP had five successive election victories starting with 2002 election which enabled them to form great majority governments without having any serious resistance in legislation and execution tasks.

Coalition governments are an important instrument in developed democratic culture. It necessitates cooperation, negotiation and ability to solve problems together. Additional advantage is depolarization in the society and relaxation of political tension.

There are also other important drawbacks in the new order. A process whereby a president may be impeached is described in the constitution, but no crimes to accuse the president are specified. For the alleged crimes the president has committed, the sections within the article will be applied only after the president's tenure.

The political parties who believe in the virtue of the parliamentary system and oppose the drastic new changes should spend every effort within their capacity to restore a well established parliamentary system. This is a hard and time consuming function full of numerous obstacles. Nevertheless the alliance of such parties should work to prepare and propose a new constitution, election system and regulations with regard to their working mechanisms of the political parties.

Some personal suggestions due that cause are:

a) There are over 5.5 million Turks living abroad. The geographical distribution reveals four million in western Europe ,300,000 in North America, 200,000 in Middle East countries and 150,000 in Australia. Most of them possess binationality and at least half of this population is voters.

My suggestion is to give these people the opportunity of being represented in the Turkish Grand Assembly. The new 50 seats added after the constitutional referendum may be canceled. Instead these seats may be converted to a special status. Turks living abroad may be nominated and elected as parliamentarians by Turkish citizens living abroad. The advantage of such a representation is two-fold. These people will have stronger bonds with the homeland and they will serve to the interests of Turkey abroad and will help to improve bilateral and multidimensional international relations.

b) According to Turkish constitution a political party has to receive at least 10 % of the popular vote nationwide in order to be represented in the parliament provided that it has also should receive enough votes in the local election district. A reasonable percentage of popular vote is required in many

European countries for parliamentary representation, but 10 % is the highest figure in the world and has to be reduced to 3-5 %.

c) The most responsible position of the parties is their chairperson and they are elected by the limited number of delegates of the party. A more democratic and representative election is election of the chairperson with participation of all registered members of the party.

The Middle Eastern and Asian culture is inclined to rule of charismatic leaders and individual leadership is an important tradition. Concepts like cooperation, solving conflicts by means of negotiation and working as a team are not so developed in that particular geography. That in turn bears the danger of totalitarian rule. The new Turkish constitution lacks the necessary check and balance mechanisms and greatly diminishes the right of the parliament to scrutinise ministers. It has generated new executive powers and has accumulated the ruling function practically to one individual.

It is obvious that time and practice will display both the advantages and the disadvantages of the new presidential system in Turkey. The debate over the success or failure of the new regime will be answered by the specific features of Turkish political life and political figures shaping the stage.