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Governmental System Discussions Ahead of the 2023 Elections: Why the Nation Alliance’s Proposal for Semi-Presidentialism Is not a Viable Option

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ABSTRACT *Ahead of the 2023 elections, one of the top items on Türkiye’s political agenda will relate to the different systems of government that various parties have proposed. The country overhauled its political system in 2017, replacing the parliamentary system with a Turkish-style presidential system. The differences between Türkiye’s system of government with the U.S. presidential system, along with other aspects of the Turkish system, have been the subject of public debate for a long time. Whereas the Justice and Development Party (AK Party) and the Nationalist Movement Party (MHP) advocate the preservation of the current system, they have not completely ruled out potential revisions based on five years of experience. Türkiye’s opposition parties, in turn, unveiled a series of proposed constitutional amendments to which they collectively refer as the ‘augmented’ parliamentary system. This article analyzes the systems of government proposed by two major alliances, which will compete in the 2023 elections and the debates on their proposals.*

Keywords: Government Systems, Presidential System, 2017 Constitutional Amendments, Semi-presidentialism, Parliamentarism

Insight Turkey 2023

Vol. 25 / No. 1 / pp. 93-123

Received Date: 25/2/2023 • Accepted Date: 16/3/2023 • DOI: 10.25253/99.2023251.6

Introduction

Türkiye will hold presidential and parliamentary elections on May 14, 2023. The February 6, 2023 earthquakes, together with the economy, domestic politics and foreign policy, and national security, will be the main items on the electoral agenda. At the same time, the drafting of a new constitution and the system of government will remain subjects of public debate as major issues in domestic politics. In 2017, Türkiye held a constitutional referendum to amend its Constitution after long years of aiming to abandon parliamentarism and adopt a new system of government that was rooted in presidentialism yet had certain unique aspects. Opposition parties have constantly criticized that new system since then, calling for the restoration of parliamentarism. As a matter of fact, it was the parliamentary system's restoration that initially brought together and motivated the six opposition parties that currently call themselves the Table of Six.

This article analyzes the approaches of the two major electoral alliances set to compete in the upcoming elections, instead of focusing on each political party's proposed system of government separately. The Justice and Development Party (AK Party) and the Nationalist Movement Party (MHP) will contest the 2023 elections under the People's Alliance banner –as they did in 2018. In contrast, the Nation Alliance, which the Republican People's Party (CHP) formed with the Good Party (İP) in the most recent general elections, is expected to enlarge by incorporating the Felicity Party (SP), the Democracy and Progress Party (DEVA), the Future Party (GP), and the Democratic Party (DP). Indeed, those six parties, which identify themselves as the Table of Six, have been meeting regularly and forming working groups to develop common policies. Judging by public statements by both alliances, the drafting of a new constitution and the system of government will presumably be major issues on their campaign trail.

The AK Party and MHP, which formed the People's Alliance, designed Türkiye's new system of government, which became operational on July 9, 2018, and campaigned for its adoption through a constitutional referendum in 2017. Accordingly, the People's Alliance maintains that the presidential system must remain intact and possibly be consolidated. Furthermore, it reflects on five years of experience and discussions to acknowledge the possibility of implementing certain reforms. In other words, the ruling alliance does not reject proposed changes, which are intended to rehabilitate the system, categorically. The People's Alliance also pledges to make harmonization laws, which Parliament was unable to pass in 2018 due to early elections and a quicker-than-planned transition to presidentialism and to build on administrative reforms that Türkiye implemented simultaneously with the new system's adoption.

Last but not least, it is necessary to note that the AK Party and President Recep Tayyip Erdoğan have not limited themselves to reforming the system of government and have been urging all political parties, without any preconditions, to participate in the drafting of a completely new constitution for a very long time. As such, those calls and the clues that a new draft constitution, which the AK Party commissioned a scientific board to prepare, regarding the system of government also deserve attention.

In contrast, the Table of Six unveiled its concrete proposals for constitutional reform in two documents. The first one, called the “Augmented Parliamentary System”, was released on February 28, 2022, and the second one, titled the “Constitutional Reform Proposal for the Augmented Parliamentary System,” was released on November 28, 2022. It can be argued that Türkiye’s opposition parties did not work harder or agreed more on anything except overhauling the system of government. This article will provide detailed information about the key aspects of the Table of Six’s proposal for an “augmented” parliamentary system, how it differs from the pre-2017 parliamentary system, and how it intends to design the legislative and executive branches. Subsequently, it will discuss the meaning of “augmented” parliamentarism, whether the proposed arrangement qualifies as a parliamentary system, the reasons why critics have accused the opposition of having designed a semi-presidential (as opposed to parliamentary) system, and that system’s applicability in Türkiye. This article will pay special attention to the president’s powers and election by the people as part of that analysis and reflect on the proposed system with reference to past crises in Turkish political life. Therefore, the proposed system will work like a semi-presidential system, not a parliamentary system. It can be said that this system, which has uncertainties, will cause two-headedness, conflict and crises in the executive.



The February 6, 2023 earthquakes, together with the economy, domestic politics and foreign policy, and national security, will be the main items on the electoral agenda

The Presidential System and the People’s Alliance ahead of the 2023 Elections

First and foremost, this section analyzes the fundamental qualities of the Turkish presidential system of government, which was designed by the political parties that later formed the People’s Alliance and was adopted in the 2017 constitutional referendum. Later, it provides a summary of the discussions and lines of criticism regarding that system. Finally, it evaluates the People’s Alliance’s position on Türkiye’s political system ahead of the 2023 elections.

Basic Characteristics of the Turkish Presidential System

Turkish presidents have always had a broader range of power than heads of state under the parliamentary system. The country's various constitutions, which were drafted in the wake of military coups, were designed based on the assumption that the president would always be a military member. As such, those jurists imagined the Presidency as a body of tutelage over civilian politics.¹ That is why presidential elections at the Turkish Parliament were traditionally surrounded by political crises and tension. The 2007 presidential election took place under such conditions, as the Turkish Armed Forces (TAF) issued a memorandum and a controversial Constitutional Court ruling created a deadlock.² In response to those developments, the AK Party called for a constitutional referendum³ to introduce direct presidential elections and shift the country's system of government from parliamentarism to semi-presidentialism.

The process of changing the system of government, which started in 2007, resulted in the adoption of a new system of government in 2017. On April 16, 2017, the people voted for constitutional amendments (which became effective on July 9, 2018)⁴ to adopt a new system of government under which the executive would consist of a single popularly elected official. Those amendments, which focused on the legislative and executive branches, entailed an overhaul of the system of government that the 1982 Constitution had put in place.

The constitutional reform package (which also addressed issues other than the system of government)⁵ resulted in the following changes:⁶

- (i) The Council of Ministers was removed from Article 8, which related to executive authority and duties, to give executive powers to the President alone (Article 16).
- (ii) It was decided that presidential and parliamentary elections would be held simultaneously (Article 4).
- (iii) The vote of confidence and motions of censure, which reflected the executive's political accountability to the legislature, was abolished (Article 6).
- (iv) The clause relating to cutting off the elected President's ties with their political party was struck down (Article 7).
- (v) The amended text stated that the President would serve as head of state and exercise executive authority and make necessary arrangements for presidential powers (Article 8).
- (vi) The president ceased to be criminally unaccountable and it was decided how presidents would be held accountable for crimes related to their official duties and other types of misconduct (Article 9).
- (vii) It was decided that the President could appoint multiple vice presidents and that vice presidents and Cabinet ministers would cease to be parliamentarians (Article 10).

- (viii) It was decided that vice presidents and Cabinet ministers were politically accountable to the President and determined how their criminal liabilities would be treated (Article 11).
- (ix) The President and the Parliament were permitted to renew elections. Elections would be held for a president and the legislature simultaneously if and when one of them calls for new elections (Article 12).
- (x) The budget will be prepared by the President and approved by the Parliament. If Parliament does not approve the draft budget, it will pass a temporary budget law. Failure to take that step shall result in the previous year's budget being automatically approved with an increase according to the official re-appraisal rate (Article 16).

It is quite obvious that the new system of government handed executive power to the popularly elected president with no political accountability to the legislative branch. Since the Prime Ministry and the Council of Ministers were abolished, the executive branch consists of a single wing. Vice presidents and ministers have no individual or collective liability vis-à-vis Parliament. Keeping those main characteristics in mind, it is possible to say that the country abandoned the parliamentary system and adopted a new system of government that bears a striking similarity to presidentialism.⁷ Kemal Gözler, a constitutional lawyer, compared the new system with the primary and secondary characteristics of presidentialism and parliamentarism to conclude that it shared four characteristics with presidentialism yet does not qualify as a presidential system since the President and the Parliament have the authority to renew elections.⁸

One could argue that the 'presidential' system of government is based on presidentialism yet represents a unique model due to some of its characteristics, including the right to call for elections. Yavuz Atar identifies five differences between the new system of government and the U.S. presidential system:⁹

- (i) Simultaneous parliamentary and presidential elections,
- (ii) The Parliament and the president's ability to renew elections for both branches,
- (iii) No requirement of legislative approval for presidential appointments to make a clear distinction between their respective powers,
- (iv) The ability to adapt the previous year's budget with a certain increase in case the draft budget is rejected,
- (v) The clear delineation of the president's authority to issue decrees.

The Turkish Presidential System: Criticism and Debates

I have briefly explained the main characteristics of the 'presidency' system of government and how it differs from the U.S. presidential system. This new system has been criticized for various reasons before the constitutional referen-

Türkiye implemented a comprehensive administrative reform package around the same time as its transition to a new system of government. Accordingly, the country eliminated some mid-level positions within the bureaucracy, reduced the number of ministries, abolished or merged some public institutions, established new agencies, and overhauled its public employee system

dum and in its aftermath. It is possible to sort those criticisms into several categories.¹⁰ First and foremost, critics note that the new system is not a presidential system –as mentioned above– since legislative and executive elections are held separately under that system and the holders of those offices cannot be removed before their term expires. In contrast, the new Turkish system allows the president and the legislature to hold early elections. Furthermore, presidential and congressional elections take place on different days in the U.S. whereas the Turkish system requires simultaneous elections. Critics have argued that simultaneous elections could mean the same political party claims both branches –which, they say, would undermine the separation of powers.

Moreover, some claim that the possibility of adopting a temporary budget (if Parliament were to reject the president's draft budget) would weaken the legislative branch's budgetary authority. Likewise, critics say that the new system rendered Parliament's remaining supervisory powers ineffective. Despite the demarcation of presidential decree powers, they warn that Parliament's legislative authority would weaken and the country would end up being governed by decree. Last but not least, another line of criticism relates to judicial independence and impartiality being undermined vis-à-vis the president.¹¹

Despite those critiques, advocates argued that the stipulations for simultaneous elections and allowing both branches to renew elections and budget-related measures were designed to prevent deadlocks and political crises. They also stressed that the U.S. presidential system's adoption without any changes would be incompatible with Türkiye's political structures and culture. In a federal system like the U.S., citizens are usually unaffected by deadlocks involving the president and Congress. That is often the case regarding the budget. Moreover, the lack of party discipline in the U.S. makes it easier to resolve conflicts between the two branches with relative ease. In contrast, political parties are highly disciplined in Türkiye and constitutional remedies are needed in case the legislative and executive branches are controlled by different parties. Hence the introduction of simultaneous elections, the authority to renew elections, and the temporary budget.¹²



Due to the differences among the heads of the six parties forming the Nation Alliance it took more than 10 meetings and a complicated process to nominate a common presidential candidate.

ŞAADET PARTİSİ / AA

Experts have also analyzed and criticized the new system's constitutional design and implementation after the relevant constitutional amendments entered into force.¹³ It is possible to discuss those points in greater detail. However, it would make more sense for this article's scope to analyze how the People's Alliance may proceed vis-à-vis the system of government.

The Presidential System and the People's Alliance ahead of the Elections

First and foremost, it is necessary to discuss the various laws passed for harmonization with the new system –a major source of controversy. Following the adoption of the relevant constitutional amendments, Türkiye was supposed to hold presidential and parliamentary elections on November 3, 2019 –which is when the country would have transitioned to the new system of government. However, Parliament on April 20, 2018, voted to hold early elections on June 24, 2018. In other words, Türkiye transitioned to a new system of government approximately 18 months ahead of schedule –before all necessary harmonization laws were in place. Specifically, it was either impossible to amend Parliament's internal rules, the law on political parties, and other legislation related to the new system, or those changes were made without sufficient deliberation. The situation caused glitches in the new system in the early days.

Moreover, Türkiye implemented a comprehensive administrative reform package around the same time as its transition to a new system of government. Accordingly, the country eliminated some mid-level positions within

the bureaucracy, reduced the number of ministries, abolished or merged some public institutions, established new agencies, and overhauled its public employee system.¹⁴ The simultaneity of such comprehensive changes and the adoption of a new system of government created problems vis-à-vis the adaptation of the bureaucracy and politicians to the new system. It is possible to argue that some implementation-related criticisms are rooted in this problem of adaptation.

In response to mounting criticism over the transition process and the new system of government, the AK Party's senior leadership and President Erdoğan reiterated that Türkiye would not reinstate the parliamentary system. They pledged to preserve the new system without denying that some issues needed to be reviewed and addressed.¹⁵ Ankara also informed the public that Vice President Fuat Oktay was overseeing an effort to take stock of Türkiye's first year under the new system of government.¹⁶ The findings of that study, however, have not been made public. Still, the AK Party signaled that the country was experiencing some problems due to the scope of the ongoing transformation, conceding that politicians and the bureaucracy found it difficult to catch up with that transformation quickly, and hinted at the possibility of enacting additional reforms in certain areas.

It is also possible to get a glimpse of the AK Party and the People's Alliance's take on the new system of government through their attempts to draft a new constitution. After all, one can spot proposed changes to the system of government in their draft constitutions. In the wake of President Erdoğan's call for drafting a new and civilian constitution two years ago,¹⁷ the AK Party wrote a draft constitution and shared it with its alliance partner, the MHP.¹⁸ The MHP also prepared a similar draft constitution on its own.¹⁹ Neither draft has been made public, but it is possible to reach certain conclusions based on media reports.

According to news stories on a draft by the Constitutional Scientific Board, which was chaired by Yavuz Atar, a constitutional lawyer who serves as a chief advisor to President Erdoğan, the term 'presidential system' will replace the 'presidency' system, the president will be elected for two four-year terms, Parliament will be further strengthened within checks and balances, and Parliament will be allowed to appoint more Constitutional Court judges.²⁰ A separate statement was also related to the removal of vice presidents and ministers by a three-fifths majority of the Parliament, strengthening the Parliament's relations with ministries, and requiring ministers to visit the Parliament to answer questions verbally to boost the Parliament's supervisory powers.²¹ According to the same statement, there was a proposal to allow a certain number of private citizens to introduce draft laws and constitutional amendments as a type of semi-direct democracy. Despite making those statements, however,

the AK Party has not completed its work on the draft constitution nor made it public. Despite the availability of some clues, it is impossible to make a definitive analysis based on the available information.

To sum up, it is possible to argue that the People's Alliance does not intend to reverse the 2017 constitutional amendments regarding the system of government either before or after the next election. However, they are ostensibly willing to review certain aspects of that system. The AK Party's flexibility and pragmatism should be expected to make room for the necessary reforms. Furthermore, determined calls for a new constitution should be expected to make the system of government an important issue within the new constitution debate. Therefore, the system of government shall be an important item on the People's Alliance agenda.

Experts noted that the popularly elected president could not coexist with the parliamentary system, warning that the Table of Six advocated semi-presidentialism would lead to crises

Table of Six's Proposal for a New System of Government

A group of six opposition parties, popularly known as the Table of Six, jointly released a document titled the "Augmented Parliamentary System" for the first time on February 28, 2022.²² That recommendation, however, was not a proposed constitutional amendment and did not contain any draft articles. Instead, the document criticized the country's system of government and made certain recommendations regarding the system of government that they planned to adopt. Moreover, it discussed various issues that were unrelated to the system of government and did not require any constitutional arrangements or their implementation.²³ In contrast, the "Proposal for Constitutional Amendments for the Augmented Parliamentary System" was unveiled on November 28, 2022, and represented an actual proposal for constitutional reform.²⁴ Whereas the document paid homage to the 'augmented' parliamentary system, the proposed changes were not limited to the system of government. Instead, there were recommendations about fundamental rights, the judiciary, and public administration.

The Table of Six did not explain how they prepared that document nor did they provide any information regarding the preparation process within the text. According to the opposition bloc's official website,²⁵ the proposal was crafted by their "Constitutional and Legal Reforms Commission," which included representatives from each of the six parties. In this sense, one cannot argue that the opposition parties adopted a participatory and trans-

Although there are differences of opinion over the qualities of parliamentarism, the most common characteristics include ‘the executive emerging out of the legislature’ and ‘the executive answering to the legislature’

powers vis-à-vis the executive branch in two ways. At the same time, the opposition bloc attempted to back up the phrase ‘augmented’ with a constructive vote of no confidence and enabled the opposition to be more active in the legislative process. Meanwhile, the proposal called for a dual executive branch (per the pre-2017 parliamentary system) and the abolishment/restriction of some presidential powers while preserving direct presidential elections.

Those parts of the opposition bloc’s proposal quickly reignited the public debate on the nature of Türkiye’s system of government. Specifically, experts noted that the popularly elected president could not coexist with the parliamentary system, warning that the Table of Six advocated semi-presidentialism would lead to crises.

The next section will focus on which system of government has been proposed by the opposition bloc within the framework of the basic characteristics of various systems of government. Briefly put, it will provide information about parliamentarism and semi-presidentialism before analyzing how the Table of Six aimed to reorganize the legislative and executive branches. In doing so, I will focus on articles relating to direct presidential elections and presidential powers with references to past experiences in Turkish politics.

Basic Characteristics of Parliamentarism and Semi-Presidentialism

At the heart of the classification of systems of government lies the separation of powers, a theory that also forms the basis of classical constitutional law.²⁶ That principle requires a separation between the legislative, executive, and judicial branches of government. The relationships between those branches inform the classification of different systems of government. Keeping in mind the judiciary’s independence in all democratic regimes, what determines the system of government is the separation of the legislature and the executive as

parent approach to drafting a new constitution.

According to the proposal, the Table of Six calls for many changes. Some of them relate to the Constitution’s articles regarding the legislative and executive branches to restore the parliamentary system. The legislature would be reshaped in line with the pre-2017 constitutional order and granted broader

well as checks and balances. Accordingly, systems of government are defined in relation to how those two branches are formed, where they stand vis-à-vis each other according to the Constitution, and how they differ in terms of their powers.²⁷

Scholars have concluded that the traditional duality between presidentialism and parliamentarism, which rested on the separation of powers theory, had proved inadequate by the 20th century and could not account for all systems of government in the world.²⁸ In this sense, they argued that various hybrid systems of government did not fully comply with the pure systems of government (the British parliamentary system and the U.S. presidential system) and some countries had adopted systems with elements that were not in line with the classical traits of the either political system. That is why Duverger sets aside the traditional duality to identify semi-presidentialism as a third category.²⁹ However, the debate did not end there due to the variety of semi-presidential systems and the continued existence of models that did not qualify as presidentialism or parliamentarism.³⁰

If one were to look beyond those discussions and focus on the traditional classification, it would be possible to talk about the presidential system, which makes a rigid and clear distinction between the legislative and executive branches, and the parliamentary system with its milder and more balanced approach. At a later stage, scholars added semi-presidentialism as a third model. Since this article focuses on the Table of Six proposal regarding the system of government, it will touch upon presidentialism briefly and provide more details about the parliamentary and semi-presidential systems.

Presidential Systems

The presidential system makes a clear distinction between the legislative and executive branches. In other words, the elections and powers of the two branches are strictly separated. Neither branch has a clear supremacy over the other under the constitutional order. Their powers and authorities are similar and in a state of balance.³¹ Sartori identifies the presidential system's requirements as follows:³²

- (i) The head of state is elected for a definite amount of time by the people directly or through a similar mechanism,
- (ii) Parliament cannot appoint or remove the executive body or the government,
- (iii) The president leads the executive branch and there is no 'dual authority' (like the prime minister) between the president and the Cabinet,
- (iv) Whereas the parliamentary system has a collective and collegial executive branch, the executive branch consists of a single person under presidentialism.

It would not be wrong to describe parliamentarism as a system of government where the dual executive stems from the legislature and the Council of Ministers (unlike the president) individually and collectively answer to Parliament

executive and legislative branches. According to Leon D. Epstein, who came up with the best-known definition of parliamentarism, the system refers to a kind of constitutional democracy where executive power is derived from legislative power and answers to it.³⁴ Although there are differences of opinion over the qualities of parliamentarism, the most common characteristics include ‘the executive emerging out of the legislature’ and ‘the executive answering to the legislature.’

Whereas the body of academic literature describes the parliamentary system with reference to those two attributes, some scholars highlight other aspects. Based on those two key characteristics, Lijphart identifies the qualities of parliamentarism by comparing it to presidentialism. According to the author, the parliamentary system has the following primary characteristics:

- (i) The prime minister and their Cabinet answer to the legislative branch,
- (ii) The executive branch is formed by the people as opposed to Parliament,
- (iii) The executive branch is collective and collegial –as opposed to one person, which is the case in presidentialism.

The secondary characteristics, which are found in the academic literature yet are not absolutely necessary to make a distinction according to Lijphart are as follows:

- (i) It is possible for the same people to serve in Parliament and the Cabinet simultaneously,
- (ii) The executive branch has the power to annul the legislature,
- (iii) The executive branch consists of a symbolic and ceremonial head of state (or ruler or president) with very little power and a prime minister who leads the government and, together with the Cabinet, exercises executive authority.³⁵

Accordingly, it is possible to define presidentialism as a system of government under which the president (who serves as chief executive and head of state) is elected by the people for a definite amount of time, the legislature cannot remove the president from power, and the president cannot annul the legislature.³³

Parliamentary Systems

The parliamentary system, in turn, is described as a ‘collaboration of powers’ due to the mild separation of the

To sum up, it would not be wrong to describe parliamentarism as a system of government where the dual executive stems from the legislature and the Council of Ministers (unlike the president) individually and collectively answer to Parliament.

The Semi-Presidential System

Since the 1960s, scholars have added semi-presidentialism to the traditional classification of systems of government that consisted of presidentialism and the parliamentary system. Essentially, the semi-presidential system resembles (and emerged out of) the parliamentary system. It was Maurice Duverger that defined the semi-presidential system for the first time in a 1970 textbook.³⁶ Accordingly, he described the French system of government as semi-presidentialism since the country's 1958 Constitution was amended four years later to introduce direct presidential elections and give broad powers to the president.³⁷

According to the author, the combination of three constitutional elements creates a semi-presidential regime:

- (i) Holding a general election for the Presidency,
- (ii) Giving significant powers to the president,
- (iii) The existence of a prime minister and minister who need a vote of confidence from Parliament.³⁸

Duverger argued that seven countries (i.e. Austria, Ireland, Iceland, France, the Weimar Republic, Finland, and Portugal) had semi-presidential systems and sorted them into three categories in terms of their presidents' powers. The first group included Austria, Ireland, and Iceland where the head of state had symbolic powers. The second consisted of France which gave broad powers to its head of state. Finally, the Weimar Republic, Finland, and Portugal constituted the third group by allocating powers between the head of state and the government in a balanced manner.³⁹

Some scholars have criticized Duverger's definitions and typology for various reasons.⁴⁰ For example, Sartori posits that Austria, Ireland and Iceland –where the head of state had limited and symbolic power– cannot be identified as semi-presidential systems just because the president is elected popularly. He adds that their systems of government correspond to parliamentarism in every way except presidential elections.⁴¹ Accordingly, Sartori argues that any system must fulfill the following criteria to qualify as semi-presidentialism:⁴²

- (i) The head of state (president) is elected by the people, directly or indirectly, for a definite amount of time,

- (ii) The head of state shares executive authority with the prime minister to create a dual power structure within the executive branch in line with three defining criteria:
 - i. The president is independent of Parliament. Yet he/she does not have the authority to govern alone or directly. That is why his/her will must be made public and processed by the government,
 - ii. The prime minister and their Cabinet require the support of a parliamentary majority and therefore are independent of the president,
 - iii. The dual power structure allows for shifting balances and changing superiorities within the executive branch provided that each component's 'potential for autonomy' remains intact.

Linz, in turn, posits that semi-presidential systems (which he describes as 'dual executive' systems) manifest in many different ways across a broad spectrum, theoretically and in practice, yet share the following basic qualities:⁴³

- (i) The president must be elected by the people, directly or indirectly, as opposed to Parliament,
- (ii) The prime minister, who requires Parliament's vote of confidence, must be appointed by the president,
- (iii) The president must be authorized to annul Parliament.

Under semi-presidential systems, presidential and prime ministerial powers significantly vary legally and in practice. Specifically, the president is not just a symbolic figure under such systems. Instead, they potentially have the power to influence government policy and the process of government –whether they choose to wield it or not.⁴⁴

Rejecting the concept of semi-presidentialism, Shugart and Carey argue that this term refers to a kind of regime located in the middle of the continuity between presidentialism and the parliamentary system.⁴⁵ As such, the authors categorize political systems (known as semi-presidential systems), under which executive authority is split between a popularly elected president and a prime minister (and their government) that answers to Parliament, as "premier-presidential systems" and "president-parliamentary systems."

Unlike those scholars, O'Neil underscores the importance of the president's powers (as opposed to their being elected by the people) to the semi-presidential system. Accordingly, semi-presidentialism refers to regimes that split executive authority between the prime minister as head of government and the president as head of state and allow the president to exercise important executive powers.⁴⁶

Whether holding direct presidential elections is enough for a political system to qualify as semi-presidentialism or not (and, if not, which powers must be

assigned to the president) remain a subject of heated debate.⁴⁷ In this regard, some authors maintain that holding direct presidential elections would suffice. Others, however, say the president must have certain powers and the political process must generate a dual executive. To be clear, there are different measurements and lists when it comes to the powers that presidents must exercise under semi-presidential systems. Özsoy, who analyzes all those measurements and lists, states that the number of necessary powers varies between nine and 28.⁴⁸

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Shugart and Carey distinguished between legislative and nonlegislative powers to make a list and assign points to each power.⁴⁹ Later, Shugart proposed another measurement method to divide semi-presidential systems into premier-presidential systems and president-parliamentary systems.⁵⁰ The list of presidential points and scores assigned to them by Shugart and Carey was later renewed and updated by Metcalf and Roper.⁵¹ Analyzing all those measurements individually does not fall within the scope of this study –which is why I will stop here and merely highlight where a heated debate is taking place.

Elgie posits that all definitions are subject to empirical and theoretical criticism. Therefore, he does not make references to the president or any other political player in his definition of semi-presidentialism and instead rests his analysis on the text of the constitution.⁵² In this regard, Elgie describes semi-presidentialism as follows: “A semi-presidential regime may be defined as a situation where a popularly elected fixed-term president exists alongside a prime minister and cabinet who are responsible to parliament.”⁵³ Looking at the ongoing debate on the classification of political systems and semi-presidential systems, it becomes clear that arriving at definitive descriptions is very difficult. Whereas some authors argue that the existence of a popularly elected president under parliamentarism is enough to make that system a semi-presidential system, others highlight the importance of presidential powers alongside that fact. In the face of the difficulty of identifying the powers that the president must have, Elgie’s definition seems to gain importance.

Opposition’s Proposal for the ‘Augmented’ Parliamentary System

The opposition bloc’s proposed constitutional amendments aim to replace the presidential system, which was adopted in 2017, with the parliamentary sys-

No matter how one defines that system, it is very difficult for a popularly elected president to serve as an impartial and symbolic head of state, who is above politics, as in parliamentarism

tem. However, the Table of Six not only opposes the current system but also rejects “the shortcomings and narrow boundaries of the parliamentary system of the past” and offers to build a system that “benefits from past experiences to disallow any kind of instability or tutelage” as opposed to “going back to the past.”⁵⁴ That is why they refer to an ‘augmented’ parliamentary system. It seems that the Table of Six invented that term to avoid giving the impression that the country would go back in time or take credit for the parliamentary system’s many crises in the 1990s. Whereas they describe the proposed system as parliamentarism, the preservation of direct presidential elections has been the main subject of debate. Before engaging in those discussions, this article will present the main characteristics of the proposed system of government.

The Legislature

Judging by the proposal, the opposition bloc seeks to restore the pre-2017 Constitution and the duties and powers of the Turkish Parliament. It is difficult to say, however, if those measures would strengthen Parliament in a meaningful way vis-à-vis the executive branch as claimed. Specifically, the proposal gives Parliament additional powers in two areas: appointing more members of judicial boards and the high courts, and having more inspection power over executive decrees. As such, the proposal calls for all decrees to be null and void within 60 days unless approved by Parliament (Article 91). At the same time, it aims to abolish the state of emergency decrees altogether.

The most important novelty among Parliament’s check and balance mechanisms is a rationalized tool of parliamentarism called the ‘constructive vote of no confidence’ (Article 98). According to that proposal, all motions of no confidence against the Council of Ministers must include the name of the prospective prime minister. If the motion passes with an absolute majority, the prime minister shall be replaced automatically. The purpose of that measure is to prevent the parliamentary majority from removing the government from power without creating an alternative first and thus preserve political stability. The opposition’s plan also introduces two steps to make the opposition more active in Parliament. The first proposal allows the opposition to set the parliamentary agenda for 20 days (Article 98/4). The other allows all party caucuses at Parliament to petition the Constitutional Court to strike down laws (Article 148).



The Executive Branch

The opposition bloc also envisions an executive branch that resembles the pre-2017 constitutional system by offering to split it between the president and the Council of Ministers per parliamentarism (Article 8). Accordingly, the executive branch consists of a president with limited powers and no political or criminal liability, and the Council of Ministers, which emerges out of the Parliament, answers to the Parliament, and exercises executive authority.

The proposal calls for the preservation of direct presidential elections. It also made no changes to the eligibility criteria while adding that the president shall be elected for seven years and any person would be eligible to serve as president only once (Article 101). According to that proposal, the elected president's ties with their party (if they have any affiliation) cease to exist and their term as parliamentarian ends upon taking office. Presidents cannot form nor become members, executives, or auditors of any political party upon the expiration of their terms. They cannot serve in the Council of Ministers nor hold any elected office either (Article 101/3-4). It is possible to say that this clause, which (according to the opposition) intends to ensure the president's neutrality, cannot be found in previous constitutions. In this regard, the opposition seeks to restore the president's powers and authority to pre-2017 levels, preserving some of their powers and abolishing others (Article 104). The presidential powers the opposition wants to preserve are as follows:⁵⁵

- (i) Appointing the prime minister, ministers, and the military chief of staff,

Turkish President Erdoğan takes oath of office at the Grand National Assembly of Türkiye, to become the first president elected by the people under a new system of government, on July 9, 2018.

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- (ii) Calling for parliamentary meetings and deciding to hold new elections (annulment),
- (iii) Publishing or sending back laws and decrees,
- (iv) Petitioning the Constitutional Court to strike down laws (except Parliament's house rules),
- (v) Holding referenda over constitutional amendments,
- (vi) Participating in the declaration of states of emergency,
- (vii) Appointing a prime minister to form a temporary Council of Ministers if the president decides to hold new elections,
- (viii) Sending representatives to foreign countries,
- (ix) Reducing or ending prison sentences for convicts due to illness, old age, or injury (presidential pardons),
- (x) Auditing public agencies through the State Inspection Council (DDK).

In contrast, the Table of Six left out some significant presidential powers that existed before the 2017 constitutional amendments:

- (i) Chairing meetings of the Council of Ministers,
- (ii) Appointing the executives of institutions of higher educational institutes,
- (iii) Making judicial appointments,
- (iv) Making decisions to use the Turkish Armed Forces,
- (v) Setting the agenda for the National Security Council.

It is possible to distinguish between the president's remaining and abolished duties and authorities vis-à-vis the 1982 Constitution's original version. Accordingly, the abolishment/restriction of the president's powers over judicial and academic appointments and in the military domain represents a shift toward the symbolic and ceremonial idea of the presidency under parliamentarism. Moreover, the president is not allowed to chair meetings of the Council of Ministers –which stresses that the prime minister and the Council of Ministers are the true holders of executive authority. In contrast, some of the president's remaining powers exceed the limits of the parliamentary system and pay tribute to the strong presidential tradition of the 1982 Constitution. Except for presidential powers, all other aspects relating to the president's legal status were aligned with the parliamentary system and similar to the 1982 Constitution's original version (Articles 105-107).

Essentially, the proposal also treats the Council of Ministers akin to the pre-2017 constitutional order. Still, there are two differences regarding the formation of a new government: Primarily, Article 109 stipulates that the prime minister must be elected “from among the parliamentaries of the political party with the highest number of seats” and “within 24 hours of the formation of the Presidency of the Grand National Assembly.” The second major difference is that parliamentarians affiliated with other parties shall be tasked with forming the

government if a government cannot be formed –which is considered a parliamentary precedent. Notwithstanding certain minor changes, the vote of confidence for the government to be formed (Article 110), the prime ministerial request for a vote of confidence (Article 111), the individual and collective responsibility of ministers to the Parliament (Article 112) and the establishment of new ministries (Article 113) have been arranged within the framework of parliamentarism. Likewise, the Council of Ministers was once again granted the power to issue decrees. (Article 91) As mentioned above, however, that power became subject to additional restrictions. Again, we have discussed how the Parliament's supervisory powers over the cabinet were broadened.

One cannot expect presidential candidates to run their campaigns within the framework of party politics before abandoning their party affiliation and becoming neutral upon taking office

A Crisis-Prone Semi-Presidential System

Having briefly summarized the opposition bloc's proposed changes to the legislative and executive branches, it is possible to engage the debates on the nature of that system of government. The first debate over the Table of Six proposal regarding Türkiye's system of government related to whether or not the proposed system would qualify as parliamentarism.⁵⁶

According to Kemal Gözler, any system featuring a popularly elected president would inevitably create a problem of 'dual legitimacy.' He noted that the Table of Six proposal would take Türkiye back to the semi-presidential system of 2014-2018.⁵⁷ In his subsequent commentary, Gözler warned that the popularly elected president would represent an irresistible force and any attempt by the prime minister or Cabinet to resist the president would create a deadlock and result in crises.⁵⁸

If one were to comment on the characteristics of semi-presidentialism within the framework of the above statements, it would be impossible not to agree with the criticism that the proposed system does not qualify as parliamentarism. Moreover, the existence of a popularly elected president, who would still have broad powers, and past experiences in Turkish political life suggest that the proposed system cannot operate as a parliamentary system and shall evolve into semi-presidentialism –and is, therefore, crisis-prone.

Due to the question at hand, this article has paid more attention to semi-presidentialism than other systems of government. I have also touched upon the

Turkish presidents traditionally played an active role in politics by meddling in the internal affairs of political parties and clashing with prime ministers and the Council of Ministers

differences between semi-presidential and parliamentary systems. To build on Elgie's description, which has since been widely accepted, the existence of a popularly elected president alone (regardless of their powers) suffices to identify any system of government as semi-presidentialism. In this regard, it is possible

to say that the Table of Six offers to put in place a semi-presidential (as opposed to parliamentary) system.

No matter how one defines that system, it is very difficult for a popularly elected president to serve as an impartial and symbolic head of state, who is above politics, as in parliamentarism. The opposition bloc's proposal identifies certain constitutional rules to ensure the president's neutrality.⁵⁹ Under this system, however, receiving support from political parties is key to contesting presidential elections, running national campaigns, and receiving a simple majority of the total vote. In turn, it is highly unlikely for a candidate to be neutral after winning the election with the support of certain political parties. One cannot expect presidential candidates to run their campaigns within the framework of party politics before abandoning their party affiliation and becoming neutral upon taking office. Furthermore, no popularly elected president, who wields the political power stemming from the majority, would refrain from exercising those powers to become a political figure.

Looking at the Table of Six proposal in the context of presidential powers, it is possible to stumble upon certain significant powers that exceed the limits of parliamentarism. Chief among them is the president's ability to renew (or annul) elections.⁶⁰ According to the proposal, the president may annul Parliament without the prime minister's request or approval in case a crisis of government is underway.⁶¹ In contrast, the power to annul Parliament rests with the government or the prime minister (even if the president formally wields that power) in countries with parliamentary systems. For example, no British king has annulled Parliament in approximately 150 years without their prime minister making that demand. Nor was the request of any prime minister to annul Parliament ever rejected during that period. In other words, the head of state cannot opt for annulment in the absence of a request from the prime minister.⁶²

The Table of Six advocates an arrangement whereby the president is to exercise that power under select circumstances that amount to a crisis of government (in other words, not without limitation) in consultation with the speaker of the Parliament. Nonetheless, giving such an important power to the president

as opposed to the government (as parliamentarism would require) may move the regime closer to semi-presidentialism. Indeed, many authors identify the power to annul Parliament as one of the main powers that create a semi-presidential system. After all, the president might weaponize their power to renew elections against the government and Parliament in the absence of a strong parliamentary majority. This, in turn, shall transform the president into another political heavyweight.

Another issue related to presidential powers is the lack of clarity surrounding a hypothetical situation where the president, who would have the power to publish decrees, refuses to publish them. Although proponents say that the head of state could not reject a government decree due to the respective positions of the head of state and the Council of Ministers under parliamentarism, it is a significant shortcoming that the proposal does not put in place clear constitutional guarantees pertaining to that issue. After all, any amount of uncertainty in this regard would enable the president not to sign decrees and create a deadlock for the executive branch. It would not be wrong to argue that the president would claim a share of the government's executive powers in that case –which would exceed the limits of the parliamentary system.

Another notable power that the Table of Six offers to the president (and strengthens that office) is the supervisory abilities linked to the State Inspection Council (DDK).⁶³ According to the proposal, the president would have the authority to audit any public agency, any enterprise in which the state has a share, and any civic association or charitable foundation recognized as beneficial to the public. In contrast, there is no such institution akin to Türkiye's DDK, which reports to the president, under parliamentary systems of government, and the president who would have a symbolic and ceremonial role cannot audit the public administration through some supervisory body. Furthermore, the DDK has been authorized to inspect those entities in terms of legality and expediency. Certainly, a head of state with no responsibility, affiliation, or authority would not need an institution that can inspect, study and audit such a broad range of entities.

To sum up, it is possible to argue that there are certain problems with the powers that the opposition bloc's proposal would give to the president from the standpoint of parliamentarism. The Table of Six has called for the restoration of the parliamentary system and, for this purpose, abolished some of the president's powers. However, the president would enjoy democratic legitimacy (by virtue of having been elected by the people directly) and use those three significant powers to pave the way to semi-presidentialism. Furthermore, Türkiye's past political experiences suggest that the Table of Six proposal cannot remain a parliamentary system.

A quick look at the history of Turkish politics reveals, first and foremost, that the 1961 and 1982 Constitutions gave broader powers to the president than what would be the case under a parliamentary system. Whereas the 1961 Constitution referred to the president as an impartial head of state above politics, that office evolved into a source of guardianship over the political arena in practice. Unsurprisingly, all three presidents who served under the 1961 Constitution were soldiers.⁶⁴ Generally speaking, the 1982 Constitution reinforced the tools of guardianship,⁶⁵ gave additional powers to the president, and caused ambiguity by not identifying all the tasks that the president would perform alone. Due to the broad powers of the president, which were incompatible with parliamentarism, some jurists described the 1982 Constitution as an ‘unsystematic’ presidential government,⁶⁶ a presidential-parliamentary system,⁶⁷ or semi-presidentialism.⁶⁸

Even if one were to disregard the constitutional debate, it is important to recall that Turkish presidents became actively involved in day-to-day politics and clashed with governments and political parties since the 1982 Constitution’s adoption.⁶⁹ During this period, presidents were selected by Parliament yet performed certain tasks that violated the limits set for the head of state under parliamentarism. In this sense, it would be impossible to compare their influence over politics with the British monarch or the German president. After all, Turkish presidents have always played an active role in the development of domestic and foreign policy, meddling in the formation of governments and the appointment of ministers and senior public officials. They also exerted influence over the selection of the chairpersons of their political parties, with which they could not be linked as president, and, for the most part, experienced tensions with them.

Kenan Evren, the coup leader that became president with the 1982 Constitution’s adoption, insisted that Turgut Özal, who won the 1983 elections as chairman of the Motherland Party (ANAP), appoint former generals as Cabinet ministers.⁷⁰ Indeed, he personally recalled dismissing Vehbi Dinçerler as National Education Minister and criticizing Özal for subsequently appointing Dinçerler as State Minister.⁷¹

After becoming president, Özal experienced problems with all three prime ministers that served during the same period as well. Ironically, two of those prime ministers were members of the ANAP themselves. Özal was also involved in Yıldırım Akbulut’s selection as party chairman and prime minister, yet the two men had some disagreements later. Indeed, President Özal refused to sign some of Akbulut’s decrees and played a defining role in shaping Türkiye’s foreign policy during the Gulf War.⁷² At ANAP’s 1992 congress, Mesut Yılmaz became party chairman and with Özal’s help, was appointed prime minister. It did not take long for tensions to escalate between President Özal and Prime Minister Yılmaz, however, as Semra Özal, the president’s wife, served as the ANAP’s chief official in İstanbul.⁷³

Finally, major crises erupted between Süleyman Demirel, who became prime minister after the 1991 elections, and President Özal over their respective powers, including decrees.⁷⁴ It was due to those disagreements that Demirel's government passed the so-called bypass law and abolished the president's authority to sign certain decrees.⁷⁵

When Demirel became president, however, the tables turned and he clashed with Tansu Çiller, who had become the chairwoman of the True Path Party (DYP, Demirel's former party) and prime minister with the president's support.⁷⁶ Likewise, Ahmet Necdet Sezer, who became president upon the expiration of Demirel's term with the support of the governing and opposition parties, experienced one of the most influential crises in the history of Turkish politics with Prime Minister Bülent Ecevit. On February 9, 2001, an argument took place between the two men over Sezer's refusal to sign some decrees and audits through the DDK. The President reportedly threw a copy of the Constitution at his prime minister, leading all Cabinet members to walk out of the National Security Council meeting and triggering one of the most severe economic crises in Türkiye's history.⁷⁷ Under the AK Party, which came to power with the November 3, 2002 elections, Sezer's attempted involvement in the appointment of ministers and bureaucrats caused the government to appoint acting officials to bureaucratic posts.⁷⁸

It is possible to argue that the relationship between the Presidency and the government was less tense during Abdullah Gül's presidency. In contrast, Türkiye's system of government moved away from parliamentarism and shifted toward semi-presidentialism once Recep Tayyip Erdoğan became the country's first popularly elected president in 2014.⁷⁹ During this period, clashes between President Erdoğan and Ahmet Davutoğlu, who replaced him as AK Party chairman and prime minister, led to the latter's resignation. However, this period does not fall within the scope of this section, which focuses on conflicts under the parliamentary system, since Türkiye's system of government qualified as semi-presidentialism at that time.

Turkish presidents traditionally played an active role in politics (even under parliamentarism and when Parliament, not the people, elected presidents) by meddling in the internal affairs of political parties and clashing with prime ministers and the Council of Ministers. A closer look at those events would reveal that such tensions did not stem from political disagreements exclusively. Indeed, past presidents experienced tensions with other politicians, who were members of their original party and whom they endorsed as prime ministers.



It is impossible to expect any popularly elected president, who would derive moral authority and legitimacy from that fact, not to clash with any government

The simultaneity of presidential and parliamentary elections and the ability of either branch to decide to hold elections before the expiration of their terms are among the main differences between the Turkish system and presidentialism

As a matter of fact, even Ahmet Necdet Sezer, who had no political experience and was selected by all parties in Parliament while serving as Chief Justice of the Constitutional Court, fueled serious crises with the governments of Bülent Ecevit and Erdoğan.

Keeping in mind those political experiences, it is impossible to expect any popularly elected president,

who would derive moral authority and legitimacy from that fact, not to clash with any government. In this sense, it is highly likely for a president (who wins the simple majority of votes per the Table of Six proposal) to compete with a less popular prime minister over popular support. It is difficult to say that the president would serve as head of state (as required by parliamentarism) in the face of governments without a strong parliamentary majority.

Conclusion

With Türkiye's 2023 elections fast approaching, it seems that the debate over a new constitution and the system of government will remain an important item on the national agenda for the foreseeable future. As a matter of fact, the system of government has been one of the main sources of motivation for the opposition parties to come together and form an electoral alliance. Going forward, the People's Alliance (which consists of the AK Party and the MHP) shall advocate the preservation of the 'presidential system' adopted in 2017. In contrast, the Nation Alliance (which brought together the majority of the political opposition) calls for the reinstatement of the parliamentary system.

Türkiye's 'presidency system' of government shares some of its basic tenets with the presidential system since it established an executive branch led by a single person whom the people elect directly. However, the simultaneity of presidential and parliamentary elections and the ability of either branch to decide to hold elections before the expiration of their terms are among the main differences between the Turkish system and presidentialism. Meanwhile, the 'presidency' system has been a subject of debate and criticism due to its differences from the presidential system of the U.S.

The AK Party's senior executives state that they could implement certain reforms without abandoning this new system of government. As a matter of fact, some news stories have claimed that there were efforts underway for that pur-

pose. Indeed, some outlets reported that the AK Party had commissioned a scientific board to write a draft constitution, which included some measures to make Parliament more active. However, the absence of any official statements from the AK Party or the MHP makes it impossible to reach concrete conclusions about those prospects.

A group of opposition parties, popularly known as the Table of Six, unveiled their plans to overhaul Türkiye's system of government on November 28, 2022, by releasing a document called the Proposed Constitutional Amendments for an Augmented Parliamentary System. It is possible to observe that they intend to reshape the legislative branch in line with the parliamentary model found in the 1982 Constitution's original text. Accordingly, it is noteworthy that the opposition wants Parliament to have more power over judicial appointments and decrees, seeks to introduce the 'constructive vote of no confidence' as an exercise in rationalized parliamentarism, and offers to give the opposition more opportunities to play an active role vis-à-vis some aspects of the legislature's work. The executive branch, in turn, is divided between the president and the Council of Ministers. Accordingly, the opposition intends to restore the pre-2017 parliamentary system's rules regarding the executive by abolishing or restricting some of the president's powers. Nonetheless, it offers to preserve direct presidential elections.

Experts have criticized the Table of Six proposal by noting that their proposed system would qualify as semi-presidentialism, not parliamentarism, and was prone to fueling crises due to the duality of leadership. There is a significant body of academic literature on the president's powers under semi-presidentialism featuring lists and discussions. Some authors, in turn, argue that holding direct presidential elections would suffice to describe any system of government as semi-presidentialism. Due to the difficulty of agreeing on a list of powers that the president must have under semi-presidentialism, there is an inclination among scholars to view all systems, under which the people elect their president directly as semi-presidential systems. If one were to base their conclusions on that approach, which gained popularity in recent years, then the Table of Six proposal would undoubtedly qualify as a semi-presidential system of government.

Moreover, it is necessary to stress that this is not just a question of naming the proposed system of government. It is extremely difficult for any popularly elected president to be impartial, above politics, and equipped with symbolic powers. After all, it would be impossible for anyone to contest a presidential election, run a nationwide campaign, and receive the majority of votes without the support of political parties in that system. Even if a given candidate were to clear all those hurdles without any party's support, it would be difficult for the president to be impartial after doing all that work.

It is difficult to argue that a popularly elected president would serve as head of state per the parliamentary system, especially in the presence of governments with a weak parliamentary majority

Taking a closer look at the powers that would be assigned to the president under the opposition bloc's plan, it is possible to say that abolishing/limiting the president's authority over judicial and academic appointments or the military domain plays an important role in moving the president closer to the parliamentary's systems head of state with symbolic or ceremonial powers. However, some of the presidential powers continue to exceed the limits of parliamentarism due to the preserva-

tion of a strong Presidency per the 1982 Constitution. Specifically, the Turkish president's abilities to repeat parliamentary elections, sign decrees, and order the DDK to conduct investigations fall within that category.

Those powers, which the opposition plans to give to the president, and the preservation of direct presidential elections would suffice to define the proposed system as semi-presidentialism. As a matter of fact, looking beyond those constitutional criteria, many cases in Turkish political life suggest that a popularly elected president would transform the system into semi-presidentialism with their moral authority and democratic legitimacy. Surely enough, many people still remember that even presidents elected by Parliament, and therefore lacked the political power that comes with winning a direct presidential election, were highly active and often clashed with elected governments. There were even conflicts between those presidents and their prime ministers, who were from their original party and whom they had previously endorsed. Therefore, it is difficult to argue that a popularly elected president would serve as head of state per the parliamentary system, especially in the presence of governments with a weak parliamentary majority.

As such, one cannot easily posit that the opposition bloc's proposed system of government would lead to parliamentarism and reduce the Presidency to an impartial public office above politics and with limited powers. Furthermore, based on past experiences in Turkish politics, it is highly likely for crises to erupt between the president and the government and make it impossible for the system to function properly. ■

Endnotes

1. Ergun Özbudun, *Türk Anayasa Hukuku*, (Ankara: Yetkin, 2017), pp. 69-70.
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257-268; Ece Göztepe, "Muhakeme Etmek ya da Karar Vermek: Anayasa Mahkemesi'nin "367 Kararı" için Kavramsal Bir Çerçeve Denemesi," in Serap Yazıcı, Kemal Gözler, and Ece Göztepe (eds.), *Ergun Özbudun'a Armağan (Cilt-II Anayasa Hukuku)*, (Ankara: Yetkin Yayınları, 2008), pp. 339-365; Kemal Gözler, "Cumhurbaşkanının Seçimi Konusunda Bir Açıklama," *Türkiye Günlüğü*, No. 89 (2007), pp. 7-23; *Cumhurbaşkanı Seçimi Öncesi Cumhurbaşkanlığı (Symposium, January 12-13, 2007)*, (Ankara: Türkiye Barolar Birliği, 2007).

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4. "Türkiye Cumhuriyeti Anayasasında Değişiklik Yapılmasına Dair Kanun," *Resmi Gazete*, (February 11, 2017), retrieved January 10, 2023, from <https://www.resmigazete.gov.tr/eskiler/2017/02/20170211-1.htm>.

5. Amendments to the Law No. 6771 entailed some changes to the system of government as well as adopted the principle of judicial impartiality (Article 1), increased the number of parliamentarians from 550 to 600 (Article 2), removed martial law from the list of state-of-emergency administrative methods (Article 13), and abolished military disciplinary courts and all military courts except at the time of war (Article 14). At the same time, the reform package reorganized the Board of Judges and Prosecutors (Article 15). For changes related to the judiciary, see, Cem Duran Uzun, "6771 Sayılı Kanunla Anayasada Yargıyla İlgili Yapılan Düzenlemeler," *Uyuşmazlık Mahkemesi Dergisi*, Vol. 6, No. 11 (June 2018), pp. 409-433.

6. Nebi Miş and Burhanettin Duran, *Turkey's Presidential System: Model and Practices*, (Ankara: SETA Publications, 2018).

7. During the commission's debate on the constitutional reform bill, some parliamentarians argued that the proposed system amounted to a *sui generis*, an idiosyncratic presidential model, and represented a new approach based on the presidential system and reflecting Türkiye's needs. *Türkiye Cumhuriyeti Anayasasında Değişiklik Yapılmasına Dair Kanun Teklifi (2/1504) ve Anayasa Komisyonu Raporu*, No. 447, retrieved January 11, 2023 from <https://www.tbmm.gov.tr/sirasayi/donem26/yil01/ss447.pdf>, p. 34.

8. Kemal Gözler, *Türk Anayasa Hukuku*, 2nd ed., (Bursa: Ekin Yayınevi, 2018), pp. 744-746.

9. Yavuz Atar, *Türk Anayasa Hukuku*, 13th ed., (Ankara: Seçkin Yayınevi, 2019), pp. 178-179; For a different list of differences, see, Kemal Gözler, *Elveda Anayasa*, (Bursa: Ekin Yayınevi, 2017), pp. 56-70.

10. For some forms of criticism against the presidency system, see, Anayasa Hukuku Araştırmaları Derneği, *Türkiye Cumhuriyeti Anayasası'nda Değişiklik Yapılmasına Dair Kanun Üzerine Teknik Bilimsel Rapor*, (2017), retrieved February 1, 2023 from <https://anayasader.org/wp-content/uploads/2017/03/20MartAnayasaRaporu.pdf>; *Türkiye Tipi Cumhurbaşkanlığı Hükümet Sistemi Tartışmaları*, (İstanbul: Demokrasiyi Güçlendirme Yayınları, 2022); Venice Commission, "Turkey: Opinion on the Amendments to the Constitution," *Council of Europe*, (March 13, 2017), Opinion No. 875/2017, retrieved February 1, 2023 from [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=cdl-ad\(2017\)005-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=cdl-ad(2017)005-e); Levent Gönenç and Ersoy Koptacı, "2017 Tarihli Anayasa Değişikliği Sonrasında Yasama - Yürütme İlişkileri," *Türkiye Barolar Birliği Dergisi*, No. 145 (2019), pp. 53-79; Serap Yazıcı, "2017 Anayasa Değişikliği: Türkiye'de Başkanlık Sistemine Geçiş," *Prof. Dr. Nami Çağan Anısına Armağanı*, (Ankara: Ankara Atılım Üniversitesi Yayınları, 2020), pp. 773-818.

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- (i) The presidential term was set as seven years to distinguish it from the Parliament (Article 101),
- (ii) Any given person may be elected president only once (Article 101/2),
- (iii) The president-elect's affiliation with their political party (if they are affiliated with any party) and their membership of Parliament are terminated (Article 101/4),
- (iv) Upon finishing their term, the President may not be the founder, member, executive or supervisor of any political party. They may not serve in the Council of Ministers nor hold any political position that is assigned through elections (Article 101/5).

60. Due to several negative examples of annulment in the Ottoman Empire, the 1924 Constitution did not allow the executive branch to annul Parliament. The 1961 and 1982 Constitutions, in turn, granted that power to the president due to pressing circumstances. It is important to note that those documents referred to the renewal of elections as opposed to the annulment of Parliament. The proposal, too, used that phrase.

61. The relevant article in the proposed constitution reads as follows:

"H. The renewal of parliamentary elections by the president Article 116 – If the Council of Ministers cannot be formed within 45 days of the formation of the selection of the Grand National Assembly's leadership or cannot receive a vote of confidence per Article 110 or is dismissed with a vote of no confidence under Article 111, or, in case of the prime minister's resignation, cannot be formed or receive a vote of confidence within 45 days, the president may, in consultation with the speaker of the Parliament, decide to hold repeat elections. The renewal decision shall be published in the Official Gazette and elections shall be held."

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"For the purpose of ensuring the public administration's compliance with the law, efficient functioning and improvement, the State Inspection Council, which reports to the Presidency, shall conduct all kinds of studies, research, and audits regarding all public institutions as well as any kind of enterprise, half or more of whose capital comes from those public institutions, along with associations and charitable foundations that serve the public interest at the president's request."

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Different Dimensions of **Environmental Security in Türkiye** and Beyond

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