T.C.

ANKARA YILDIRIM BEYAZIT UNIVERSITY

GRADUATE SCHOOL FOR SOCIAL SCIENCES

PRESIDENTIAL SYSTEM IN TURKEY AND THE USA: A COMPARATIVE ANALYSIS

MASTER'S THESIS

Mahfouz MAKO

POLITICAL SCIENCE AND PUBLIC ADMINISTRATION DEPARTMENT

ANKARA, 2021

T.C.

ANKARA YILDIRIM BEYAZIT UNIVERSITY

GRADUATE SCHOOL FOR SOCIAL SCIENCES

PRESIDENTIAL SYSTEM IN TURKEY AND THE USA: A COMPARATIVE ANALYSIS

MASTER'S THESIS

Mahfouz MAKO

POLITICAL SCIENCE AND PUBLIC ADMINISTRATION DEPARTMENT

Tez Danışmanı

Prof. Dr. Süha Oğuz ALBAYRAK

ANKARA, 2021

APPROVAL PAGE

Mahfouz MAKO tarafından hazırlanan " TURKİSH PRESİDENTİAL SYSTEM" adlı tez çalışması aşağıdaki jüri tarafından oy birliği / oy çokluğu ile Ankara Yıldırım Beyazıt Üniversitesi Sosyal Bilimler Enstitüsü SİYASET BİLMİ VE KAMU YÖNETİMİ TEZLİ YÜKSEK LİSANS Anabilim Dalı'nda Yüksek Lisans tezi olarak kabul edilmiştir.

Jüri Üyesi		Kurumu	İmza
Doç. Dr. Süha Oğuz ALBAYRAK		ANKARA YILDIRIM BEYAZIT ÜNİVERSİTESİ	
Kabul ☐	Red ☐		
Prof. Dr. Hasan Engin ŞENER		ANKARA YILDIRIM BEYAZIT ÜNİVERSİTESİ	
Kabul ☐	Red ☐		
Prof. Dr. Kamil Ufuk BİLGİN		ANKARA HACI BAYRAM VELİ ÜNİVERSİTESİ	
Kabul ☐	Red ☐		

Tez Savunma Tarihi:

Ankara Yıldırım Beyazıt Üniversitesi Sosyal Bilimler Enstitüsü SİYASET BİLMİ VE KAMU YÖNETİMİ TEZLİ YÜKSEK LİSANS Anabilim Dalı'nda Yüksek Lisans tezi olması için şartları yerine getirdiğini onaylıyorum.

Sosyal Bilimler Enstitüsü Müdürü Ünvan Ad Soyad

PLAGIARISM PAGE

I hereby declare that all information in this thesis has been obtained and presented in accordance with academic rules and ethical conduct. I also declare that, as required by these rules and conduct, I have fully cited and referenced all material and results that are not original to this work; otherwise I accept all legal responsibility.

Mahfouz MAKO

ABSTRACT

Throughout history, states have sought the most appropriate form of administration for their own political, social, economic, demographic and cultural characteristics and have applied various models according to their own countries. Today, democratic and modern government systems are mostly defined through how the relationship between the legislative, executive and judicial powers is established. The gathering of executive and legislative powers in one hand is described as the union of forces. As a result of the application of this principle, monarchy, parliamentary government system and dictatorship emerge. If the powers are not shared in one hand, but between separate institutions or individuals, the separation of powers emerges. As a result of the separation of powers principle, parliamentary system, semi-presidential system and presidential system have emerged. The presidential system, which has been on the agenda since the beginning of the 2000s when the Justice and Development Party (AKP) came to power and expressed as the "Turkish Type Presidential Model" over time, gained its constitutional infrastructure as the Presidential Government System with the constitutional amendment referendum dated April 16, 2017. After the system is put into practice, politicians, academics and non-governmental organizations, many different views are expressed and discussed over the effectiveness of the Presidential government system and the compliance of the entire political and administrative structure with the system. The aim of this study is to examine whether although the Turkish type of presidential system emerged by citing the problems in the past management systems, it still has many weak points in terms of its implementation methods or not. For this purpose, first of all, management systems and the presidency were introduced. Then, the US presidential system, which is the exemplary implementer of the presidential system, was explained. Then, the administrative phases of Turkey from past to present were discussed. Finally, the presidential system implemented in Turkey and the US presidential system were compared and some strengths and weaknesses were discussed.

Keywords: Presidential system, Turkish-type presidency, Political system, Parliamentarism, Seperation of powers

ÖZET

Tarihin her aşamasında devletler kendi sosyal, demografik, siyasi, kültürel ve ekonomik özelliklerini baz alarak en uygun yönetim şeklini aramışlardır ve kendi ülkelerine göre farklı modelleri tercih etmişlerdir. Bugün, modern ve demokratik hükümet sistemleri ekseriyetle yargı, yürütme ve yasama erkleri arasındaki ilişkinin durumuna göre tanımlanmaktadır. Yasama ve yürütme erklerinin tek elde toplanmasına kuvvetler birliği denilmektedir. Bu ilkenin uygulanması ile birlikte ortaya parlamenter hükümet sistemi, monarşi ve diktatörlük çıkar. Bu yetkilerin tek bir elde değil de farklı kişi veya kurumlar tarafından paylaşılması durumunda kuvvetler ayrılığından bahsedilir. Kuvvetler ayrılığı prensibinin sonucunda ise başkanlık sistemi, yarı başkanlık sistemi ve parlamenter sistem meydana çıkmıştır. Türkiye'de "Adalet ve Kalkınma Partisi'nin (AKP)" iktidar olduğu 2000'li yıllardan itibaren gündemde kendine yer bulan ve zamanla "Türk Tipi Cumhurbaşkanlığı Modeli" şeklinde ifade edilen başkanlık sistemi, 16 Nisan 2017'de gerçekleştirilen referandum ile birlikte anayasal altyapısına "Cumhurbaşkanlığı Hükümet Sistemi" olarak kavuşmuştur. Sistemin hayata geçmesiyle birlikte akademisyenler, siyasiler ve sivil toplum kuruluşları Cumhurbaşkanlığı hükümet sisteminin etkinliğini ve bütün siyasi sistemin uyum ve işlerliği hakkında çokça farklı görüş ifade etmişlerdir. Bu çalışmanın amacı, Türk tipi başkanlık sisteminin geçmiş yönetim sistemlerinde yaşanan sorunlara değinilerek ortaya çıkmış olmasına rağmen, uygulama yöntemleri açısından hala birçok zayıf noktasının olup olmadığını incelemektir. Bu amaçla öncelikle yönetim sistemleri ve cumhurbaşkanlığı tanıtıldı. Ardından, başkanlık sisteminin örnek uygulayıcısı olan ABD başkanlık sistemi anlatıldı. Ardından, Türkiye'nin geçmişten günümüze idari aşamaları ele alındı. Son olarak Türkiye'de uygulanan başkanlık sistemi ile ABD başkanlık sistemi karşılaştırılmış ve bazı güçlü ve zayıf yönler tartışılmıştır.

Anahtar kelimeler: Başkanlık sistemi, Türk tipi başkanlık, Siyasi system, Parlementerizm, Güçler ayrılığı

TABLE OF CONTENTS

INTRODUCTION

The government system, which is the backbone of the country's administration, has been the main point of discussion in the politics of many countries throughout history. The systems of government studied by legal and political sciences are basically classified according to the unity or separation of the three main forces (Legislative, Executive and Judiciary) that make up the state. Government systems that are shaped on the basis of the unity of forces vary according to the body where the forces are united. The unification of forces in the legislature forms the system of parliamentary government. The union of forces in the executive body, on the other hand, refers to monarchic orders that are generally not democratic. Systems based on the strong or weak separation of forces, not gathering in a single body, represent today's democratic government systems. The parliamentary government system based on the soft separation of powers, the presidential system in which the powers are divided hard and the semi-presidential system accepted as the intermediate form between these two systems refer to democratic systems.

Since government systems based on separation of powers are preferred in states based on law and democracy, today more emphasis is placed on management systems based on this principle. Management systems based on the separation of powers are also divided into two according to the distinction of hard and soft powers. Parliamentary and semi-presidential administration can be given as an example to the administrative system based on the soft separation of powers. The presidential system can be given as an example for the rigid separation of powers.

The first example of the presidential system, which is a government system that has adopted the principle of separation of powers, is the model envisaged by the 1787 US Constitution. The country in which the presidential system is best implemented is considered to be the USA. The following can be stated as examples of the stable functioning of the presidential system in the USA;

- The fact that the US Constitution, adopted in 1787, has been amended only 27 times from past to present,
- the active functioning of democracy in the country,

- the absence of a military coup in any period of the country's history or the failure of a leader to come to power by ignoring democratic methods.

The presidential system was designed in accordance with the geographical, political, economic and cultural conditions of the USA. Since the USA has a federal system and contains various ethnic groups under the roof of the state, a government system that values freedoms and respects human rights has been prepared. The presidential system is based on the check and balance system of the legislative, executive and judicial organs. The powers of the legislative, executive and judicial organs are sharply separated from each other, but there is also cooperation on common points. Thus, it was tried to prevent political blockages.

Another government system that offers positive results in terms of continuity and stability is the semi-presidential system, which is in the middle of the parliamentary system and the presidential system, with some features resembling the presidential system and the parliamentary system in some respects.

The semi-presidential system is similar to the presidential regime in that the head of state has wide powers and takes office by popular vote, and it resembles the parliamentary regime in that it has a prime minister and cabinet based on the trust of the parliament.

In the parliamentary system, the legislative and executive organs are separated in a balanced and soft way. The parliamentary system is a government system in which the executive body is determined by the legislature, elected from among the parliament, which is composed of deputies elected by the people's vote, and those elected in this direction have political responsibility towards the parliament.

It should be emphasized here that the functioning of the government system alone is related to many variables such as the political, cultural, social and historical infrastructure of that country. In addition to the parameters in question, the application forms of the system cause different results. In addition to these, for the effectiveness and stability of a government system model, many elements in the political mechanism must be in harmony with each other.

It should be noted that political parties, which are vital for the functioning of government systems on the right ground, emerged after absolute monarchies. Political parties, which are a result of the efforts of the people to organize and gain power in the establishment processes of democracies, are also important with their functions of influencing the administration and policy-making. Political parties have become representatives who hold power on behalf of the people in democracies where sovereignty is exercised by the people. Political parties play an important role in the continuity and permanence of government systems with these characteristics and structures that affect the politics of a country.

Since the 1960s, there have been discussions about how the political system should be in Turkey. The main focus in these discussions is undoubtedly the structure of political power. The government crises experienced and the discussions that the country had problems in terms of “governability” and that this problem stemmed from the existing political system were constantly on the agenda. For this reason, one of the most important issues of our country's agenda in recent years has been the discussion of the government system such as "presidency" and "presidentialism".

The presidential system, which has been on the agenda since the beginning of the 2000s when the Justice and Development Party (AKP) came to power and expressed as the "Turkish Type Presidential Model" over time, gained its constitutional infrastructure as the Presidential Government System with the constitutional amendment referendum dated April 16, 2017. The process, which continued after the constitutional amendment in which the system was established and with the Presidential and Deputy General elections dated June 24, 2018, which was the first election of the new system, has been under the scrutiny of many circles in terms of the implementation of the system.

It has an increasing importance due to the fact that the research topic is up-to-date and intensively occupies the agenda of Turkish politics. In addition, it is considered that a researcher who lives in Turkey and receives public administration education, but can look from the outside, can more get rid of the political and ideological views that people cannot completely get rid of, and can look at the subject more objectively.

Although there have been thesis studies on the subject, it is certain that many different perspectives will be beneficial when the importance of the subject and the number of people it affects are evaluated. In addition, our study is the first study by a researcher who is not a citizen of the Republic of Turkey, which was carried out after the 24 June 2018 elections.

After the system is put into practice, politicians, academics and non-governmental organizations, many different views are expressed and discussed over the effectiveness of the Presidential government system and the compliance of the entire political and administrative structure with the system.

The thesis statement of our study is; “The people of Turkey have experienced various management stages since the last periods of the Ottoman Empire. With the constitutional amendment in 2017, it has passed to the presidential system. The motivation for the transition to this new system is the problems experienced in the current and previous systems. Although the Turkish type of presidential system emerged by citing the problems in the past management systems, it still has many weak points in terms of its implementation methods.”.

In this context, answers were sought to the following questions;

- What are the problems of the parliamentary system?
- What are the advantages of the presidential system?
- What are the disadvantages of the presidential system?
- What are the reasons for supporters of presidential system?
- What are the reasons of those who criticize the presidential system?
- How is the presidential system implemented in Turkey?

In order to achieve the targeted objectives in this study, it was preferred to apply the quantitative method by scanning the literature and many publications such as books, articles, theses, papers, newspapers, internet resources, etc., were used in this regard.

In order to explain the presidential system, it is necessary to address the processes before deciding on the presidential system in terms of the Turkish type, namely the crises in

the parliamentary system, the perspective of the political parties and the basis of the ruling party in conjunctural sense. In addition, the formation process of the US-type presidential system, which is the basis of the presidential system, should be reviewed. In this study, government systems and especially presidency will be discussed with country examples. Then, the formation process of the presidential system, the US presidential system and its general features will be discussed. In this context, the emergence of the presidency system in the USA will be explained in detail. Then, the organs of the presidential system in the USA will be introduced in detail. Subsequently, the principle of separation of powers and the relationship between powers and USA federal structure will be discussed in detail. In the second part, the constitutions forming parliamentary system and the problems faced during constitutional process in Turkey will be discussed. After discussing the formation of the parliamentary system in Turkey in historical flow, problems of the parliamentary system and then advantages and disadvantages of the presidential system will be processed. In the third chapter, the presidential system in Turkey will be discussed from various aspects under the title presidential system and Turkey.

PART I

1. GOVERNMENT SYSTEMS AND THE PRESIDENCY

In this section, parliamentary, semi-presidential and presidential systems of government will be introduced.

1.1. Parliamentary System and Its Features

The term "parliamentary system" or "parliamentarism", which is used synonymously with it, is etymologically derived from the word "parliament". The historical basis of the parliamentary government system was laid in England and it bears the characteristics of British culture. The parliamentary system is mentioned together with the British government system (Shouri, 2010). England has an important place in the formation of the parliamentary government system. The political history of England has shaped the parliamentary system. In England, the first step to the parliamentary government system in order to limit the power of the king was taken with the 1215 Magna Carta. As a result of the Magna Carta agreement, the parliament convened in 1215 formed the model parliament. The model parliament formed in England was the first step to the parliamentary system and the British political life began to take shape through the parliament.

Epstein defined the parliamentary system as “the type of constitutional democracy in which the executive power derives from and is responsible to the legislative power” (Ergül, 2005; p. 5). Mikine Guetzevitch, on the other hand, defines parliamentarism; portrays it as the government of the majority. He stated that the power that provides the political majority will be more stable (Erdoğan, 2015; p. 214). The pure parliamentary system places the head of state as a mediator role and positions him as an impartial, unauthorized and symbolic office within the executive, so the executive branch is not two-headed but two-winged. The two wings of the executive do not disturb the balance, on the contrary, it provides the balance.

In the parliamentary system, the legislative and executive powers are equal, while the judicial power is called the independent power. In theory, the legislative and executive

powers seem to be equipped with equal powers, but in practice, the executive power has wider powers than the legislative power (Fendoğlu, 2012; p. 10). In the parliamentary system, the executive branch is not independent from the legislature. The executive branch consists of members of the legislature, and the executive branch has a responsibility to the parliament. In the parliamentary system, the executive branch consists of the head of state and the council of ministers. The head of state has symbolic powers.

In a parliamentary system, the head of state cannot be dismissed by the parliament. However, the head of state can dissolve the parliament if there is a political instability in the country and parliamentary elections are held again. The parliamentary system is a government system formed as a result of the historical experiences of the countries. In the parliamentary system, the legislative and executive organs are interconnected and accountable to each other (Dehousse, 1988). In the parliamentary government system, cooperation and harmony between the legislative and executive organs are essential. Administrative and political harmony between the legislative and executive branches creates stable governments. When a dispute arises between the legislative and executive organs, the termination mechanism becomes functional for a solution. With the renewal of the elections, the clogged political system will be resolved and political stability will be ensured.

The parliamentary government system can consist of a single or bicameral parliament. This is not a problem with the democracy of the system. Countries make this distinction based on historical experience. The executive side of this system consists of the Council of Ministers, the Prime Minister and the President. Due to this feature, there is a double-headedness in the parliamentary system due to the executive. In the parliamentary system, the executive branch consists of the members of the legislature. The head of state is in a neutral place from the legislative and executive branch, and because of his political irresponsibility, he cannot be tried by the Supreme Court for any crime other than the crime of treason.

Not every political system in which the parliament takes place is a parliamentary government system. Despite having a parliament, there are countries that are governed by presidential and semi-presidential systems of government. However, if the parliament

influences the executive power and there is a power over it, a parliamentary system can be mentioned.

The main features that make up the parliamentary system are:

- Flexibility of separation of powers,
- Two-headed executive structure,
- The head of state has symbolic powers,
- Political irresponsibility of the head of state,
- The executive body is responsible to the legislature, that is, to the parliament. (Erdoğan, 2016; p. 214)

Disciplined party structure is dominant in the parliamentary system. Party discipline and ideology shape political life. Since the party that came to power as a result of the elections has the majority of the members in the legislative and executive organs, conflicts between the legislative and executive forces are not common in the system (Kurban, 2014; p. 17). In the parliamentary system, the failure of the party leader is seen as the failure of the party and the party leader can be appointed (Boyunsuz, 2017; p. 46). In the parliamentary system Legislative and executive organs are in a state of interdependence and a political instability occurring in the executive branch also affects the legislature.

In the event of a conflict between the legislative and executive organs, the head of state can assume a harmonizing role (Möller, 2016). Although the soft power separation is effective in the system, duties and powers are shared between the legislative and executive organs. Duties of the legislature include making laws, amending or repealing laws, ratifying international treaties, declaring war, amnesty, council of ministers, supervising ministers and issuing decrees.

In the parliamentary government system, the members of the government are generally elected from within the parliament. The head of state does not have to be a member of parliament. The executive branch consists of the President, the Council of Ministers and the Prime Minister. However, not all of them have equal status in the system. Since the head of state is impartial and has symbolic powers in the parliamentary government system, he does not play an active role in the functioning of the government system as much as the

members of the council of ministers. The Council of Ministers, under the leadership of the Prime Minister, takes decisions on matters related to the duties of the executive branch. The Prime Minister has no legal superiority over other members of the Council of Ministers.

Since the executive branch is responsible to the legislature in the parliamentary system, the ministers in the council of ministers have individual and collective responsibilities to the legislature. Individual responsibility is the minister's accountability before parliament for a mistake he has made while in office. The collective responsibility is to determine the general policy of the country. In the event of a mistake arising from collective responsibility, all members of the council of ministers may be dismissed by the legislature (Kumarasingham, 2012). Since the executive branch is responsible to the legislature, it is supervised by the legislature through various mechanisms. These mechanisms are in the form of questions, interrogations, parliamentary inquiries and general debates (Luney, 1990).

Since the parliamentary system is a system dominated by party ideology, conflicts between parties come to the fore in case of a coalition government. This situation causes political instability in the country. There are advantages and disadvantages in the functioning of the parliamentary government system. The first advantage is that the system is flexible and there are resolution mechanisms in case of political conflict. Secondly, in a parliamentary system the head of state is impartial. In conflicts that occur in the political environment, it can intervene in a solution-centered and impartial manner (Szilágyi, 2009).

In the parliamentary government system, the fact that the power does not belong to a single party prevents polarization. This situation provides the system parties with a coalition opportunity. In the parliamentary government system, the people cannot directly elect the head of state and government. As a result, it is difficult to encounter accountability in the current government in the parliamentary system. The dualist structure of the executive negatively affects the stability of the government. In the parliamentary system, the executive's power to dissolve the legislature negatively affects the stability of the government. Another disadvantage of the parliamentary system is that coalition governments cause political instability in the system. This situation increases the possibility of the formation of antidemocratic governments (Price, 1943).

1.2. Semi-Presidential System and Its Features

The semi-presidential system is a mixed system of government consisting of features of both the parliamentary system and the presidential system. The system is also analogized to restrained parliamentarism. In order for the government system to be a semi-presidential system, the President must first be elected directly by the people. Secondly, the prime minister and the cabinet are accountable to the parliament. It is a defining element of the semi-presidential system that the president can exercise significant legal powers alone, without the counter-signatures of the prime minister and relevant ministers (Atar, 2011).

The model country based on the semi-presidential system is France. France entered a political crisis with the loss of colonies in 1950 (Shoesmith, 2003). As a way out of the political crisis, there was a transition from the parliamentary system to a new government model. The adoption of the semi-presidential system was with the entry into force of the 1958 French Constitution. The system took its final shape with the 1962 Constitutional amendment. With the constitutional amendment made in France in 1962, the election of the President by universal suffrage was accepted, thus laying the foundations of a system different from the parliamentary system. The French public jurist Maurice Duverger called this model "semi-presidential government". With the adoption of the 1958 French Constitution, France passed to the semi-presidential system and the theoretical infrastructure of the system was formed (Duverger, 1980).

Linz expressed the point where the semi-presidential system differs from the parliamentary system as the head of state has wider powers (Zehra, 2014). According to Linz, the semi-presidential system; "a) The head of state is elected directly or indirectly by universal suffrage for a fixed term. (b) The head of state shares the executive power with a prime minister. There is dual authority. (c) Although the head of state is independent of the parliament, he has the right to govern alone or directly. (d) The Prime Minister and his cabinet are dependent on the parliament and are independent of the president. They depend on the trust of the parliament." (Dereli, 2001; p.173-174). Sartori made the following

statement regarding the definition of semi-presidentialism: He is of the opinion that if the head of state is elected by the president, the head of state shares the executive power with a president, and can be defined as a semi-presidential system if a dual authority structure emerges (Erdem, 2017; p. 1). In describing the semi-presidential system, Sartori states that the president and the prime minister share executive powers, and that the head of state should not be responsible to the legislature (Alkan, 2013; p. 150). Patrick O'Neill, on the other hand, associates it with the power of the president in a semi-presidential system. We see O'Neill's use of the semi-presidential system to characterize systems in which executive power is shared between the prime minister, who is head of government, and the president, who is head of state, but important executive powers still remain with the president (Acar, 2016; p. 69).

The semi-presidential system is based on the consensus of the legislative and executive powers. At the head of the executive is the head of state, who is elected by universal suffrage. The head of state is not symbolic and impartial. In a semi-presidential system, the head of state has broad powers. The head of state shares executive power with the prime minister, supported by the parliament. However, the head of state does not have political responsibility (Shugart, 2005). The common feature of the semi-presidential system with the parliamentary and presidential systems is that the system is based on the separation of powers. The separation between powers is softer than in the presidential system. As in the parliamentary system, ministers have individual and collective responsibilities to the parliament (Siaroff, 2003). In a semi-presidential system, the President and the parliament share the same ideology, which can bring the system closer to the presidential system.

The semi-presidential system was created to prevent the political instability of the parliamentary system. In the event of a conflict between the legislative and executive organs, the President has the right to dissolve the parliament (Elgie & Machin, 1991). In the semi-presidential system, as in other government systems, there is a division of duties between the legislative, executive and judicial organs. In the French type of semi-presidential system, the parliament has three main functions. These are the power to make laws, the power to issue a budget, and the power to amend the constitution (Bahro, Bayerlein, & Veser, 1998). Some other important duties and powers of the parliament are as follows: to decide on a

declaration of war, to declare amnesty with specified qualifications. They are not held responsible for what they say. In this system, immunity is limited. Immunity is valid for the duration of the meeting of the parliament and only in matters related to parliamentary activities. In the semi-presidential system, important executive powers belong to the head of state, while secondary powers are given to the prime minister and his cabinet. Significant powers are exercised by the head of state, particularly in foreign policy, national defense, the appointment of certain senior officials, and in times of emergency (Elgie, 2016).

1.2.1. The Example of France in the Semi-Presidential System

1.2.1.1. Legislation in the French Semi-Presidential System

The typical application of the features of this system is identified with France. For this reason, while examining the organs and the basic structures of the organs in the semi-presidential system, the system in question is tried to be explained on the basis of the French model.

In the semi-presidential system, as in other government systems, there is a division of duties between the legislative, executive and judicial organs. Unlike the presidential system, where there is a hard separation of powers, there is a soft separation of powers in this system.

France, which is seen as the model country of the semi-presidential system, has a bicameral structure. While the National Assembly, which is one of these two chambers that has existed since the Third Republic (1870-1940), represents the people, local governments are represented by the Senate (Dolez & Laurent, 2010).

The semi-presidential system regulated by the 1958 Constitution significantly restricted the powers of the parliament in France compared to previous periods. The reason for this was the reaction to the crisis and instability, especially in the III and IV Republican periods. Thus, the power of the executive was further increased with this constitution (Beceren & Kalağan, 2007).

In the semi-presidential system, as in the presidential system, it is not accepted for someone who takes part in the executive to take part in the legislature. Therefore, the deputyship of a minister is also reduced and a substitute member takes his place. It is also possible for a member of parliament to carry out more than one elective office at the same time. In other words, a member of parliament can take office in the European Parliament or in another legislative body. This situation causes criticisms that deputies reduce the interest in legislative activities (Gül, Kamalak & Sallan Gül, 2017).

In addition, it is not possible for the minister who lost his membership in the parliament to return to the parliament if he is later dismissed or resigned. In order for these people to have the title of deputy again, they must be re-elected.

In the French model semi-presidential system, the parliament has three main functions. These are the power to legislate, the power to make budget laws, and the power to amend the constitution. Since the parliament here consists of two chambers, both chambers must give affirmative votes for a bill to become law. The Constitution has equipped the two assemblies with equal authority in this regard.

As in the parliamentary system, deputies have legislative irresponsibility in this system, but this immunity is narrower than the parliamentary system (Elgie & Machin, 1991).

Another remarkable regulation in the legislative field is that the legislature, that is, the parliament, enacts laws on which subjects one by one in the constitution. In other words, the legislative areas of the parliament are limited by the constitution and the authority to make laws in the remaining areas is given to the government. The government, on the other hand, uses this authority with the Decree-Law issued by the authority it receives from the parliament. Another application in the legislative field is a method called the Guillotine. This method is the prime minister's ability to accept political responsibility before the parliament and enact a law without submitting a bill to the parliament. Bills and proposals can be made by both the government and members of parliament. Drafts and proposals are first discussed in the committees of both parliaments. However, the principle that no changes can be made

in the commissions on the bills submitted by the government shows how superior the executive is over the legislature (Madej, 2008)

1.2.1.1.1 Parliament

The National Assembly, whose term of office is 5 years and whose chairman of the assembly is elected by themselves, has a total of 577 members, with 556 members from France, 10 members from overseas regions, and 11 members elected by French citizens living abroad (Madej, 2008).

According to the Constitution, whenever a member of the National Assembly is elected, an alternate is also elected. Therefore, if the membership is vacant for any reason, the substitute member passes to the vacant membership without holding a by-election. The right to elect and be elected age is 18. The election system, on the other hand, is made according to the narrow-region majority method and a specific number is sought. To be elected in the first round, at least 25% of the registered voters and more than half of the valid votes are required. If one of the candidates cannot obtain this majority in the first round, the candidates who received at least 12.5% of the votes will compete in the second round. If no candidate receives this amount of votes, the two candidates with the most votes will compete in the second round. In the case of France, there is no electoral threshold. Another point is that the National Assembly cannot take its own election decision, and this authority is vested in the head of state (Madej, 2008).

1.2.1.1.2 Senate

In the French type semi-presidential system, the senate is another wing of the double-structured assembly and the number of members is 348. The term of office of Senators is six years, and half of the members of the Senate are renewed every three years. The election age for Senators is 24. Senators are not directly elected by the people, but by the members of the regional, provincial and municipal councils, whose total number is approximately 150,000. Alternate members are always elected for senators, so that no

shortages are expected in unexpected situations. As in the presidential system, if a senator is elected for ministerial duty, his membership drops and substitute members take office. The president of the Senate is elected for a three-year term. Another important issue about the Senate is that the Senate cannot be dissolved. However, the Senate does not have the power to vote of confidence or no confidence in the government (Simovic, 2007).

1.2.1.1.3 Powers of Parliament

In the French semi-presidential model, where there is a bicameral structure, a bill or proposal must be approved by both chambers in order to become law. As mentioned above, the interesting situation for the parliament is that the constitution states in which areas the parliament can enact laws by counting one by one. Therefore, the legislative activity of the parliament is limited in terms of subject.

In the French Constitution, the parliament has been given the power to make regulations on the following issues:

- Fundamental guarantees granted to citizens for the enjoyment of civil rights and public freedoms; obligations imposed by national defense on citizens' property and persons,
- Persons' skills, personal citizenship affairs, marriage regimes, inheritance status,
- Determination of criminal laws and penalties,
- Form of criminal proceedings; amnesty; establishing new courts and regulating the status of judges,
- Regulation and implementation of all kinds of taxes, establishment of money emission system,
- Regulation of the electoral systems implemented in the country,
- Classification of public institutions,
- Providing basic guarantees to the employees of the state,

- Privatization and nationalization procedures,
- Establishing national security,
- Administrative, financial and authoritative status of local government organizations,
- Arrangements to be made in the field of education,
- Property rights and civil and commercial arrangements,
- Organization of working life, union and social security rights (McQuire, 2011).

Naturally, the bicameral system negatively affects the process of activities to be carried out in the legislative field. For this reason, the constitution has given the government the opportunity to act quickly against this negativity and to demand quick legislation. With this method, the government wants the bill to be discussed in the mixed commission first. If there is no agreement as a result of the negotiation, then the government bypasses the Senate and issues the bill only with the decision of the National Assembly. Here, the law is passed by bypassing the Senate. This shows that the Constitution gives more authority to the National Assembly compared to the Senate (McQuire, 2011).

As mentioned before, the parliament has three main tasks in the French model semi-presidential system. These are the power to legislate, the power to make budget laws, and the power to amend the constitution. Apart from these, they also have powers such as declaring a state of emergency, deciding on a declaration of war, and declaring amnesty with specified qualifications (Simovic, 2007).

One of the most important powers of the parliament is the power to oversee the government. As explained, in the French model semi-presidential system, the government comes out of the parliament and naturally it is responsible to the parliament. The Parliament also has the authority to supervise the government that is responsible to it and uses this authority in various ways, primarily by a vote of confidence. Another important issue here is whether the president, who is the irresponsible wing of the executive, will be audited by the parliament. In this regard, there is only one provision regarding this issue in Article 68 of the Constitution. According to the article in question, if the head of state abuses or violates his office in a way that is incompatible with his office, the parliament, in the capacity of the

Supreme Court, shall remove the president by obtaining a two-thirds majority. Apart from this, the parliament has no way of overseeing the head of state (Dolez & Laurent, 2010).

Another power of the parliament is in the matter of appointment. Except for some exceptions, all high-level appointments by the president are subject to the approval of the parliament. Here, in the parliament, which has a bi-structured parliamentary system, related to the appointment made by the president, the relevant commissions in the two parliamentary wings are discussed and voted. If a three-fifths majority is obtained and a negative decision is made in the voting, the appointment in question will not be approved (Dolez & Laurent, 2010).

1.2.1.2. Execution in the French Semi-Presidential System

In the semi-presidential system, the executive organ has two heads, on the one hand the head of state with important executive powers, and on the other hand, the prime minister and his cabinet, who have secondary powers. Here, the cabinet is responsible to the legislature, while the head of state is on the irresponsible wing. In the semi-presidential system, which is similar to the parliamentary system in this respect, the head of state has no responsibility other than treason (Cheibub, 2008)

One of the most important features of the semi-presidential system is the prevention of the concentration of executive power in one hand. Here, it can be said that the main purpose is to protect the system from authoritarian governments.

1.2.1.2.1 President

The president, who constitutes a wing of the executive and has important powers, was elected by a special electoral committee consisting of members of parliament, provincial

council members and some other elected officials in the 1958 Constitution. With the amendment made in the constitution in 1962, it was accepted that the president was elected by the people. The term of office of the president, which was previously 7 years, was reduced to 5 years with a referendum held in 2000 (Padovano, & Gavoille, 2017).

In France, the age to be a presidential candidate is kept low and the age limit is determined as 23. In addition, in order to be a candidate for president, the person must be nominated by 500 people among the elected members such as members of parliament, members of the economic and social councils, members of the city council, mayors. Another condition for being a candidate is the acceptance of the candidate by the Constitutional Council. The presidential election, in which the whole country is accepted as a constituency, is held by secret ballot, and the president is elected with an absolute majority of valid votes. If any candidate does not reach a quorum in the first round, the two candidates with the most votes will compete in the second round to be held two weeks later. Here, the person with the most votes is elected as the President. A person can be elected president two times in a row at most.

Unlike the parliamentary system, the relations between the prime minister and the president are different in the semi-presidential system. Because in the parliamentary system, the president, who constitutes a wing of the executive, which has two heads, has symbolic powers, while in the semi-presidential system there is a reverse situation, and the president has wide executive and important powers. While the president plays the role of mediator between institutions in the system, he is in a strong position especially in foreign policy, national defense, appointment of some senior officials and in times of emergency. The Prime Minister, on the other hand, is more active in the legislative field. Although the president has no veto power to laws, as the person who sets and manages the agenda of government meetings, he can prevent the passing of a law, refuse the prime minister's request to make a law or issue a decree, or even dismiss him (Benoît & Szilagyi, 2021).

In the semi-presidential system, as in the parliamentary system, the president has the authority to use alone and with a joint signature. These powers of the President are as follows:

- Dissolution of the National Assembly (After this authority, which the President can use alone at any time, it is not possible to redistribute the Assembly within one year following the elections held.),
- to appoint the prime minister and accept his resignation,
- to inform the public by sending a message to the nation,
- to apply to the Constitutional Council about laws or international treaties, alleging that they are unconstitutional,
- to appoint 3 of the 9 members of this Council and its chairman,
- to take measures to eliminate all kinds of threats to the "independence of the nation and the territorial integrity of the country" and to "announce these measures to the nation with a message" after taking the views of the prime minister and the heads of the Constitutional Council and the Parliament (Presidents of the National Assembly and Senate).

He also has the power to appoint the President's senior civil public officials, senior bureaucrats and all members of the Supreme Court, which judges those who have committed crimes against the existence of the state, to request a referendum on an issue or to put a law to a referendum.

He also sends ambassadors and special representatives to foreign countries and has the position of commander-in-chief. By declaring a state of emergency, he can obtain some legislative, executive and even judicial powers.

The President of the Republic is the head of the state and, in this capacity, heads the council of ministers, has powers such as accepting foreign missions and representatives, commanding the military forces, and declaring amnesty.

Another power of the President is to approve the laws before him or send them back to the parliament within 15 days. If the law comes back as it is, this time he can approve the law and submit it to the Constitutional Council, requesting that its constitutionality be examined and, if necessary, annulled (McQuire, 2011).

The head of state can also decide to renew the elections, which is also a feature of the parliamentary system.

1.2.1.2.2 Government

As in the parliamentary system, in the semi-presidential system, the prime minister is the head of the government and is appointed by the president. Here, the government consists of the prime minister and ministers, and the prime minister ranks first among the ministers. Ministers are also elected by the prime minister and appointed by the president. There is no provision or limit in the French Constitution regarding who the president appoints as prime minister. In other words, the president is free to choose the prime minister. But here, as in the parliamentary system, the leader of the party that has the majority in the parliament is appointed as the prime minister. The government established in this way begins to take office, so there is no need for the government to receive a vote of confidence in the parliament at this stage (Bucur, 2017). In this system, the president has the right to demand the resignation of the prime minister, but the prime minister does not have to resign. Here, since the government comes out of the parliament, it is responsible to the parliament and is constantly under the control of the parliament.

Here, a differentiation can be seen in the meetings held in the government wing. The government meeting chaired by the President is called the "Council of Ministers". This board, which is chaired by a strong president with broad powers, is naturally the most authorized board in execution and has important duties. Among these duties are to examine the bills, pass the decrees, and authorize the prime minister to ask for a vote of confidence from the national assembly. In addition, declaring martial law, using the powers given to the government by the constitution, and determining and administering the national policy are among the duties of the council of ministers. The Council of Ministers meets every week under the presidency of the President. In the absence of the President, the Prime Minister may preside over the Council of Ministers by proxy. However, in order to be president, the president must give a proxy in writing (Gilia, 2013).

Another board is the "Cabinet Council". Ministers and undersecretaries participate in this council chaired by the Prime Minister. This council, on the other hand, carries out the preparatory work for the decisions to be taken at the meeting of the council of ministers and implements the decisions taken at the said meeting. In this respect, it is stated in the constitution that the prime minister does not direct the government, but directs the activities of the government.

The government, which acts as a bridge between the President and the parliament, is defined as the organ that determines and manages the politics of the nation. If the parliament votes of no confidence in the government, then the government has fallen and the prime minister has to submit his resignation to the president (Gilia, 2013).

Neither the President nor the National Assembly can, as a rule, dismiss the government, except in three cases. If the National Assembly votes of no confidence in the government or a new president is elected or the assembly is renewed, the prime minister will now have to resign and naturally the government will fall.

Contrary to the parliamentary system, in the semi-presidential system, the parliamentary membership of a person who is a minister ends. This shows that the soft separation of powers in the parliamentary system is implemented more strictly in the semi-presidential system, so this situation keeps the semi-presidential system closer to the presidential system.

The electoral system in force in the country is a two-round narrow-regional majority system. In this system, political parties have to compete in both rounds for a strong presidency and for membership in the parliament. In the first round, the parties cannot participate in the next round if they do not score enough points. For this reason, political parties that cannot participate in the second round try to prevent the election of candidates whose political views are opposite to them by supporting parties or candidates close to their own ideologies in the next round. This situation has led especially the left and right parties towards a more conciliatory and dialogical political culture. Another important effect of this electoral system is that the president's power to dissolve parliament poses a serious threat to deputies. Because being re-elected in the event of termination in a two-round narrow district

election system is more risky for everyone, including party leaders. Thus, the necessity of reconciliation between the political parties and their relations with the president comes to the fore. For this reason, with the efforts of the parties to find a common path among themselves, agreement and dialogue increased, and with the reduction of political differences, small political parties began to dissolve in larger parties and withdraw from the political scene. Today, there are six parties within the two main blocks (right and left front) in the French National Assembly. However, the two main parties, the Popular Movement Union and the Socialist Party, are dominant in the parliament (Passarelli, 2010).

1.3. Presidential System and Its Features

In this section where we examine the government systems, after briefly mentioning the parliamentary and semi-presidential systems, we will examine the presidential system in detail, which is our main topic.

1.3.1. General features

The founders of the system emphasized three points while determining the basic building blocks in America. These;

- The necessity of a written constitution,
- Popular sovereignty,
- Limited government.

According to this, the presidential system is a representative government system that is designed to implement the principle of separation of powers in a sharp way, and that ensures that the forces that make up the state, such as the legislature, executive and judiciary, control each other.

In this system, the executive branch is given strong powers, and the legislative and executive powers are absolutely separated from each other (Bacic, 1988). Elections of the

legislative and executive organs are also made separately and they are independent of each other. Once these bodies are selected, they cannot interfere with each other's existence.

The president, elected by the people, has extraordinary powers in the country, and all public institutions are directly or indirectly subordinate to the president. In the constitutional system, the legislative and executive powers are arranged equally or in a balanced way. The principle of separation of powers is strictly enforced, but the president has the right to veto legislative decisions, which indicates that the executive dominates within the system (Bacic, 1988).

In order for a system to be a presidential government system, it must meet three conditions in general terms;

- The executive body is monolithic,
- The president is elected by the people,
- The head of state has political irresponsibility towards the parliament. (Dann, 2006).

The federal government in the USA consists of three organs. Legislature (congress), executive (president), and judiciary (supreme court).

All three bodies are endowed with strong powers and can reflect a full system of separation of powers for independent decision-making within their own fields. In this system, the legislative and executive organs come to power through separate elections (Drake, 2001)

Thanks to the balance established in this system, which is based on the sharing of powers, the existence of organs is not endangered. It is seen that the basis of the system is to create a balance to prevent conflicts and to ensure justice in representation and to ensure reconciliation between bodies.

However, although this balance is in question from a legal point of view, from a political point of view, the superiority of the president, who is the sole representative of the executive branch, over the legislature can be clearly seen (Drake, 2001). Apart from the wide

powers given in the constitution, one of the important reasons for this situation is that the president is elected by the people and in this respect, he does not feel indebted to the parliament.

In other words, the principle of separation of powers is one of the basic principles of the US system. However, it is possible to call this system, which is based on the separation of powers in theory, "cooperation of forces" in practice. Indeed, when the operation of the system is analyzed, it will be seen that the cooperation between the forces is at a high level and many important writers have expressed their opinions in this direction (Apostolovska Stepanoska, 2016).

The drafters of the constitution thought that the separation of powers would constitute the greatest guarantee against abuses, would restrain other organs and establish a balanced system (Apostolovska Stepanoska, 2016).

Although there are many countries in the world that implement the presidential system, it cannot be said that they are as successful as in the USA. The reasons for the success of this system in the USA are that the people are knowledgeable about the administration, the social and cultural infrastructure is sound, there is no extreme polarization among the voters, the existing parties do not have a very rigid ideology, and the two-party system.

In addition, the fact that the country does not have dangerous neighbors due to its geographical location and the existence of the lobby system also contributes to the successful operation of the system.

In the USA, the use of important internal affairs powers by the states somehow prevents the president from turning to non-democratic tendencies. The lobbies, which are important parts of the system, act as a kind of mediator by providing a link between the president and the congress (Obradović & Tomić, 2017).

It is not possible to talk about a single model applied when examining the presidential government system. The presidential model of each country may vary according to its own circumstances and political traditions. For example, in the models applied in western countries, it is necessary for the president to consult the parliament on critical

decisions, while it can be seen that there are more dictatorial practices in eastern and African countries.

In a presidential system, a law approved by the legislature can be vetoed only once by the president, all appointments of high public officials, including high judicial appointments, are under the president's authority. In some countries, presidents have the right to be elected more than once, while in the USA, presidents can be elected for a maximum of two terms.

1.3.1.1. Mandatory and Secondary Features

In the presidential system, the executive is single-headed and the president is the sole owner of executive power. The President is independent from the congress, has a constitutionally determined term of office, and during this period, it is not possible to be removed from his office by the legislature, except by constitutional arrangements, namely “impeachment” (Linz, 1990).

The president is only accountable to the electorate. Congress cannot interfere with the president, nor can the president interfere with the congress and does not have the power to dissolve it. This termination practice, which is not in the USA, can be seen in some Latin American countries.

Another feature is that since the president is the sole owner of the executive power, there is no collective executive body seen in the parliamentary system. The President alone has authority and influence, and is quite powerful in terms of legal powers.

Another essential feature of the presidential system is that the president is not elected from within the parliament, but is directly elected by the people for a certain period of time.

The president, who derives his power from the people, does not need the support or approval of any other body in order to continue his term of office. In other words, it does not

need to receive a vote of confidence from the parliament as in the parliamentary system, so it does not have any responsibility towards the legislature (Gaylord & Renno, 2015)

With the exception of the USA, when it is taken into account that one person performs the duties of head of state and head of government in the executive power and that this person is directly elected by the people's vote and is irresponsible to the parliament, it is seen that nearly fifty states around the world are governed by the presidential system (Akıncı, 2019). However, when the government systems in these countries are examined, it can be said that the presidential system has been successfully implemented in the USA.

The mandatory criteria of the presidential system, according to Sartori (1994), are as follows.

- The President must be elected directly or indirectly by the people on a temporary basis.
- It will not be possible to appoint or remove the executive (chairman) by a vote of the assembly.
- The President will be able to direct the executive branch.

Provided that these three elements are together, a real presidential system can be mentioned.

In the presidential system, secondary features are not indispensable conditions, in other words, the absence of these features does not make the system a non-presidential system. These are;

- Just as the legislature cannot overthrow the president with a vote of no confidence, the president cannot dissolve the legislature.
- Due to the separation of powers, the same person cannot take office in both the executive and the legislature. The president has to choose his ministers from outside the legislature.
- The President cannot participate in the work of the legislature and cannot express an opinion. Even representatives of the executive cannot be present in the parliament.

- The President cannot put the parliament on recess, prevent the assembly from meeting, and cannot propose laws. In short, the parliament is fully independent in matters such as the right to assemble and the right to work.

1.3.1.2. Legal Aspect

In the presidential system, there is independence between the organs that make up the system. The powers control each other, but the executive power is given superiority. The parliament does not contain the government within itself, the cadres are different, and with this feature, the parliament is not a "parliament". The Constitution is the source of authority for all organs. Legislature and executive come to power directly or indirectly through popular election.

The executive and legislative bodies, elected by the people, exercise their powers independently. Since the government does not come out of the parliament, it has no political responsibility towards the parliament. The organs cannot terminate each other, since the government is responsible to the electorate due to its policies, the parliament has no authority to dismiss the executive organ due to these policies.

Due to the established control mechanisms, the government and the parliament need cooperation while performing their administrative duties. For example, the President needs the approval of the Assembly for the appointment decisions to be made.

The executive branch is one. Vice-presidents and ministers are appointed by the President. These people do not have any joint or personal political responsibility towards the parliament.

1.3.2. Efficiency of the Executive Body in the Presidential System

The American constitution defines the President as a supreme authority, and the President is not only a head of state who is greeted at ceremonies and given speeches at visiting tables. It is the President's authority to appoint and dismiss all political, military,

judicial and administrative high-level bureaucrats. Only the members of the court were exempted from this situation. (Kuzu 2011, p.22- 23).

1.3.2.1. President's Relations with Congress

The President cannot dissolve Congress, but he has certain rights over Congress. The President may extend the congress meetings when he deems it necessary, and may call the congress for a meeting during the holiday period. He has the right to veto laws passed by Congress. The President may return bills for reconsideration. By sending a message to Congress, he can bring the laws he wants to the agenda. If the holiday season is approaching, he automatically vetoes the bill by suspending the bills (Jacobs, 2009). The President also has the power to suspend and pardon the sentences for crimes against the United States. The vice president also presides over the Senate, but has the right to vote only if the votes are equal.

1.3.2.2. Powers of Congress Against the President

The President prepares the executive, but Congress has the power to approve or reject the budget. As we mentioned before, the President has the authority to appoint all senior bureaucrats, but it can only take effect with the approval of the Senate by a two-thirds majority. Likewise, international agreements made by the President are subject to the approval of the Senate. The House of Representatives impeaching the President has jurisdiction in the Senate (as well as the Federal Supreme Court), but as previously stated this can only happen in the case of treason by the President. Congress members are more effective compared to European countries, they have immunity. The Senate has the authority to approve the President's secretaries, but when we look at the practice, it has been seen that the Senate rejects the President's proposal rarely.

1.3.2.3. President's Executive Function

The basic motto of the presidential regime is to create an effective, strong and accurate executive that will accelerate the national unity. The only full and authorized person of the executive is the President. Since the president has the authority to appoint/remove all bureaucrats and secretaries, he uses this right. The critical approach or possible drawback to the decision to appoint the president to strong executive power is that those who support the president in the election are rewarded by the president, as in other systems (spoil system) (Ramsey, 2004).

1.3.2.4. Foreign Policy and President

All fifty states (federated states) in the USA are free in their internal affairs. Presidential elections are held every 4 years in two stages and representatives from each state are elected first. The elected representatives elect the President. While each state has its own parliament, the federal government has responsibility for home affairs, foreign affairs, supreme justice, communications and monetary policy. Therefore, the President is the head of the Army in the capacity of the Commander-in-Chief. The President determines foreign policies, takes strategic decisions, and can even decide for war on his own.

1.3.2.5. President's Judicial Function

In the United States, it is the Federal Supreme Court's job to uphold the constitution and deal with the affairs of supreme justice. The Federal Supreme Court consists of a president and eight members.

The President of the United States appoints nine members of the federal supreme court to serve for life, but must be confirmed by a two-thirds majority of the Senate. Members of the court have great prestige in the society and their salaries are equal to that of the president. According to the protocol, the President of the Federal Court comes second after the President of the State (Law, 2008).

The Federal Supreme Court, which oversees constitutionality, is the hierarchical superior of all courthouses, and according to the American Constitution, federal judges continue to serve for life as long as they act well.

1.3.3. Basic Elements of the Presidential System

1.3.3.1. Rigid Separation of Powers Between Executive and Legislature

The rule of law and separation of powers constitute the basic principles of democracy in almost every constitutional order. In modern democracies, it is important that the forces separated as legislative, executive and judiciary continue to exist independently.

The American Government System is a system based on balance. This search for balance has arisen from the idea of securing the indispensable rights and freedoms of people against the state. The restrictive approach of the Federal and Federated States, which the US Constitution put forward in terms of the protection of individual rights and freedoms, is the most important indicator of this (Şıvgın 1997, p.45).

In a presidential system, the legislature and the executive are directly elected by the people. Therefore, neither the executive branch can dissolve the legislature nor the legislature can dismiss the executive branch. In the USA, the legislature has a bicameral structure and they come to office with a separate election from the presidential elections.

The legislature has some significant powers as it is not under the influence of the executive branch. It can reject the appointment of the president, initiate the process for the removal of the president when necessary, reject the international agreements approved by the president, and the authority to approve the budget also belongs to the legislature.

The executive branch, on the other hand, has some significant powers over the legislature. The President can veto laws passed by Congress, which is important because it is unlikely in practice to overturn a law that the President vetoes. Since the President has veto power and members from his own party are in Congress, he can propose legislation to the Congress.

The fact that the Senate and the House of Representatives audit the President's work and budget and have the decision to approve it indicates that the principle of separation of powers works and not all powers are given to the President despite the strong executive in the federal system.

One of the most obvious applications of the separation of powers is that the same person cannot be in both the legislative and executive organs. However, in a parliamentary system, this is perfectly normal.

As it is known, in the parliamentary system, the government has to get a vote of confidence from the parliament, that is, the legislature. In the presidential system, due to the separation of powers, it is out of question for the executive to receive a vote of confidence from the legislature.

1.3.3.2. Forces Control Each Other

Within the framework of the presidential system, the principle of separation of powers is applied in the most basic and harsh way. However, the existence of a system that will facilitate the work of these powers with each other, as well as supervision, has been taken as a basis in order to ensure that these powers supervise each other and ensure their effectiveness in the administration. (Aldikaçtı 1960, pp. 150-151)

Under the US presidential system, those who made the constitution saw the concentration of all authority only in the hands of the president as a threat to individual rights and freedoms, so they sought to address their current concerns in a way that would ensure that the governing powers were separate but equal.

In the United States, the duties and powers of institutions are clearly separated between the legislative and executive bodies by the constitution and laws. These two powers are independent and do not have the opportunity to annul each other. Due to the functioning of the system, there are no coalitions in government formations. As such, the executive body finds the opportunity to act in a stable manner. But there is a kind of power sharing between the president and congress leaders in determining the relationship between the executive and

the legislature, and in making important decisions. For a clear understanding of the subject, the views of some authors are given below.

In the US presidential system, executive and legislative powers have been given various powers to balance each other. The forces in the system are more rigidly separated than those in the parliamentary system (Koçak 2015, p. 53).

The jurisdictions of the legislative and executive powers have been determined within very clear lines. Powers can maintain their existence through the control mechanism established between powers. The aforementioned control system was named the brake and balance mechanism attributed to Montesquieu (Oruçlu 2008, p. 16).

In this context, the most important feature of the strict separation of powers is that the cabinet does not come out of the legislature, thus ensuring that the executive and the legislature are completely independent from each other (Koçak 2015, p. 33).

As a result of the principle of strict separation of powers, the legislative and executive powers come to office separately from each other, through different methods and directly by the people (Urul, 1998, pp. 317-318).

In the USA, regulations have been made to enable the legislative, executive and judicial powers to control each other, and some "blocking" and "balancing" mechanisms have been introduced in the relations between them.

The main powers of the legislature over the executive;

- The authority to initiate the necessary process for the removal of the President,
- The power to approve the appointments of the President,
- Power to re-enact laws vetoed by the President
- The power to reject international agreements ratified by the President.

The main powers of the legislature over the judiciary;

- Deciding whether to create lower federal courts,
- To dissolve these courts,
- To initiate the process of dismissal of federal court judges,
- To approve federal judges appointed by the President.
- In addition, Congress has the power to determine the number of judges to serve on the Supreme Court.

The main powers of the executive over the legislature;

- The executive branch can veto laws passed by Congress.
- It can propose legislation to Congress through members of its own party.
- Since it is very difficult for the law to be vetoed by the President to come to the agenda again, this authority of the President is extremely effective.

The fundamental power of the executive over the judiciary;

- The president's most important power over the judicial branch is his power to pardon some crimes and
- It is the power to appoint federal judges.

The main powers of the judiciary over the legislature and executive;

- Interpreting laws passed by Congress
- In case of unconstitutionality, overriding is the most important power of the judiciary over the legislature.
- Similarly, the judiciary can also invalidate the actions and decisions of the president, who is the sole representative of the executive, as unconstitutional.

1.3.4. Positive Aspects of the Presidential System

The first positive aspect of the presidential system is that it provides stability in the administration. The inability of the president to be removed from office by the legislature, except in his own special circumstances, such as death, retirement or health conditions, ensures stability in the administration.

Since the president is the only responsible for the executive, he makes all the appointments himself, and the ministers do not have a legislative relationship, which makes the administration effective and expert.

The single-person structure of the executive body facilitates rapid decision-making in times of crisis.

There is no uncertainty due to coalitions, which are quite common in the parliamentary system.

The number of being elected in the presidential election is limited, and this allows new politicians to come to the fore.

Difficulties experienced in the parliamentary system, such as not being able to form a government for a long time and not being able to form a cabinet due to the fact that the executive power is in the president, cannot be mentioned in the presidential system.

The fact that the term of office of the president is clear and he takes his power from the people allows the president to find an area to implement his policies without fear.

In the parliamentary system, the absence of authority stemming from the inability to form a government, and the actions and problems that may arise from the gap do not occur in the presidential system. Because in any case, the government is formed and there is no management/authority vacuum. In addition, the relationship of representation is direct and the sovereignty of the people is ensured, and since the source of the authority of the state comes from the people, a more democratic administration is formed (Goldsmith & Manning, 2005).

On the other hand, in the presidential system, where the separation of powers is most acute, limited power guarantees individual freedoms.

Since the voters know better in advance for whom they will vote and for what, their electoral possibilities are more and the means of asking for account are more than other systems.

1.3.5. Negative Aspects of the Presidential System

One of the main criticisms of the presidential system is that the presidential system may lead to the problem of "double legitimacy". Accordingly, since both the president and the parliament are directly elected by the people, powers can engage in a power struggle by claiming that they are at least as legitimate as the other democratically (Carmy, 2010).

This situation usually arises during the budget preparation, and the system can be completely blocked due to the inability of the executive and the judiciary to terminate each other. However, this situation emerges in presidential regimes implemented in countries where democracy is not sufficiently developed and there is no consensus culture, and it is seen that this problem even causes coups in Latin American countries.

The second criticism is that the presidential system envisages a rigid and rigid administration. The situation highlighted here is that even if the president elected for a certain term fails, he will continue to remain in the administration in any case throughout his term.

Another point of criticism is that in the “winner-takes-all system”, that is, the winner may become overconfident by taking everything and push the limits of his power. On the other hand, the fact that the losing opposition has no hope until the next election in the field of administration is that it may lead to hopelessness and polarization on the losing parties.

Another criticism is that the presidential system will not be successful in countries with multi-party political structures divided ethnically, religiously and ideologically.

Because in this system where the winner takes everything, it will be possible for the losing social classes to be pressured.

Another criticism is that the fact that the President appoints ministers to be appointed from outside politics according to his own criteria without the need for any approval may lead to the problem of political favoritism and corruption.

1.3.6. The Example of Brazil in the Presidential System

1.3.6.1. Legislation in the Brazilian Presidential System

Brazil is a country located on the continent of South America and has both the continent's largest population and the largest surface area in the continent. The country is governed by a presidential regime and has a federative structure. The legislative body consists of the 81-member Senate and the 513-member House of Representatives. Senators are elected for 8 years and Members of Parliament for 4 years. Administratively, it consists of 26 states, a Federal District and a total of 5570 municipalities (Ribeiro & Fabre, 2020).

In Brazil, as in today's countries, the state administration consists of the legislature, the executive and the judiciary, and the members of the legislature and the executive are elected by the people.

For example, the presidential system applied in the USA has also affected the presidential systems applied in other Latin American countries. However, the presidential system applied in these countries is not the same as the presidential system applied in the USA. These countries have integrated the presidential system into their own countries in different ways (Figueiredo & Limongi, 2000). The legislature in Brazil has a bicameral structure, similar to the structure in the USA. It consists of the National Congress, one wing of which is the Senate and the other wing is the House of Representatives.

1.3.6.1.1 Senate

The Senate consists of 81 members elected by majority votes from the states and the federal district. Each state sends 3 members to the Senate, and each member is elected for a term of 8 years. Members of the Senate are renewed by one-third and two-thirds, respectively, every four years, and each senator is elected with two alternates (Figueiredo & Limongi, 2000).

Those who will be candidates for the Senate in Brazil must have Brazilian citizenship from birth and sufficient conditions to exercise their political rights. Senate candidates must be at least 35 years old (Figueiredo & Limongi, 2000).

The powers enshrined in the State Constitution and specific to the Senate are listed below.

- The Senate is a judicial authority. Therefore, it also functions as a court. It prosecutes the President, the vice-president, ministers, commanders of the army, air and navy, judges of the Federal Supreme Court, members of the national justice council, and the attorney general for abuse of office.
- The Senate pre-approves the election of judges, court of exchequer judges, governors, central bank presidents and directors, and the public prosecutor. It also gives pre-approval to the determination of the heads of diplomatic missions.
- The Senate may partially or completely suspend the execution of laws decided by the court on the grounds that they are unconstitutional.
- The Senate may dismiss the Chief Public Prosecutor without waiting for his term to expire.
- The Senate prepares its own internal rules and regulations, and can establish its own internal organization by taking into account the principles required for the budget.
- The Senate also elects the members of the Council of the Republic.
- Evaluates the performance and functioning of the tax system that is widespread throughout the country.

- Decides the trial of the head of state with a two-thirds majority of the members of the Senate. Upon this decision, the Federal Supreme Court acts as the supreme court. The decision made by the Senate has two consequences. These are the dismissal of the president and his inability to hold any public office for eight years (Neto, 2002).

When the powers of the senate are examined, it is seen that the senate in the USA has parallel powers.

1.3.6.1.2 House of Representatives

Members of the House of Representatives are elected by voters in the states and the Federal Territory, based on direct and proportional representation. A minimum of 8 and a maximum of 70 deputies from each state are sent to the 513-member House of Representatives. Candidates for the House of Representatives must have Brazilian citizenship by birth and sufficient qualifications to exercise their political rights. Members of the House of Representatives are elected from candidates who are at least 21 years old (Ribeiro & Fabre, 2020).

Members of the House of Representatives and members of the Senate are elected simultaneously in Brazil. An open candidate list and proportional representation system are applied in the election of the House of Representatives. Members are elected for a four-year term and all members are renewed at each election (Ribeiro & Fabre, 2020).

The powers enshrined in the Brazilian Constitution and reserved exclusively for the House of Representatives are as follows.

- The president, vice-president and ministers can be indicted by a two-thirds majority of the members of the House of Representatives.
- The House of Representatives may ask the President to present the accounts. This only happens if the president does not present the accounts to parliament within sixty days of the start of the legislative year.

- It can create an internal regulation regulating its internal functioning and activities, and may establish its own internal organization by taking into account the principles in the relevant directive on its budget.
- The House of Representatives also elects the members of the Council of the Republic (Figueiredo & Limongi, 2000).

1.3.6.1.3 Duties and Powers of the National Congress

Apart from the powers exclusively held by the Senate and the House of Representatives, the Congress formed by these two Houses has both general and exclusive powers. The general powers of Congress in Brazil include;

- levying, collecting and distributing revenues;
- to carry out development plans, budget directives, annual budget and credit transactions, public debt and money printing;
- directing the establishment of the armed forces and making necessary changes when necessary;
- to develop national, regional and sectoral development plans and programs;
- determine national air, sea and land borders and their assets;
- changing the borders of the states or realizing the division of lands;
- declare a general amnesty;
- to establish and change public offices, positions and functions;
- organize telecommunications and radio broadcasts;
- overseeing financial and monetary matters, financial institutions and their transactions;
- regulate the currency and the limits of minting;
- adjusting the amount of federal government debt (Neto, 2002).

The areas under the exclusive jurisdiction of Congress are:

- to enact international treaties, treaties or laws that impose obligations on national wealth, to wage war, to make peace, or to send troops abroad;

- authorizing the president on the entry of foreign troops into the country,
- allowing the president or vice president to leave the country if their absence will exceed 15 days,
- approving states of emergency, federal intervention, martial law, temporarily relocating congress, congressmen, the president and the vice president's allowances determine the president's accounts and discuss reports on the implementation of government plans,
- monitor and oversee the actions of the executive,
- directly or through one of his councils, protect the legislative power from other powers, authorize referendums or plebiscites,
- negotiate licensing/renewal of radio and television stations,
- to elect two-thirds of the members of the SAI,
- to approve the executive's initiatives related to nuclear activities (Neto, 2002).

While the President can use his veto power in the general jurisdictions of Congress, he cannot use the veto power in his exclusive jurisdictions.

The power to propose laws in Brazil shows a multiple structure. Therefore, the president in the executive, the Federal Supreme Court, the Supreme Courts, the Chief Public Prosecutor in the judiciary, the members of the House of Representatives or the Senate and a certain number of citizens in the legislature can propose laws (Gaylord & Renno, 2015).

There are certain conditions for the public to propose laws in Brazil. These conditions are;

- The bill bears the signature of not less than five voters in separate states,
- In addition, the proposal must be signed, provided that it is not less than 1% of the total number of voters,
- In order for the proposal to be submitted to the parliament, the number of signatures gathered in the individual states must not be less than three-fifths of one percent of the electorate (Gaylord & Renno, 2015).

Bills submitted by the President, the Federal Supreme Court, and other members of the Supreme Court are first discussed in the House of Representatives.

The enactment process of the bill in Brazil is similar to the process in the USA. In the legislative body, which consists of a bicameral structure, when a law is passed by one parliament, it is sent to the other parliament. If the second parliament also accepts the law as it is, the law is sent to the president. However, if the second parliament changes the law and accepts it, the bill is sent back to the first parliament. The law sent to the president is either approved or vetoed by the president. The vetoed law is sent back to the National Congress. In order for the returned bill to be enacted and the veto to be passed, it must be passed with a certain majority of votes from both chambers. In this case, the law sent back to the president must be published by the president. If the President fails to do so, the Senate president, and if he fails to do so, the Senate vice-president promulgates the law.

Considering the powers of the congress, namely the legislature, against the executive in Brazil, it has the following powers;

- some important decisions made by the president must be approved by the congress in order to take effect,
- obtaining congressional approval when the president and vice-president leave the country for more than 15 days,
- the approval of the congress is required for the implementation of the decisions taken by the government regarding the security of the country,
- Congress has the power to stop the executive if it goes beyond their jurisdiction

In addition, the congress may decide to move the headquarters of the government to another point of the country when deemed necessary. At the beginning of each budget year, Congress determines the salaries of government officials, including the president and vice president. Congress, which also has the power to audit and review government spending at the end of each fiscal year, approves the executive's initiatives on nuclear energy (Neto, 2002).

Considering the exclusive powers of the Senate and the House of Representatives and the general powers of the congress, the president and therefore the government do not act completely independently from the legislature, especially in the budget making process and in the case of termination, the congress has important powers, the implementation of the appointment and other important decisions depends on the approval of the congress, etc. reveals the strengths of the legislature over the executive.

1.3.6.2. Execution in the Brazilian Presidential System

According to the Brazilian Constitution, the executive power is exercised by the president (Samuels, 2000). Therefore, the executive consists of the president and vice president elected by the people, and the ministers appointed by the president and dismissed whenever he wishes. This structure is similar to the executive structure in the presidential system applied in the United States of America. In Brazil, along with the president, there are executive vice presidents, ministers and advisory Council of the Republic and the National Defense Council.

In Brazil, there are 37 ministers attached to the president who exercise the executive power. Ministers are accountable to the president, and the president can dismiss ministers at any time. The secretariats are the auxiliary organs of the Presidency and act as coordinators among the state units (Junior, Pereira, & Biderman, 2015).

1.3.6.2.1 President

In Brazil, the president is elected by the people. As in the USA, the president and vice president are elected together in Brazil. According to the country's Constitution, in order to be elected president, the presidential candidate must be a Brazilian citizen by birth, be at least 35 years old, and be a member of a political party. These conditions are also sought for the vice president. In Brazil, the president is elected for 4 years and a person can be elected for a maximum of two terms. However, in order for the president to be elected for the second term, he must not be a candidate in the term following the term he was president and must

be nominated again after this interim period. In other words, the president cannot be elected for two consecutive terms (Neto, 2002).

Presidential elections in Brazil take place in two rounds. The candidate who obtains the absolute majority in the first round is elected president. However, if one of the candidates cannot obtain an absolute majority in the first round, the election will be left to the second round. The two candidates who received the highest number of votes in the first round participate in the second round. In the second round, the candidate who receives the majority of valid votes is elected president.

A strong presidential regime was established with the 1988 Constitution in force in Brazil. Therefore, the President has also been given important and many powers.

The duties and powers (Junior, Pereira, & Biderman, 2015) enumerated in the Constitution and given to the President can be listed as follows;

- appointment and dismissal of ministers,
- initiating the parliamentary process in certain cases,
- rejection of all or some of the laws by the president,
- issuing decrees and regulations for the approval, publication and implementation of laws,
- issuing a presidential decree on the structure and organization of the federal government in cases that do not impose a financial burden and do not require the creation or abolition of public institutions,
- maintaining relations with foreign countries and accrediting diplomatic representatives of foreign countries,
- making international agreements and conventions, provided that they are approved by the congress,
- issuance of emergency and martial law decrees,
- issuing and enforcing federal intervention decrees,
- the plans of the government at the beginning of the legislative period,
- conveying a message to the congress, which includes the status of the federation and what needs to be done,

- declaring a special amnesty and reducing sentences,
- command of the armed forces,
- appointment of force commanders,
- appointment of the members of the high court, the chief prosecutor, the heads and members of public institutions and organizations, the members of the Court of Accounts and the members of the Council of the Republic, provided that the consent of the Senate is obtained,
- convening and managing councils,
- declaring full or partial mobilization during foreign intervention, provided that parliamentary consent is obtained,
- peace with the consent of the parliament,
- to allow the armies or soldiers of other countries to pass through the territory of the state or to be allowed to stay in the said territory for a certain period of time,
- submitting bills to parliament on growth and budgetary issues,
- submission of the final accounts of the previous year to the parliament,
- appointment to the government or cancellation of positions within certain principles,
- issuing decrees and performing other duties assigned by the constitution.

Considering the duties and authorities listed above and included in the Constitution, strong powers have been given to the president in Brazil and he has strengthened his hand against the legislature. In particular, with the president's power to issue decrees and veto, the budget making process paved the way for the president to increase his efficiency against the legislature.

The authority to issue a decree regulated in Article 62 of the 1988 Constitution gave the president the opportunity to act quickly and increase his power against the legislature. With this authority, the president issues a decree that has the force of law in urgent and important situations. With this decree, the president has the opportunity to present bills to the legislature on important issues and to carry the agenda of the presidency to the congress. However, this authority is not unlimited. With the constitutional amendment made in 2001,

the president's authority to issue decrees is prohibited in the following areas (Gaylord & Renno, 2015); The rights known as political rights today, some branches of law, the structure of the judiciary and the personal status of its members, issues related to growth, budget and some loans, seizure of the assets of individuals, areas that need to be regulated by complementary law, and the areas that have been accepted by the legislature and that the president has not yet in areas regulated by a law that it has not approved or vetoed.

Although the president is authorized to issue decrees in urgent and important situations, in practice, it is seen that presidents tend to use these decrees in non-urgent periods. Bills submitted to the congress by the President using this authority must be enacted within 60 days. However, the president can implement this bill without waiting for the law to be enacted (Figueiredo & Limongi, 2000) If the draft law is not accepted within 60 days, it loses its validity. The President can send the same bill to Congress again within 60 days following the second time. The bills presented in the congress are audited to see if they are unconstitutional, and accordingly they are approved or rejected (Ribeiro & Fabre, 2000).

Another point that should be emphasized in the presidential system implemented in Brazil is the law proposals given exclusively by the president. Law proposals on the following issues are made only by the president.

- Determination and replacement of the manpower of the armed forces,
- Determining the missions or workplaces of public institutions in the state administration or semi-independent institutions or increasing their financial situation,
- Judicial and administrative authorities, tax and budget issues, public services,
- Status and regime of public personnel and their legal status, personnel procedures,
- Organizing prosecutors and State prosecutor's offices and setting rules,
- Organization, structuring, duties and powers of the ministries and other public institutions,
- Legal status and personnel procedures of military personnel, (Ribeiro & Fabre, 2000)

In Brazil, the president can be removed from office by a method similar to the practice in the USA, namely by the method of impeachment. The president's committing the crime of abuse of power takes him to the trial process (Prado, 2010).

If the House of Representatives accuses the president by a two-thirds majority, the president is tried in the Federal Supreme Court if the nature of the crime is petty crime, but in the Senate if it is an abuse of power crime. If the trial does not end within 180 days, the president cannot be dismissed, but the trial continues (Prado, 2010).

1.3.6.2.2 Vice President and Ministers

In Brazil, the conditions for being elected vice president are the same as those for being elected president. As in the USA, the vice president is elected together with the president. The vice-president is the most senior member of the cabinet. In cases such as death or resignation, the vice president takes the place of the president until the new president is elected, when the president is abroad, he temporarily acts as the president and fulfills his duties (Marinelli, 2020).

In the executive area, there are also ministers after the president and vice president. They are elected from among those who are Brazilian citizens and have political rights over the age of 21 (Marinelli, 2020). Ministers work in their own jurisdiction in line with the president's orders and instructions, and are appointed and dismissed by the president.

1.3.6.3. Relationship of the Head of State with the Legislative-Executive in Brazil

The presidential system is a system based on the strict separation of powers. Therefore, since the independence of the judiciary is generally accepted in today's world, the relations between the legislature and the executive play a decisive role in the classification of government systems.

Brazil is governed by a presidential system based on strict separation of powers. Therefore, the relationship between the legislative and executive organs in the country is

based on the principle of solid forces brought by this system. One of the most important features of presidential systems is that they are based on a strong executive. Therefore, in the presidential system implemented in Brazil, the president has a strong and important position in the system.

As in the US presidential system, the brake and balance mechanism between the legislative and executive organs is located on a constitutional level in Brazil. Due to the principle of separation of powers between the two organs, these organs cannot terminate each other. While the legislature can accuse the president in terms of certain conditions and issues, the president also has the authority to veto and issue decrees against the legislature (Prado, 2010).

The President is the head of the executive in Brazil as in the USA. The president, who is elected by the people, has important powers in the executive alone. It has important powers such as appointing or dismissing ministers, having exclusive powers regarding the organization of the executive, summoning and chairing meetings in the executive field, appointing senior public officials, appointing members of the state council, conducting relations with other countries, signing international treaties, etc.

In Brazil, too, the president appoints senior public officials and members of the Federal Supreme Court. However, approval by the Senate is required for the appointment to be approved. Therefore, the president has to seek consensus with the senate on this issue.

In Brazil, the president has an important role in the legislative versus legislative process. The President's power to issue decree laws relegates the legislative function of Congress to the background. In the country, which has a multi-party system, the reconciliation between the parties is very weak and therefore there is political fragmentation. This situation also complicates the reconciliation between the congress, which has the power to veto the activities of the president. Therefore, the president's power to issue decrees also increases his power to set the agenda of the congress (Figueiredo & Limongi, 2000). These ordinances have the force of law unless rejected by Congress, and are effective immediately when enacted. Since the legislative process is delayed in the politically fragmented congress,

these decrees find an area of application, which makes the president even stronger against the legislature.

Another important issue in the president's relationship with the legislature is that he has veto power. The President may partially or completely veto laws sent to him by Congress. The vetoed laws are coming back to the congress, and if the congress re-approves the law with more than half of the total number of members it has in the vote, it can exceed this veto in the joint session of the assemblies (Figueiredo & Limongi, 2000). Here, although the legislature is able to overcome the veto power of the president with an absolute majority, the fragmentation and reconciliation problem in the party system in Brazil puts the legislature in a weak position against the president (Neto, 2002). Due to the deep segregation between political parties, it both causes the president to not accept the laws requested by the parliament and facilitates the adoption of the laws that the president wants to enact from the congress by decree. This renders the legislative body's most fundamental duty vis-à-vis the executive, namely making laws and supervising the executive ineffective.

Another issue that affects the relationship between the president and the legislature is the process of making the budget with the draft laws, which are only under the authority of the president. As stated in the 1988 Constitution, only the president has the power to propose laws on economic, administrative, judicial and military matters (Neto, 2002). Since the draft laws on these issues are only given by the president, this makes the president even stronger against the legislature.

PART II

THE FORMATION PROCESS OF THE PRESIDENTIAL SYSTEM

2. US PRESIDENTIAL SYSTEM AND ITS GENERAL FEATURES

In this section, the formation process of the presidential system, which constitutes the main framework of the study, will be examined since the colonies in the USA, which is one of the countries where this system has been implemented most successfully in the world.

2.1. The Emergence of The Presidential System in The USA

The formation of the presidential system dates back to the United States with its oldest written constitution dated 1787. The emergence of the presidential system in the United States is related to the experiences of the individuals who make up the state and the past history of the state. The statement of Alexis Tocgueville that "Nations are like people always bear the traces of their past" supports this idea. In other words, in order to understand a system, it is necessary to know the birth and past history of the system (Tocqueville, 1962: 14). In this context, the study will continue by considering the history and experiences of the American people.

2.1.1. Discovery of the Americas

It is important to understand the historical background to examine how America was found before the transition to the colonial era. Because colonization occurred as a result of post-discovery Europeans' adoption of the continent and claiming that the continent belongs to them. Although the canals and passages of the Turks were constantly obstructing their trade with Asia, the Europeans were aiming to make a transition to the east. To achieve this goal, they had to find a way around the west of the country. This is where Christopher Columbus stepped in. Italian explorer Christopher Columbus set out with the support of Spain in order to discover a safe trade route through which valuable goods from the east can be brought to Europe. However, although it is known that it was not Columbus who discovered the American continent in history, it is accepted that he was the first to discover

it. (Fendoğlu, 2002: 1) In order to support the view that America was discovered before, it is not the first time for the continent by Christopher Columbus, but only a rediscovered island definition (Erinç, 1991: 43-47).

Although Christopher Columbus set foot on the continent in 1492, Columbus was unaware that he had discovered a new continent at that time, and thought the Bahama island he had originated from was India. Perhaps for this reason, the continent of America got its name from an Italian named Amerigo Vespucci, who came to South America and is known as one of America's explorers. Even if it is said that "Kristof Kolomb was the first to discover America", Amerigo Vespucci was the first to discover that the land reached was not actually Asia, but that it was a new continent. The fact that Indians were called "Indian" in English after the discovery of America in the 15th century is the most important proof of this assumption. Many European countries such as France, Spain, Portugal, the Netherlands, Germany and England have begun sending their people to this new or rediscovered continent. However, most of them were British.

2.1.2. The Condition of the Colonies

Although many European countries were immigrated to America, which was found by chance as a result of reaching India, especially after the discovery of Vespucci, those who settled in the continent mostly came from England. Regardless of which state they came from, every European on the continent lived in one of the colonies subject to the King of England, and they united in fate on their way to independence. The number of these colonies that would sign the declaration of independence on behalf of their independence was 13 (Akbay, 1950: 18).

The pre-independence situations and governance experiences of these 13 colonies, the chief writers of American independence and the inventor of the United States Constitution, may add a new dimension to the view that the presidential system emerged as a product of the human mind, not as a historical process. Because America's founding colonies have gained considerable administrative experience until the stage of drafting the

constitution, which envisions a federal state form. It seems unlikely that these experiences were ignored at the time of constitutional writing.

In the feudal system in England, where a lord with a fief almost had the authority of the King, the landowners who took their authority from an edict of the King used this authority as if they were a ruler in their own right (Akbay, 1950: 18). In these colonies, property owners, that is, landowners, also served as governors. The landowners had broad powers. The existence of representative institutions depended on the landowners.

The second type of colonies, that is, the colonies established on the basis of the annexation decree, were freer, more independent and governed by more democratic tendencies in the conditions of the day. Some thinkers even think that the edicts that constitute the foundation of Rhode Island and Connecticut were liberal enough to remain after the revolution and to form the first constitutions of these two federated states after the revolution. The annexed colonies were defined by the French philosopher Dareste as "colonies established by the King's decree and formed as a set of commercial companies with rights and privileges that provide them with a wide autonomy" (Akbay, 1950: 19). The people who survived in these colonies organized local guilds and the landowners could choose their own governors, unlike their colonies. In other words, the landowner could not directly assume the role of the governor. They were governed by laws prepared by their representative assemblies. However, these laws were laws that had to be made within the limits determined by the edict and under the supervision of the King's special council.

It can be said that the reflection of the royal phenomenon in these colonies is noticeably less. In these colonies, where the King transferred some of his rights to the people, except for a few customs officers, there were no representatives of the Crown (Akbay, 1950: 19).

The third form of colonization, which contains differences from the landowners' colonies and the annexed colonies, is the colonies, which are only the King's provinces. The governors of these colonies were directly appointed by the King. In this colonial variety, the King's privileges are greater than in England. The laws prepared by the British Parliament could also be valid in these colonies by deducting a record (Akbay, 1950: 19). Just before

independence, the legal status of almost all colonies in America took the form of the states of the King, which is the third type of colony. The reason for this can be stated as either giving up the privileges of the landowners or abolishing their decrees.

2.1.3. Organizational Structures and Management Styles of the Colonies

Regardless of how they are named in terms of their legal status, all colonies have the same conditions in terms of organizational functioning. There was a governor in all colonies. The governor was appointed by the landowners in their landowners' colonies, by the people in the annexed colonies, and by the King in the king's provinces. All colonies had a council that acted as a deputy governor and carried out business. Councilors were appointed by the same method of appointment as the governor. In other words, the landowners were appointed by the landowners in their colonies, the people in the annexed colonies, and by the King in the King's provinces. However, there were exceptions to this appointment. For example, although Massachusetts was the state of the King, the members of the council were elected here by the people because the privilege of the people was preserved (Akbay, 1950: 20).

The idea that all people living in different colonies of America, regardless of state, agree is that they have the differences of English community law. Allan Nevins and Henry Steele Commager's famous work "The Pocket History of United States" explains the situation of the colonies with the following sentences. "Wherever the colonies went, they adhered to the British attitude of struggle for freedom and took the freely formed British law with them as an idol." Thus, they helped Magna Carta and the law in force to survive. As Nevins and Commager say, this is an important principle. It can be said that this principle contributed greatly to the achievement of American independence. This principle helped the colonies to organize and act together.

The people of the British colonies in America were bound by English social law. In line with this discourse, legislative assemblies have been added to the management schedule in order to apply the principle of taxpayers' consent and acceptance in the UK to be applied in the colonies. As a result, a bicameral legislative system started. While the council with the feature of deputy governor formed the upper chamber, the legislative assemblies, that is, the town delegates, formed the lower chamber. While the legislatures assumed the role of

the chamber of commons, the deputy governors assumed the role of the chamber of commons (Nevins and Commager, 1961: 35). According to the colony; The members of these legislative assemblies, which were called by different names such as the bourgeois chamber, the house of representatives, the house of the commons, were elected by the people. However, in any colony, electoral rank was not given to the whole people, it was given depending on the condition of property, which can be expressed as land ownership (Nevins and Commager, 1961: 35). In other words, the votes of the elite were of great importance. Voters made up only a small percentage of the population.

In the organizations, laws were prepared by the auxiliary assembly and the legislature. In almost all organizations, the laws were subject to the Governor's veto, in addition to the King's veto. However, the situation of the annexed Rhode-Island and Connecticut is obvious when looking at the regime of the colonies. The distinctive feature of these colonies stems from their freedom. Submission of the aforementioned laws to the veto of the Governor and the King is out of the question for these colonies. Rhode-Island can be stated as probably the freest colony in the world at that time, as it chose its own officials and made all its laws (Nevins and Commager, 1961: 36-37). It can be said that Connecticut and Rhode-Island, which were peculiar colonies of the period, had a different position as they were republics that elected and appointed all officials and senior administrators who were able to manage themselves without being crushed under anyone's rule.

In practice, laws enacted by legislatures and auxiliary assemblies continue to exist until the approval of the Governor, and the King's veto, if he will. There is also an exception for the Massachusetts colony. But the freedom of Massachusetts, a royal colony, is not as extensive as the two mentioned colonies. Here the laws were subject to the King's veto, but not to the Governor's veto, and representative assemblies achieved dominant status thanks to their power to approve taxes. These powers, which are in the hands of the lower councils, which qualify as the House of Commons, mean that the colonies are effectively left to their administration, despite the superior authorities of the King and the Parliament. (Dareste, 1931: 22). For the authority of the government not to grant the loans it needs is not a political

tool to be underestimated. The colonies showed at that time that they could unite against imposed taxes with the awareness of how important this authority they had was.

The demographic structure and population of the colonies clearly show that the British were dominant in the continent. From the colonies divided into Central and Southern States; While the citizens of the new England are entirely British, it is known that the Germans, Swedish and Dutch in the others mixed with the British (Dareste, 1931: 22). In fact, it can be said that the suitable ground for an English-oriented intercolonial unification has actually been created. Britain was initially of the opinion that the American colonies could form a union among themselves. The kingdom also had supportive attempts against the colonies in this regard. However, this unity between the colonies that Britain envisioned at that time was the conjuncture and the French served the purpose of deterring other factors that could rival British rule. In line with this goal, Albany and Halifax Plans emerged as a result of England's motivating attitude. However, prior to these plans, more restricted and limited plans such as the "New England Confederation of Colonies" plan aiming to unite the new British colonies and attempts to bring together the colonies of New York and New Jersey only were emphasized (Dareste, 1931: 23).

The New British United Colonies initiative was an integration plan that only framed the British colonies. England's incentives to unite the colonies were not limited to this. Britain took action in the mid-18th century to prepare a new integration plan that included the central and northern colonies in a federal structure to be established. The Albany congress was formed and Benjamin Franklin, who left his mark on the period, took the stage. Benjamin Franklin, one of the founders of the USA, came together in 1776 with Thomas Jefferson and John Adams and prepared the Declaration of Independence of the famous colonial country. He took part in the peace relations with Britain after the end of the American War of Independence. Before closing his eyes to the World, he took part in the work of the Philadelphia Constitutional Congress (Nevins and Commager, 1961: 88).

Benjamin Franklin put forward a proposal that created a genuine federal state, a grand assembly made up of a president appointed by the King at the Albany Congress and members elected by the local legislatures, in which the colonies were represented in proportion to their populations (Dareste, 1931. : 23). According to this project; the federal

parliament was to take care of the general defense task, to raise funds for the construction of a common future. The President was given veto power (Nevins and Commager, 1961: 88). The reason for the preparation of this plan, known as the Albany Plan, was the same due to the integration of the new British colonies. In his Pennsylvania newspaper, Benjamin Franklin clearly emphasized the propaganda of the idea of unity envisaged in the Albany Plan for security and defense purposes, with a political caricature he made. The cartoon depicted the importance of unity by comparing fragmented colonies on a snake's body. However, the Albany Plan prepared with such a perspective could not be implemented.

When the British colonies in the American region became strong and ruled over a wide area, they would enter into a struggle by opposing their neighbors in the north, south and west, the French and the Spanish. But it was also a fact that the adventures of countries such as Britain, France, and Spain in the Old World would also encompass these nations' records in the New World. Because neither at that moment nor later, America was not completely detached from the rest of the Western world (Nevins and Commager, 1961: 79).

Accordingly, after the Treaty of Paris, which concluded the Seven Years' War, one of the projections of the Old World conflicts, the removal of the French threat to the colonies accelerated the idea of intercolonial unification, whose infrastructure was prepared in minds with the incentives of England.

With the Treaty of Paris that ended the Seven Years' War, France left all of its lands on the North American mainland, a development that ended the foreign military threats of the British colonies. In other words, important strategic places such as Canada and Florida were taken. In addition, places outside of New Orleans, North America, from the Atlantic Ocean to Mississippi were also owned (Nevins and Commager, 1961: 87).

While the war was described as a success with the ending of the threat to France for the British colonies, it was accepted as a Pirus victory with its aspect facing England. Victory of Pirus is a term used for battles in which the winner of the war suffers as much loss as the defeated side. In other words, it means victory achieved despite huge losses. This situation can be explained as follows. The provisions of the Treaty of Paris, which abolished the threats of France and Spain, exacerbated the conflict environment between Britain and the

American colonies. Because the interests of Britain and its colonies in North America would begin to intersect more after the treaty. As a result, the French threat had disappeared, but in conjunction with this, the colonies no longer needed British military protection, and eventually the Treaty of Paris encouraged the colonies on their way to independence. At this point, it should be emphasized why the colonies preferred the Presidential System over another.

After the new state was established in 1776, perhaps one of the biggest questions asked was "how are we going to manage ourselves?" Naturally, while seeking an answer to this question, the system on which they discussed and examined their positive and negative characteristics, was England, where they had been a colony for years. It would not be wrong to say that at the main point of the established system, it has assumed the duty of feeding from the views against England. First of all, this community, called the founding fathers, did not oppose an authority at the head of the state that could carry out such jobs as a kingdom.

Strong power was conceived, except that the King in England did not take authority from the people and the King could not make mistakes. As a result of the determinations and arrangements made, a state system with a strong president and a strong parliament, which did not exist in many countries such as England, was formed. However, it can be said that these powerful beings use their power only in the frontier areas assigned to them, namely in the legislative and executive areas. By preventing the formation of both basic powers from the nobility and the elite, the balance was established with the society itself.

2.1.4. Transition from Confederation to Federation

With the declaration of independence of the colonial states that formed the USA, a union between the colonies has become a necessity. In addition, the economic and military dimensions of the ongoing British war brought the colonial states closer to each other. As a result, the colonies decided to act jointly on 15 November 1777 and accepted the "Confederation Establishment Principles". Decisions in the newly established confederation were taken by a congress affiliated to the confederation. The power sharing in the confederation is distributed according to the federative system. Among the powers delegated

by the federated states to the confederation are the powers such as deciding on war and peace and solving problems arising from international disputes. Powers not delegated to the confederation were also left under the control of the federated states (Göze, 2011: 515).

To take a joint decision from the Confederation depends on the approval of the nine member states. However, after the wars of independence, the confederation started to not function and could not overcome the new problems, and the confederation's weakness fell. One of the reasons why the confederation has stopped functioning is that the decisions to be taken here are based on 2/3 majority. The confederation, which was established as a compulsory union and partnership, left its place to the USA on September 17, 1787 (Çam, 1976: 89).

2.2. Features of The System Together with Organs

In this part of the study, the organs of the state structure that make up the presidential system in the USA and the features of the system will be discussed.

2.2.1. Legislative Organ

When it comes to legislation in the USA, the first thing that comes to mind is the congress. The Congress consists of two councils. This congress with two chambers consists of 535 members (Arı, 2000: 37). 435 members serve in the House of Representatives and 100 members in the Senate. It is known that this bicameral structure of the congress is a result of federalism (Çam, 1993: 110). In other words, although there is a requirement of bicamerals in federal states, unitary or bicameral structuring is a preference problem in the unitary state (Kaboğlu, 2009: 110). “Because federal states, on the one hand, say they are a single nation, and on the other hand, they consist of many member states that include autonomy in internal and external relations. Federal institutions also articulate these two different characteristics. For this reason, the federal parliament also has two assemblies and a member majority, unlike normal. One represents the entire population or nation residing in the federal state and is a representation of the participant proportional to the population of

each state. The other assembly, on the other hand, had an equal number of participants (Tanilli, 2007: 251).

The House of Representatives is where federated institutions are represented in proportion to the population. The Senate is the place where all federated states are represented equally, regardless of the population ratio. The senate ensures the freedom of the federated states, and the House of Representatives provides the unity and solidarity of the American federation (Alpaç, 2001: 41).

2.2.2. House of Representatives

435 Members of the House of Representatives each represent an electoral district in the parliament called the congressional district. Because in the election of the House of Representatives, each state is divided into regions as many as the elected representatives (Atılım University: 2012). Thus, it is understood that the "narrow zone" election system is applied in the election of the House of Representatives. In addition, elections for the House of Representatives are one-round and based on majority (Köksal, 2001: 349). In summary, the House of Representatives is elected by a single-named, narrow-zone, simple majority system (Gürbüz, 1997: 18).

The House of Representatives has a "Presidency" office. This office consists of a speaker of parliament, heads of majority and minority parties, vice-presidents, party auditors and party governing boards. The president acts as the leader of the assembly and holds many institutional and administrative functions. Since each party votes for its own candidate, the candidate of the majority party is normally elected as the speaker of the parliament (Arı, 2000: 41). Majority and minority leaders represent their parties in parliament. Party supervisors assist the presidency in managing the legislative programs of their parties. Party board of directors or conference is the name given to the meetings or organizations held by all party members in the assembly (House of Representative: 2013).

In the House of Representatives, there are 20 committees that have different jurisdictions and are constantly working. Each of them evaluates the draft laws and makes

recommendations about the measures to be taken by the parliament. There are also committees in the House of Representatives that serve on a temporary and permanent basis, which will advise on research and policy matters. The commission may be composed of councilors, citizens, or both (House of Representative: 2013). These commissions are specialized commissions that closely monitor the overall development of the country (Kuzu, 2012: 33).

2.2.3. Senate

Among the 50 states in the American state system, the place where equality is felt the most is the Senate. Because Alaska, the smallest state in terms of population, and California, the largest state, are similarly represented by 2 senators. That is, the weight ratio of the smallest state to the largest state is equal in the Senate. The third part of the first article of the Constitution regulating the legislative section shapes the Senate. Accordingly, the United States Senate consists of 2 members from each state with a 6-year term. Each senator has 1 vote (US Constitution Online: 2013). Thus, the total number of seats of the Senate, which is formed with the participation of 2 senators from each of the 50 states, is 100.

The term of office of the Senate is much longer than that of the House of Representatives. The striking point about the Senate, which has 3 times more tenure than the House of Representatives, is that senators do not serve for 6 years without going through an election process. In fact, elections are held every 2 years for the Senate. However, the Senate is completely renewed in 6 years. Because the Senate, who takes office, can renew one third of it every 2 years. Thus, a certain proportion of senators are always considered to be people with rigorous experience (US Constitution Online: 2013).

Senators are elected and appointed at regular intervals. Initially, senators were not elected directly by the people, but by each state's legislature. However, with the 17th amendment made in the US Constitution in 1913, the practice of electing senators by state assemblies was ended. According to this, “United States Senate members are elected for six years, 2 members elected have one vote equally (Akbay, 1950: 462).

As for the Representatives, the Constitution specifies the conditions a person must have in order to become a senator. According to the Constitution, those who are under the age of thirty and who have not held the status of American citizenship for at least nine years and who are not resident in the state where they will be elected cannot be elected as senators (United States Senate: 2013).

Although there are some differences, the structure of the Senate is similar to that of the House of Representatives. The structure of the Senate also includes sections such as a presidency, committees, party auditors, and party executive boards or conferences. The first thing that strikes in this sense is that, according to the Constitution, the US Vice President is also the president of the Senate. This constitutional provision stands out because it is not a parallel practice in which members of Congress cannot take office in the executive. So, if a representative or senator cannot take office in the executive due to the separation of hard powers, no one in charge of the executive should be able to take part in the legislature.

The President of the Senate does not normally have the right to vote. If there is equality in a voting held in the Senate, it is possible to change this equality situation with the vote of the President of the Senate. Since this will not happen very often, it can be said that the Senate Presidency is nothing more than a symbolic office. However, it is observed that the President of the Senate has functions other than voting in cases of equality. Because the person who controls the daily activities of the Senate is the President of the Senate, that is, the Vice President of the United States (US Senate: 2013). In addition to the Senate President, there is also a Temporary Senate President. In the absence of the Vice President, the control of the Senate is carried out by the interim president. While prior to 1890 the Senate only elected a provisional president for the term in the absence of the President of the Senate, since 1890 the provisional presidents have remained in office until their successor is elected (US Senate: 2013). In other words, despite his provisional statement, their term of office actually extends until the new elections. Therefore, it is necessary to think of this office as a vice president.

It has become a traditional practice that the Interim President of the Senate is elected by the majority party and is generally the most senior senator (cited in Arı, 2000: 29).

In addition to the President and the Interim President, there are also majority and minority party leaders within the presidency of the Senate. The positions of majority and minority party leaders are not regulated in the constitution, but have gradually developed. Leaders act as the spokespersons of their parties. At the beginning of each congress period, they are elected by members of their respective parties to represent the party before the Senate. On the other hand, majority and minority party whips are also officials who assist leaders in representing the party in front of the Senate. They are also elected by their parties and assist the majority and minority leaders, especially during the passage of laws and decisions through certain processes (Arı, 2000: 42).

2.2.4. Executive Organ

Presidential System is one of the most important and indispensable systems of the USA. The reason for the emergence of this system is the idea that constitution-makers have a strong executive body in order to accelerate the emerging national unity. This system has been accepted by many countries as a necessary consequence of today's conditions (Çam, 1990: 103).

In the presidential system, the executive body has a single headed structure, not a two-headed structure as in the Parliamentary System. In other words, executive power is given to a single person. The president, who is the only representative of the executive, has two positions. So, as in Turkey's earlier period, there are no two-headed structure consists of the ministers board and president. In the new presidential system adapted to today, there is no longer a council of ministers.

The president comes to office by being elected by the people. In other words, as in the parliamentary system, there is no executive body elected from among the members of the legislative body or from outside by the deputies and commences to work. Therefore, after being elected by the people, there is no need for the president to take a vote of confidence in the assembly. Therefore, it is not possible for the president to be responsible to the legislature

in this system. With the changes of 2007, the President has started to be elected by the people. However, there was still a two-headed executive body in the middle. With the latest changes, the prime minister has now been replaced by the president, and the council of ministers has been replaced by vice presidents. Although the differences between Turkey are evident here, it will be discussed in more detail in the following sections.

The only authorized person in the executive body is the president. The President can appoint consultants to assist him in exercising this authority. In other words, the ministers in the United States are in a sort of secretary-consultant position. Ministers are not members of the legislature and are not responsible to the legislature. They are solely and directly responsible to the president (Kuzu, 2011: 22). That is, just as the president is irresponsible, his deputies are also irresponsible to the Legislation. Since the sole authority within the executive body is the president, it is null and unlikely for ministers to take decisions in place of the president.

If the president wishes to discuss a matter, he can summon ministers and ask for their views. However, it is free to comply with the decision of the ministers or not. When there was no majority or no vote of confidence in our country, the President would consult the speaker of the parliament to renew the elections. It was up to the President to sleep alone or not. The term of office of the ministers depends on the President, and when the term of office of the President ends, the ministers' duty ends. In this system, as in the parliamentary system, a person cannot be both a deputy and a minister. This situation can be stated as a natural consequence of the strong separation of powers. However, it would be beneficial to refer to the definition and duties of the President in the constitution before proceeding with the Minister, that is, the Vice Presidents.

The second article of the US Constitution defines the executive power. Accordingly, the executive power alone is the President of the United States. The President carries out this duty together with the Vice President. Although its name is not explicitly mentioned in the Constitution, it is included in the executive body in the Cabinet consisting of Secretaries appointed by the President and headed by the President.

2.2.4.1. President

According to the second article of the Constitution, the executive power has been transferred to the President of the United States of America (Constitution: art. 2, cl. 1). The president alone is a power. Although there is no distinction between head of state and head of government due to the nature of the system, the President is the head of both the government and the state.

The presidential office is one of the main pillars of the system and gives originality to the system. The reason for the emergence of this system is the idea that constitution-makers have a strong executive body in order to accelerate the emerging national unity (Çam, 1993: 98).

The authority that depicts the whole of fifty federated states gathered under one roof is the Presidency. The election method, election conditions, powers and responsibilities of the president are also completely different, in line with this uniqueness.

The term of office of the president is four years. Until the twenty-second amendment in the Constitution, there is no provision regarding re-election or restricting the number of elections for the president. First of all, according to the Constitution, one must be an American citizen from birth to be elected President. In addition, being a natural citizen is not enough by itself.

A US citizen by birth must also have resided in the United States for at least 14 years. Moreover, the fact that he is over the age of 35 is one of the conditions of his presidential candidacy (Gürbüz, 1980: 91-92).

The president is not directly elected by the people, but indirectly through the second voters. So there are two kinds of choices. The people first elect the members of the election board consisting of the second voters who will elect the President. In November of the year the elections will be held, on the Tuesday following the first Monday, the public goes to the polls to elect the second voters (USS: 2013). The total number of second voters is in line with the number of members of the Congress. Because a new representative group is selected

from among the representatives previously elected from each state. These newly elected ones are called secondary voters. Their number in total is 538 (Gözler, 2001: 17).

The election of the President is based on a complex process as explained above. Essentially, the electoral system is subject to some criticism in this respect. The American electoral system is described as a bad electoral system. Because this system is is very complex when compared to countries with more centralized managing style like Turkey. It has too many deficits and points that can be abused, it is carried out with general practices, but it is seen as a system that is suitable for turning into a serious race of law and abuse at times of conflicts (Özhan: 2012).

The expiration of the president's four-year term is one of the reasons for the termination of office. Other than this normal situation, his death, resignation or dismissal as a result of impeachment (investigation) are other situations that will definitively terminate his duty. In these cases, the vacant presidential seat is replaced by the Vice President (Aldıkaçtı, 1960: 173).

Also, the President may leave his duty to the Vice President for a certain period of time in cases such as illness. This happens in two ways. The chairman may send a letter to the pro-tempore chairman of the House of Representatives and the Senate, stating that he is temporarily unable to fulfill his duty. Or, if the president refrains from doing this, the Vice President may take over the duties and powers of the Presidency by writing a letter to the president of the House of Representatives and Senate pro-tempore, with the approval of the majority of secretaries (ministers) (Gözler, 2001: 19). However, the President has the right to appeal this.

2.2.4.2. Vice President

The election of the Vice President is based on a parallel process with the election of the President. Vice President is elected together with the President (Gözler, 2001: 19). In other words, the election board that elects the President also votes the Vice President. Before 1804, voters were only voting for the President. The second candidate with the most votes

in the presidential election was entitled to be the Vice President (White House, The Executive Branch: 2013). The duties and responsibilities of the elected Vice President vary according to the place. Especially when it comes to equality of votes in the Senate, though rarely, the opinion of the Vice President is decisive. In addition, the Vice-President is a member of the National Security Council and participates in the Cabinet meetings (Gözler, 2001: 19).

Although it is said that the Vice President has a faint role (Kuzu, 2012: 28), this is not always the case. Because the dimension of the effectiveness of the assistant is closely related to the personal characteristics of the President and his duties also vary accordingly. The duties of the Vice President differ according to the current President (White House, The Executive Branch: 2013). "Although the last word is given to the President of the United States, similar to the characteristics of the President, the Vice President has an effective role with changing criteria in foreign policy decision-making in ministries such as the Ministry of Foreign Affairs, the National Security Council and the Ministry of Defense, which are indispensable ministries of the country (Beriş and Gürkan, 2003: 10). In short, it should not be forgotten that whether the Vice President will play a faint role depends on the President.

A number of traditional problems are mentioned about the post of Vice President. It is pointed out that the office is still an ambiguous and paradoxical office, and according to some thinkers, it is stated that it is one of the obvious constitutional mistakes of America (Cronin and Genovese, 2004: 289). It can be said that it is unnecessary to get into this discussion, as their fair share varies.

2.2.4.3. Cabinet

There are no ministers and the Council of Ministers in the American government system as in the parliamentary system. In this system, there are Departments and Secretaries responsible for these Departments, each focused on a separate area. A structure that can be compared to the Council of Ministers in the parliamentary system is gathered here under the name of the Cabinet. But the difference is not in the organization, but in the quality of the structures. While the college is a simple structuring and unanimity in the parliamentary

system, there is no obligation to hold such a meeting in the American system and its decisions are not binding. In other words, there is no structure determined with strict lines like in the parliamentary system.

If we look at the formation date and process of the cabinet, the following can be said. Although the term cabinet was used in America for the first time in 1793, it will not be mentioned until 1907 in the legal language (Cronin and Genovese, 2004: 253). There is no provision in the American Constitution that can give an idea about the cabinet. However, if a Constitutional basis is sought for the Cabinet, it is possible to find it implicitly in Article 2 of the Constitution. Namely, while listing the powers of the President in the aforementioned section, appointment of Secretaries with the consent of the Senate is also included. However, the word Department administered by a Secretary is also pronounced directly in the Constitution. It is the name given to the meeting in which the President, Vice Presidents and Secretaries come together in the Cabinet (Favoreu et al., 1998: 585). Although it is tried to find a constitutional basis implicitly or indirectly to the Cabinet, it is accepted that the Cabinet does not have a constitutional basis (Lowi and Ginsberg, 1994: 154).

The United States Cabinet is made up of senior officials appointed to the executive branch of the Federal Government. Cabinet members, i.e. Secretaries, are appointed by the President, and these appointments are either approved or rejected by the Senate. The cabinet is not an organ that makes new formations and political method orientations, but has to do some things based on the ideas of the president in its views (Çam, 1993: 102).

As in the position of Vice Presidents, the personality and approach of the President in the position of the Cabinet is an element of success. The way the Cabinet is used by the President and its value in the eyes of the President fluctuates according to the personality and needs of the President and changing national conditions (Cronin and Genovese, 2004: 253). In other words, like assistants, secretaries base their activities and requirements on the President. To illustrate this, Jimmy Carter held thirty-six Cabinet meetings in his first year, twenty-three in his second year, nine in his third year, and six in his final year. Cabinet meetings have become less and less compulsory, as evidenced by this instability reflected in the figures, and as Carter made clear. On the other hand, it is known that Bill Clinton made

these meetings more stable or more continuous in terms of quantity (Cronin and Genovese, 2004: 252-253).

2.2.5. Judicial Organ

Established with the Constitution of 1787, the US Federal Supreme Court is the highest institution in the US judicial system. Constitution makers have not only brought to light the highest court; At the same time, they accepted the inclusion of a judicial organization to be established by law. The judicial organization established on the basis of the Constitution is divided into two branches. Let's give an example in terms of the organization of the judicial body. In countries such as Turkey, Italy and Germany, the separation of the judiciary is advocated. In other words, there is a distinction between administrative and judicial jurisdiction, and no jurisdiction, except for its jurisdiction, cannot look at objections and intervene against each other. In countries such as the USA and England, where there is no distinction between administrative and judicial jurisdictions, objection is made only to the high court. In this system, the existence of many courts with different names within a single judicial branch did not eliminate the unity of the judiciary. However, apart from the judicial union, federated states have high courts and appeal courts.

2.2.5.1. Federal Supreme Court

At the top of the United States federal judicial system is the Supreme Court, which is made up of nine judges who meet to look at cases together (Federal Judicial Center, 2005:2). The High Court is the only court mentioned in the constitution. One of the nine judges of the Supreme Court is the president of the court. The remaining eight judges are members of the court. The nine judges of the Supreme Court are also elected and appointed by the Senate after the President's nomination. They exist as long as their good state continues. So they are not subject to a certain period of time.

The Supreme Court is a court that has both jurisdiction and appeal powers. As the Supreme Court of Appeals in Turkey. The framework of the jurisdiction is determined by

the constitution. Accordingly, the main jurisdiction of the Supreme Court in cases involving ambassadors, ministers and consuls and cases to which any state is a party. On the other hand, the Supreme Court is the highest appeal body in America and the last referral body for cases dealt with in federal and state courts. It is the last legal remedy in terms of civil and criminal disputes (Siegel, Schmalleger and Worrall, 2010: 340).

In the USA, there is no special court, that is, a court such as the Constitutional Court, to control the constitutionality of laws. For this reason, the only duty of the Supreme Court is not to judge any case as a court of first and last instance or to be an appeal authority against the decisions of lower courts. The Supreme Court also acts as a form of Constitutional Court by overseeing the constitutionality of laws.

What gives the Supreme Court its power within the US political system is its judicial control of the constitutionality of laws (Sevinç, 1996: 394). This compliance check in the USA dates back to a very old date. For example; For the first time in history, the Federal Supreme Court issued Marbury v. In the Madison case, it was decided to examine the conformity of the laws on which the case was based with the Constitution, and not to apply those that were not appropriate as a result of the examination (Gözler, 2004: 21). John Marshall, one of the US Supreme Court judges, in this case, referring to the principle of the supremacy of the constitution, ruled that unconstitutional laws should not be enforced by the courts, although they are not explicitly stipulated in the American Constitution (Gönenç, 2010: 7).

The Supreme Court has its own bureaucratic structure. Within this structure, civil servants with various titles assist the court in their functions. Titles such as chief judge advisor, clerk, library clerk, chief, reporter, consultant, curator, information technology director and public relations officer are within this scope. The adviser to the chief judge (the undersecretary) is appointed by the chief judge. The clerk appoints the rapporteur to the court.

2.2.5.2. Federal Courts of Appeal

The United States is divided into twelve regions in terms of judicial remedies for appeals against the decisions of the district courts operating within the federal judicial system. In each of the twelve districts there is a court of appeal. These courts are intermediate courts between the Supreme Court and the federal district courts. The states are judicially divided into these twelve regions. The jurisdiction of only the District of Columbia Court of Appeal covers the State of Columbia, while there are three or more states in the jurisdiction of each of the other eleven Courts of Appeal (Akgül, 2008: 120).

Besides the twelve Federal Courts of Appeal, there is also an Appeals Tribunal with national jurisdiction in Washington. This court, like the other twelve Courts of Appeal, is not limited to cases from the regional courts within the jurisdiction. They are responsible for hearing cases from international trade courts and federal courts (Balo, 2012: 990).

Unlike the Federal District Courts, the Courts of Appeal are not single judges. That is, there are Courts of Appeal where the number of judges reaches six (Bilik, 1953: 195). The Federal Courts of Appeal hear cases with three judges and are led by a chief judge. They hear cases from lower courts and, unlike the Supreme Court, these courts do not have the right to reject the appeal (Sevinç, 1996: 391). Any citizen who lost the case in the District Court can ask the court of appeal whether the judge applied the law correctly. In addition, an application can be made to the Federal Courts of Appeal for the decisions of administrative offices such as the National Labor Relations Board (Federal Judicial Center, 2006: 2).

2.2.5.3. Federal District Courts

The United States Code clearly specifies the total number of Federal District Courts, their distribution in the states, and the number of judges that will work in those courts (US Code, art. 28, clause 1, xs. 5). Accordingly, there are a total of 94 Federal District Courts in 50 states. In other words, the entire American territory is divided into 94 regions in terms of the federal jurisdiction and a federal court has been placed in each region. 661 judges work in these courts. The Federal District Courts are the courts of first instance in general and general cases, whose decisions can be appealed. Except for a few cases heard in special

courts, all cases are seen in Federal District Courts (Akgül, 2008: 120). They are tasked with hearing federal criminal, civil and administrative cases within their jurisdiction (Balo, 2012: 984)

2.3. The Principle of Separation of Powers and The Relationship Between Powers

The American Presidential System, which is based on the principle of a sharp separation of powers, is known as a representative democracy regime, which is formed with the influence of the federal system that has developed with its own dynamics in the historical process and is accepted as the best functioning presidential system in the world. The system, which was created by the founding fathers of the USA, inspired by the principle of separation of powers of John Locke and Montesquieu, was shaped on the principle of "stopping the power of power" (que le pouvoir arrête le pouvoir) by dividing the legislature and the executive to create a brake and balance system. Thus, this system based on the balance of forces functions smoothly in the USA, which is the country of birth.

Legislative, executive and judiciary draw attention as three main forces united in the state. Legislature refers to the functions of making laws, enforcing enforcement laws, and resolving disputes related to judicial laws by and through the judicial bodies. Gathering these three forces in the same hand creates a monster that is difficult or even impossible to contain. Therefore, every system that wanted to protect freedom had to separate these forces and hand them over to separate organs.

The starting point of the principle of separation of powers is the assumption that the powerful person or organ will abuse this power and influence the "other". Preventing the abuse of power and maintaining a balance between these forces is accomplished by exercising these forces by different organs in democracies and being completely independent from each other. Thus, while fulfilling the powers and duties of these organs, it is ensured that one of them is prevented from using the other for his own benefit and from influencing him. In democratic systems, in accordance with the principle of "separation of powers", it is essential that the legislature, the executive and the judiciary are independent from each other and the greatest danger is that the independence of the judiciary is damaged. Because the

thing called democracy is not just the ballot box. Of course, the will of the people is very valuable and decisive. However, there is always the possibility that those who come with the popular vote will experience poisoning of power and abuse their power, and the public should be protected against this abuse tendency. By using this power, it is necessary to prevent crimes against the people. Hitler also came with the vote of the people, but he abused this right and committed serious crimes against the people.

2.4. USA Federal Structure

Federalism is almost identified with the US Presidential Model, and in the federal system, political functions are shared between federal and federal states.

In the American system, both the federal state and the federal states can move freely within the boundaries drawn by the Constitution. The important issue here is that a new order in the sharing of power between the federal and federal government can only be possible with constitutional changes. In the federal system, a balance has been achieved between small states and large states. For example, while the House of Representatives is formed by population, each state is equally represented in the Senate. On the other hand, it is difficult to draw the limits of power sharing in the federal system absolutely. The powers and duties assigned to the federal state within the borders of the American Constitution can be grouped under three main headings. First, the federal government has a number of economic powers; like managing money, foreign trade, copyrights, patent rights. Secondly, they have defense powers; such as declaration of war, making an agreement. Third, the last resort in the legal sense is the supreme court and ensures that this system is a legal order. Federated states also have powers and duties determined by constitutional regulations; such as making regulations to regulate its own domestic trade, organizing local administrations, establishing a police force (Çam, 2000: 94-95).

In the USA, each state has constitutions and peoples declarations. Each state has a legislature, judiciary, and executive branch similar to the center. The conditions and methods for selecting these bodies can vary from state to state. In some states, various methods of direct democracy such as public meetings, public initiative, referendum, recall are also used.

In states except Nebraska State, the legislature is bicameral and the governor head the executive branch of the states. Governors come by election and can usually be elected for two terms. The judicial system of the states is also similar to the central government. Judges may differ from state to state in terms of their appointment. In some states, judges are appointed, while in others they are elected (Eroğul, 2012: 129-134).

PART III

3. THE CONSTITUTIONS FORMING PARLIAMENTARY SYSTEM AND THE PROBLEMS FACED DURING CONSTITUTIONAL PROCESS IN TURKEY

In this section, the Constitutional process of forming the parliamentary system in Turkey, constitutional changes and issues that may occur due to the implementation of the parliamentary system will be discussed.

3.1. Formation of The Parliamentary System in Turkey

Judging by the past in terms of Turkey's government systems, it can be said that the main framework of the parliamentary system has occurred since the beginning of "II. Constitutional" era. Some arrangements have been made since that day. However, the regulations were unfortunately insufficient in Turkish political life. For this reason, new systems have been searched from time to time; The most prominent and most discussed system has been the presidential system, especially since the 1980s. All these discussions have been the first time in the shadow of a very close presidential system peculiar Turkey. In this part of the study, the renewal processes of the parliamentary system since the "Kanun-i Esasi", which is accepted as the first transition to parliamentarism, will be discussed.

3.1.1. System According to the Constitution of 1876 [Kanun-i Esasi (The Ottoman Basic Law)]: Constitutional Monarchy

The model that Kanun-i Esasi tried to establish as the administrative system of the Ottoman State is the "constitutional monarchy" model. The constitutional monarchy model is also called 'constitutionalism'. This model is a form of administration in which a sultan and parliament coexist and the sultan's powers are restricted by the constitution and the elected legislative body (parliament). Because, with the constitutional monarchy, a parliament was added to the administrative level of the Ottoman Empire for the first time. Although the position of this parliament in limiting the powers of the sultan is controversial,

it is certain that the Kanun-i Esasi was the beginning of such a tendency in the Ottoman Empire.

The Basis of Law consists of 119 articles gathered in 12 sections. It has been amended 7 times in total with the changes made in 1909, 1914 (twice), 1916 (3 times) and 1918. It is a strict constitution, as it is decided that it can be replaced by a two-thirds qualified majority of both houses.

According to the Kanun-i Esasi, the Ottoman State resembles the unitary state shaped according to the regions it has and its administrative structure (Kanun-i Esasi bl. 1, art. 1). In the article 1 of Kanun-i Esasi, it is stated as follows: In accordance with the traditional method of the Ottoman sultanate, the oldest son from the Ottoman blood was named - the child of the decree - (Kanun-i Esasi, bl. 1, art. 3). Since it is stipulated in this article that the presidency is inherited, the Constitution of 1876 accepted the monarchic state quality (Gözler, 2000: 19-23). Again, based on this article, it is seen that the divine right of the Sultan was a concept that was accepted in 1876 (Devereux, 1963: 63). The holiness and irresponsibility of the Sultan and his title of caliph were also emphasized in the first part of the Law-i Esasi (art. 3-5).

In the management model shaped by the Kanun-i Esasi, the legislature was arranged as a double chamber, as in the USA. Meclis-i Umumi consisted of two separate wings, namely Heyet-i Ayan and Heyet-i Mebusan (Kanun-i Esasi, sec. 5, art. 42). These two wings could be gathered simultaneously, in other words, if one was not in a meeting, the other could not be gathered (art. 43).

The formation of the Meclis-i Umumi was regulated by a regulation called “Talimat-ı Muvakkate on the form and appointment of Meclis-i Umumi” (Baykal, 1960: 609-612 as cited in Kılıç, 2011: 28.). In fact, there are detailed information about the assembly in the Kanun-i Esasi. According to this;

The 1876 council was defined by saying that the Council of Ministers was elected one representative for fifty thousand men and it was the council represented by the elected party (art. Therefore, the total number of members of the lower house is the result of fifty thousand division of the total male population. The elected MPs are elected by secret ballot

to serve for four years and they can be re-elected (art. 66 and art. 69). While those who cannot be elected as deputies are listed in article 68 of the Constitution, those who can be elected are specified in article 3 of the aforementioned regulation. Every Ottoman who gained trust in the society, was adopted by the public, knew the official language of the Ottoman Empire, had passed the age of 25, was not convicted of any murder or crimes with political actors, and owned a small amount of real estate, had the right to be elected as a member of the Parliament (Kılıç, 2011: 29). Meclis-i Mebussan could be dissolved by the sultan, provided that it was reopened within six months (art. 73).

The Heyet-i Ayan seemed to have been designed for the Sultan to sympathize with the legislature. This assembly, which Devereux called the Senate, was created for the control of the lower cabin. Because its members were appointed by the sultan (art. 60). While the deputies elected by the people represented the people, the senators appointed by the sultan assumed the role of representing the sultan in the legislative process (Devereux, 1963: 227). The number of people of the Heyet-i Ayan, which constitutes one of the two wings of the Meclis-i Mebus moment, was limited and determined as one-third of the whole assembly (Devereux, 1963: 229).

In order to be appointed as the senator of the Heyet-i Ayan, one had to reach the age of forty (art. 61). The conditions for being a member of the Heyet-i Ayan were listed as follows: those who are in senior management positions, namely; Even if he had served as deputy, army marshal, kadi-military, embassy, clergyman, and chief rabbi, and at the same time dismissed from his duties, appropriate persons could be appointed among the land and sea generals and among those who had sufficient conditions (art.62). Unlike MPs, the term of office of senators continued for life (Devereux, 1963: 228).

The duties of the Meclis-i Mebusan and the Heyet-i Ayan are defined in the constitution, as are the duties of the councils, which are the organs of local governments today. The Meclis-i Mebusan negotiates and monitors the incomes and expenditures of the state as well as the laws and regulations, and the Heyet-i Ayan examines the laws and regulations made by the Meclis-i Mebusan, approves or refuses if necessary and sent them back to the Parliament (Parliament). Kılıç, 2011: 28). The duties of the Heyet-i Ayan were listed as follows; within the law or similar legislation coming from the lower house; It was

to examine whether there was anything that could harm religious affairs, the rights and freedoms given by the sultan, the Articles of Law, the integrity of the State, the internal security of the country, and general morality (art. 64).

It was subjected to a process close to the Meclis-i Umumi in terms of the way it followed in making laws. If the draft laws, which will be prepared by exchanging ideas with the Council of State, after being prepared in the Council of Vükela, after having been examined and deemed appropriate in the Heyet-i Ayan and then in the Heyet-i Mebusan, if the laws are ordered with the approval of the Sultan, comes into force. If a negative decision was taken in any of the aforementioned Delegations, the draft law could not be put on the agenda again during the meeting period of that year (art.53-54). The striking points as contradictions in terms of modern constitutions on this issue are the limited power of the parliament to prepare draft laws and the inability of the parliament to re-send the laws that the sultan did not approve, that is, it could not resist to sultan's veto.

According to the Kanun-i Esasi, the executive body consisted of the Sultan, Grand Vizier, Şeyhülislam and the Heyet-i Vükela, who was the first example of today's Council of Ministers. The sultan is the head of the executive and theoretically himself (Cin and Akyılmaz, 2003: as cited in 470: Karakoç, 2006: 129). The other elements of the executive body, the Grand Vizier, Şeyhülislam and their deputies, were appointed by the Sultan (art. 27) and they could be dismissed by the Sultan. The topics to be discussed in the Heyet-i Vükela; It was divided into two as 'those subject to permission' and 'not subject to permission'. Permission should have been obtained on matters subject to permission by consulting the Sultan (Karakoç, 2006: 131). The Heyet-i Vükela had the authority to issue "temporary regulation in force of law" in some cases specified in the Constitution (art. 36).

The first Constitutional Law enacted after the Kanun-i Esasi is advanced in terms of its innovations and content. It is in almost the same position with the Constitutions created in 1961 and 1982. At the same time, it can compete with most of the Western European states (Gözler: 2005).

The amendments made in the Kanun-i Esasi in 1909 contributed greatly to the system being called like a parliamentary system. Because, the sultan was no longer able to

determine the ministers, but only the grand vizier as a requirement of the parliamentary constitutionalism (Eroğul, 2010: 93). The Grand Vizier was also able to determine his ministers and submit them to the sultan's approval, as did the prime minister in the parliamentary system, which is now in the past for us. It is stated that, after the 1909 changes, it carried the Heyet-i Vükela to the position of the main element of execution (Gözler: 2005).

The 1909 amendments also significantly restricted the Sultan's powers regarding the parliament, for the benefit of parliamentarism. However, the requirement of obtaining the permission of the Sultan in order to propose a law was removed. The "absolute refusal" authority of the Sultan regarding the laws was demolished and the "delaying and complicating refusal" authority was revealed, and the Sultan was given the right to approve the laws or send them back to the parliament only after they could wait for two months. The Assembly, as in modern practice, could overcome the Sultan's veto by approving the law by a two-thirds majority. Since 1909, it can be said that the end of the Sultan's absolute sovereignty over the executive and legislative powers, and on this occasion, Turkey's transition to parliamentarism began.

3.1.2. System According to The 1921 Constitution (Teşkilat-ı Esasi): Parliamentary Government

The 1921 Constitution is a framework constitution consisting of twenty-three articles under seven headings (Özer, 2010: 18). The majority of constitutional articles explain the provincial organization. As can be seen below, it is noteworthy that interesting details about the provincial units are regulated in a Constitution, which is not long enough to determine the nature of the judicial body and the election procedure of ministers. Therefore, it is stated that this Constitution attaches great importance to the decentralization principle and local governments (Gözler, 2007: 33).

During the period when the 1921 Constitution was implemented, the Turkish state used the "parliamentary government system" (Özer, 2010: 133). The first feature of the parliamentary government system that stands out is the gathering of the legislative and executive powers in the parliament (Turhan, 1991: 456). This feature is expressed in the

second article of the 1921 Constitution as follows: "Executive; It comes out of the legislature and meets in the parliament (art. 2). At the same time this Constitution, "The State of Turkey is governed by the Grand National Assembly and the government of the Grand National Assembly carries the government's name (art. 3)" and as per the organizational administration also refers to parliament.

The election of the members is stated in Article 4 as follows, and the members of the council representing the nation consist of representatives elected by the nation (art. 4). According to the election procedure, it is held once in two years and the duty of the elected representatives is two years and it is possible to be re-elected (art. 5). There is no provision in the 1921 Constitution that restricts eligibility to parliament with criteria. Since it is known that the articles of the Kanun-i Esasi, which do not contradict with the 1921 Constitution, are valid, the provisions of the Kanun-i Esasi may come to mind as the conditions for eligibility. Since the Constitution is not very short and detailed in real terms, it still includes Kanun-i Esasi in it.

As a requirement of the parliamentary government system, the Constitution does not address the post of head of state. The powers and responsibilities of the Presidency have been given to the President elected within the parliament (Gözler, 2007: 32). The elected President is authorized to sign and confirm the decisions of the Board instead of the Grand National Assembly. The members of the Council of Ministers elect one of them as their President. However, the head of the Grand National Assembly is also the head of the Council of Ministers since he is not the Prime Minister (art. 9). As it is understood, the duty of the Prime Ministry is also carried out by the President of the Assembly.

Since it is impossible for the Grand National Assembly with its nearly three hundred and fifty members to carry out the executive affairs, it was decided to establish the Kuvve-i İcraiye on 25 April 1920 (Turhan, 1991: 457).

The changes made in the Constitution of 1876 in 1909 shifted the constitutional monarchy to a large extent towards a parliamentary system. Likewise, in the 1921 constitution, in 1923, important innovations and changes were made that directed the parliamentary government system towards the parliamentary regime. That is to say, the form

of the state was declared as a republic (art. 1) and the election of the President was decided (art. 10). As explained in Article 12, the Ministers will not be elected within the parliament, which is the representative of the people one by one, and the Ministers will start to work with the approval of the President, that is, the President, who will be determined by the Prime Minister in accordance with the parliamentary system (Ay, 2004: 3).

In order to explain this orientation and changes to the parliamentary system, it will be useful to discuss the Republic Period.

3.1.3. System According to the Constitutions of the Republic Period (October 29, 1923)

When the republican regime was accepted on October 29, 1923, the Constitution of 1876 was partially in force and the Constitution of 1921 was in full force. The current constitution, built on the system of parliamentary government and the unity of powers, was naturally insufficient to meet the need. Because now the presidency was established, a separate executive body emerged from the legislature. So, even though there was a unity of powers, the understanding of separation of duties was on the agenda. Therefore, the need for a new constitution that could be compatible with the republican regime emerged. Consequently, the constitutions of the republican period were entered with the Teşkilat-ı Esasiye dated 1924.

The preparation process of the 1924 Constitution started with the Kanun-i Esasi Encümeni's proposals to the parliament (Akın, 2006: 5, as cited in Tanör, 1998: 290), without adhering to any previously thought plan or project. Based on the speech of the Commission Representative Celal Nuri Bey in the General Assembly negotiations that started on 9 March 1924, the Polonia Constitution was used when making the Constitutional scheme (Mumcu, 1986: par. 10). This draft, prepared by the Council, was accepted by the Grand National Assembly on April 20, 1924, with some important innovations. This constitution, consisting of one hundred and five articles gathered in six sections, was amended five times, in 1928, 1931, 1934, 1937 (2 times) (TBMM: n.d.).

The second Constitution of the Republican period is the 1961 Constitution. This constitution is known as the constitutional order created after the military intervention on 27 May 1960. It was organized by a commission of 20 people elected from the House of Representatives, a wing of the constituent assembly established on December 13, 1960. The draft bill, which was discussed in both the House of Representatives and the National Unity Committee, was adopted in the joint meeting of the constituent assembly with 260 acceptance and 2 abstention votes. After being approved in the referendum held on July 9, 1961 with a 61.5% yes vote against 38.5%, it was published in the Official Gazette on 20 July 1961 and entered into force. It consists of 157 items collected in six parts. It is a rigid and detailed constitution compared to other constitutions. Its distinctive feature is that it has established the Constitutional Court to control the constitutionality of laws. The third Constitution of the Republican era is the 1982 Constitution which is still in effect. This Constitution came about like the 1961 Constitution after a military intervention.

A visible part of the 1982 Constitution was created by converting the Council laws into the Constitution (Ayan, 2007: 8). Various indirect proposals were not negotiated as in 1961. But of course, ideas were exchanged. With the law dated June 29, 1981, the Constituent Assembly consisting of the Consultative Assembly and the National Security Council was established. The most important task of this assembly was to prepare the new constitution (Gözler: 2004). The Constitution prepared by the Constituent Assembly was accepted in the Constituent Assembly to be put to referendum on October 18, 1982. After being accepted with a vote of over 90 percent in the referendum held on 7 November 1982, it was announced in the Official Gazette on November 1982 and entered into force (TBMM: 2011). It is a casuistic or detailed constitution. It is a strict constitution, as it can be changed in a way other than laws. It consists of 177 items gathered in seven chapters. Another point to note here is that the Constitutions become detailed in terms of substance and content according to the conditions and developments.

3.1.4. The 1924 Constitution: The Mixed Government System

The 1924 Constitution adopted a system of mixed government that could be called 'union of powers but separation of duties'. This mixed government system represents a kind

of mixture of the parliamentary government system, which was the previous constitutional system, and the parliamentary system. In other words, the 1924 Constitution is a constitution that includes provisions that evoke both systems.

According to the 1924 Constitution, only the parliament represents the nation and uses the right of sovereignty instead (art. 4). Again, legislative power and executive power are gathered in the Grand National Assembly (art. 5). The House of Representatives can inspect the elected administration at any time, or drop it if it wishes (art. 7, fk. 2). These three articles are shown as the articles of the 1924 Constitution indicating the parliamentary government system (Gözler, 2000: 57-75). Especially the fifth item is the most obvious indicator of this. As can be seen, the assembly is not only the body where the legislative power but also the executive power is gathered. Moreover, since the parliamentary system has not been fully formed, the elected administration has no trump card against the parliament, which is the representative of the people. That is, although the parliament can dissolve the government, the government cannot dissolve the parliament. The Assembly is in a superior position. In this case, the government is theoretically extremely weak (Mumcu, 1986: 383-399).

As explained in the 1924 Constitution, the Assembly uses the executive power through the President and the Council of Ministers appointed by him (art. 7, paragraph 1). While the Prime Minister was previously elected from the Council of Ministers and at the same time served as the President of the Assembly, now the head of the Council of Ministers is appointed by the President from among the members of the Assembly. Other ministers are presented to the Assembly after they are elected by the Prime Minister from among the members of the assembly and all of them are approved by the President (art. 44, paragraph 1-2). These articles are the indicators of the shift of the 1924 Constitution to the parliamentary system (Gözler, 2000: 57-75). Because, as can be seen in the seventh article, the Assembly needs the President and the Council of Ministers since it cannot exercise the executive power given to it in the fifth article alone. As in 1921, electing ministers and many powers were not vested only on the President of the Assembly. The method of appointment of the prime minister and ministers discussed in the forty-fourth article is a requirement of today's parliamentary system.

Finally, the principle of "collective responsibility of the government", which is an important feature of the parliamentary system, has been explicitly accepted in the forty-sixth article (Özbudun, 1989: 11). Legislative task, as described in the special laws, was given to the nation's representative of the Grand National Assembly of Turkey. The conditions for being a deputy are as follows; The age to be elected as a deputy was thirty (art. 11). Parliamentary elections were held every four years and it was possible for deputies to be re-elected (art. 13, paragraph 1-2). Elections in 1921 were held every two years. The Assembly was meeting every year in November without the need for an invitation (art. 14). Deputies had legislative immunity and non-legislative responsibilities (art. 17). The re-election situation is still in question.

In the twenty sixth article of the Constitution, the duties of the legislature are listed as follows. According to this; to enact laws, make changes in laws, interpret and abolish laws, make treaties and peace with states, declare war, examine and approve the state's budget and final account laws, print money, approve and disrupt monopoly contracting agreements and privileges, declare general and special amnesty, to alleviate and change the penalties, to postpone law investigations and legal penalties, to fulfill the death penalty provisions that have been finalized after leaving the courts were the responsibility of the parliament.

The principles regarding the President and the Council of Ministers, which are the elements of the executive power, stated in the third part of the 1924 Constitution with the title of executive, give an idea about the structure of the executive power. The elected president could send him back to the parliament on the grounds of his laws. If the Parliament accepts the law sent back by a certain majority, the President has to publish the law (art. 35, paragraph 2-3). Here, vetos are mentioned.

The formation process of the Council of Ministers, which is another element of the executive power, starts with the President's appointment of a name he deems appropriate from among the members of the parliament. Other ministers are elected as in the Parliamentary System. Thus, the council of ministers is determined. The designated Council of Ministers has the following powers. It has the power to propose laws (art. 15). In addition, it could issue a statute provided that it was examined by the Council of State (art. 52). Finally,

it is seen that the executive branch was explained in the 1924 Law of Establishment as in the Parliamentary System (Gözler, 2000).

Regarding the judiciary, the remarkable point in the Constitution is that although the legislature and the executive are mentioned as duties, the judiciary is called a power / force. Because, according to Tanör, this detail indicates that the judgment has been raised (Tanör, 1992: cited in Gözler, 2000). The jurisdiction understanding of the 1924 Constitution was built on the phenomenon of "independent court", as if supporting Tanör's thought. Judges are somewhat independent. However, they are bound by the provision of law (art.54). Judges cannot be dismissed from their duties except for the procedures and conditions set forth in the law (art.55).

An important part of the section under the title of Judiciary is divided into articles explaining the Supreme Court. As is known, there was no Constitutional Court at that time. Therefore, the Supreme Court was elected for the election period in order to fulfill the duty of the Constitutional Court and it was possible to be re-elected (art. 31). The President, who was theoretically equipped with symbolic powers, was the head of the state (art. 32). The President did not have "absolute and complicating" veto power over the laws passed by the parliament (Gözler, 2000). The Supreme Court consisted of eleven members to be elected from the Supreme Court and the other from the Council of State president and participants. The remaining six members were substitute members (art. 62-63).

3.1.5. 1961 Constitution: Parliamentary System with Weak Executive Power

The 1961 Constitution gave up the mixed system established by the previous constitution and built a pure parliamentary system (Ulusahin, 2011: 31). This government system is also referred to as "Westminster Type Parliamentary System" (Ay, 2004: 4). According to the previous constitutions, a British-type parliamentary system based on the soft separation of powers was adopted, leaving the unity of forces, and the position of President was shaped accordingly (Asilbay, 2013: 258). Because the characteristic of this constitutional system is that it gives a weak status to the executive body (Kuzu, 1992: 216). In a text that lists the points where the 1961 Constitution is separated from the previous

constitution, it is stated that it is based on the principle of separation of powers and control / balance system (Hazama, 1996: 317). The legislative power is the representative of the people, the parliament. This authority cannot be left to another level (art. 5). The executive duty is undertaken by the President and the Council of Ministers (art. 6). The president still shares the executive function with the council of ministers, but their authority now stems from the constitution, not the legislature (Szyliowicz, 1963: 372). In other words, the Council of Ministers has had a constitutional basis. Judicial power is given to courts that are not dependent on the individual (art. 7). As can be seen, while the legislative and judicial powers are mentioned in this Constitution, the executive is described as a duty. A similar interpretation of Tanör's interpretation of the 1924 Constitution has also been brought for this Constitution. It is seen that this naming difference in the form of authority and duty is used to support the view that the legislature, executive and judiciary are not equal (Szyliowicz, 1963: 372).

Legislative power is entrusted to the Grand National Assembly of Turkey. The Republic of Turkey has used the constitution with said first double-chamber parliamentary system. Turkish Grand National Assembly; It consists of the National Assembly and the Republic Senate (art. 63). This bicameral structure, designed to slow down the legislative process of the upper house, is a trivet of the control system that is attempted to be established (Szyliowicz, 1963: 364).

Soysal suggests three main reasons causing the need in second council in Turkey:

"1) Putting an end within the parliament to a system that is very suitable for turning into a single party and thus leads to the domination of the parliament.

2) To raise the level of parliament arising from the fact that all people are voters and have the right to be elected, and to create a powerful and high-level parliament that will understand the needs of public services.

3) To put an end to the pressures that the Assembly wants to do and does with the public service organization and its personnel, the lack of knowledge and experience on the administration, personal influence and desire ”(Soysal, 1969: 47).

The number of members of the National Assembly and the conditions for election of members are listed in the 1961 Constitution as follows:

Unlike other constitutions, the number of members was increased in the 1961 Constitution, and it was stated that the National Assembly was formed from four hundred and fifty deputies elected by universal suffrage (art. 67). According to the 1961 Constitution, the age to be elected as a deputy is thirty (art. 68). Members are elected every four years (art. 69). The Senate of the Republic consists of one hundred and fifty members determined by general vote and fifteen members determined by the President (art. 70). Members of the Senate of the Republic are elected for six years and the same candidate can be re-elected (art. 73). One third of the members of the Senate appointed by the President of the Republic shall be renewed every two years (Article 73, paragraph 2).

As explained in the 1921 Constitution, the powers of the parliament are to enact, change and abolish laws. It is to discuss and accept the budget and final account draft laws of the state, to issue money, to declare general and special amnesty, and to fulfill the death penalties that are given and finalized by the courts (art.64). However, it should be noted that the law-making process and the places of the assemblies in this process are quite complex. Other duties and powers of the Turkish Grand National Assembly are to approve international agreements (article 65) and to allow the use of armed forces (article 66). In addition, it has the authority to supervise the government through mechanisms such as censure and parliamentary investigation, which are the control tools of parliamentary systems, and to overthrow the government with the absolute majority of the total number of members as a result of no confidence (art. 89-90). The means of parliamentary control were mentioned for the first time in the 1961 Constitution.

The biplane executive body, which is one of the characteristics of the parliamentary system, showed itself in the 1961 Constitution in the separation of the president and the council of ministers. (Eyes, 2000: 77-92).

The President, accepted as the head of state (Art. 97), is elected for seven years by the Grand National Assembly of Turkey by secret ballot, among the candidates who has

attained the age of forty and higher education. With the 2007 change, the President can be elected 2 times in a row for 5 years.

The President is not responsible for his actions regarding his duty (art. 98). Although the Council of Ministers consists of the Prime Minister and ministers, ministers are elected by the prime minister and approved by the President, provided that they meet the conditions of being a deputy (art. 102, paragraphs 1-3). As a requirement of the parliamentary system, the council of ministers needs the confidence of the parliament when starting its office (art. 103).

Another distinctive element of the parliamentary system, the executive's power to terminate the legislation is regulated in this Constitution under the name of renewal of elections. The President could exercise this power as a result of negotiations with the Prime Minister and the heads of the assemblies (art. 108). According to the original version of the 1961 Constitution, the Council of Ministers could issue regulations (art. 107). However, as a testament to the weak executive power tendency, the Council of Ministers was not mandated to issue legislative decrees. In 1971, by abandoning this trend, some changes were made in the Constitution that will strengthen the executive. The authorization of the Council of Ministers to issue decrees in the force of law can be expressed as one of these steps (art. 64, modified 20.09.1971).

The judiciary begins with the independence of the courts and the security of judges. It is tried to register the independence of the courts with the phrase “No organ, authority or person can give orders or instructions to the representative judicial organs of justice to exercise their powers; cannot send circulars cannot make recommendations and suggestions (art. 132)". The Supreme Court (art. 139), the Council of State (art. 140), the Military Supreme Court (art. 141) and the Court of Disputes (art. 142) are listed in the Constitution as high courts and the principles regarding these courts are specified.

One of the most important innovations of the Constitution made in 1961 to ensure that judges are not adhered to anyone, is the establishment of the Supreme Council of Judges (Gözler, 2000: 77-92). The Board consisted of eighteen members, six from the General Assembly of the Court of Cassation, six from amongst the judges who were divided into first

class and six persons determined by the Turkish Grand National Assembly (art. 143). In this Constitution, it is claimed that the Minister of Justice, although he does not have the vote, is a voluntary participant, eliminating many problems related to the "independence" issue (Özay, 1991: 111).

3.1.6. 1982 Constitution: Features of the Current Parliamentary System

After the end of the Presidency period of President Ahmet Necdet Sezer in 2007, there have been a number of developments that fully accelerate the quest for a new constitution in Turkey (Özbudun and Gençka to 2009: 97). A completely new Constitution has not been prepared yet, but in the context of these developments, important changes have been made in the Constitution. Therefore, while the 1982 Constitution is evaluated in terms of system, the thirty-four-year period in which the Constitution is in force is generally divided into two as before and after 2007. (Heper and Çınar, 1996: 491). What needs to be evaluated separately after 2007 is the emphasis that the President will now have a definite legitimacy based on the general election.

The 1982 Constitution, like its predecessor, preferred the parliamentary system. However, due to the fact that it is a reaction constitution, it also brought up important differences in terms of the system. While writing the Constitution, it was believed that the executive should be stronger, unlike the previous period. For this reason, the executive power has been shaped incompatible with the parliamentary system. Because the Presidency office has been strengthened instead of the government. Because, strengthening the executive in accordance with the parliamentary system would only be possible by strengthening the government, which is the main responsible and competent wing of the executive (Duverger, 1986: as cited in 90, Hekimoğlu, 2003: 400). Uluşahin bases this definition on showing the President as a separate 'head' with his important powers that he can use against the prime minister and the council of ministers when necessary, rather than being a wing in the executive. According to Soysal (Soysal, 1997: 193), the system established by the 1982 Constitution is a parliamentary system that does not make the control mechanism of the judiciary strong.

According to the 1982 Constitution, the legislative power is in the parliament as in the 1961 Constitution. This authority cannot be left to anyone and cannot be transferred (art. 7). Contrary to the 1961 Constitution, the Assembly consisted of five hundred and fifty representatives without being divided into two wings (art. 75). The age of 25 is stipulated as a condition of election (art. 76). Assembly elections are held every four years (art. 77). The duties of the assembly are as follows:

To enact, change and abolish laws; to supervise the council of ministers and ministers, to authorize the council of ministers to issue decree laws on certain issues; discussing and adopting budget and final account bills; deciding on the printing of money and the declaration of war; to approve the ratification of international treaties; the decision of the three-fifths majority of the total number of members of the Assembly is to decide on the announcement of general and special amnesty and to use the powers and fulfill the duties stipulated in other articles of the Constitution (art. 87). The executive power is exercised by the President and the Council of Ministers (art. 8).

As can be seen, unlike previous constitutions, for the first time, the executive is described as an authority rather than a duty. The coincidental probability of this is low. Especially since it is a constitution written with a farsighted view to increase the powers of the executive, the statement of executive power and duty is meaningful.

The President, who is politically irresponsible, is elected only if he is over the age of forty and is a higher education graduate, if he meets the conditions for being elected as a deputy (art. 101). Prior to the constitutional amendment made in 2007, the President was elected by the secret vote of the two-thirds majority of the total number of members of the Turkish Grand National Assembly. With the same change, the term of office of the president, which was seven years, was reduced to five years, and re-election was made possible, provided that it was limited to two terms (Uluşahin, 2007: 30).

The election of the President by the people paved the way for the system to be renamed by Ulusahin as defective / distorted parliamentarism. Namely, having been in the summer of 2014 after the presidential elections in Turkey a clunky / corrupted semi-presidential system has actually entered into force. Because if a political regime and the

constitution that established it contain the following three components, it can be called a semi-presidential system (Duverger, 1980: 166):

• The President is elected by general suffrage;

• The President has very important powers;

• There is a Prime Minister and ministers opposite the President who have executive and administrative powers and can remain in office as long as the parliament wishes.

Only France and Portugal are described as semi-presidential countries, while Austria, Iceland and Ireland are included among the countries governed by a parliamentary system due to the weakness of their direct elected Presidents (Stepan and Skach, 1993: 9). the above approach in mind, depending on the characteristics of the Presidents of Turkey, it is possible to predict the system will be subject to a loop between the clunky semi-presidential system with a clunky parliamentary system. Because the system before 2007 could not be called a pure parliamentary system due to the powers given to the President. However, it was not possible to mention a President who was incompatible with the parliamentary system or who was strengthened enough to give the system names such as presidency and semi-presidency (Soysal, 1997: 193). However, it is clear that the Presidents can further reinforce their activities by interpreting the hundredth article of the 1982 Constitution broadly (Heper and Çınar, 1996: 491). That is why the periods of presidents elected by the people who tend to interpret the aforementioned article broadly can be defined as the periods in which the defective / broken semi-presidency system prevails.

The Council of Ministers, which has the executive power and duty after the President of the Republic; The Prime Minister, who is elected by the President from the ruling party or opposition party ranks among the deputies, consists of ministers elected from among those who meet the conditions of deputies from within or outside the parliament. Ministers proposed and elected by the Prime Minister may be dismissed by the President (Art. 109). The commencement of the board is possible with the reading of the program of the Council of Ministers in the parliament and a vote of confidence to be obtained from the parliament after the list of the ministerial council is submitted to the TGNA (art. 110). The Prime Minister is the head of the Council of Ministers and, together with the Council of

Ministers, he is responsible for the politics of the non-permanent government like the state (art. 112). The Council of Ministers has the authority to issue regulations by examining the Council of State in a way that is not against the law in order to realize the functioning of the laws (Art. In addition, it can issue a decree having the force of law based on the authority to be given by the Turkish Grand National Assembly (art. 91).

The 1982 Constitution, like the 1961 Constitution, emphasized the rule of law, especially with the rights given to the judiciary (Baltacı, 2013: 159). In line with this principle, the independence of the judiciary is theoretically guaranteed in the constitution. In article 9, emphasis was placed on independent courts, and in article 138, it was stated that judges were independent and would take conscientious and independent decisions in accordance with the law and morality. Again, in order to reinforce the principle of rule of law, the judgeship and prosecution professions are guaranteed in article 139 with the provision stating that judges cannot be retired against their will and that they cannot be dismissed against their will, and that their shortnesses and allowances cannot be confiscated. The independence of the courts, which is indispensable for the rule of law, is only possible with these guarantees (Özbudun, 2010: cited in 380, Baltacı, 2013: 160).

In order for the courts to fulfill their duties independently and without pressure, countries have established the judicial council which is authorized to appoint the members of the judiciary, to perform disciplinary issues such as recruitment and to manage the financial and administrative affairs of the courts (Erdem and Solak, 2009: 124). This is a guarantee to the members of the judiciary. The Judiciary Council stipulated by the 1982 Constitution is the HSYK. Its current name is HSK. The Board has aspects that are criticized in terms of judicial independence. For example, the fact that the Minister of Justice and his undersecretary are members of the board is one of these criticisms. The reason for those who defend the continuation of this practice despite being criticized is that the minister and the undersecretary constitutes a balance system. Because, according to them, having only one high judge in this board makes this board stronger (TESEV, 2012: 8).

3.2. Problems of The Parliamentary System

The parliamentary system is actually a system in which the executive is elected by the legislature and is elected from within the legislature, supervised by the legislature and dismissed only when there is insecurity in the legislature when necessary.

However, there are many differences between the explanations and applications of constitutions (Duverger, 1986: 10). For example, the parliament, which has the legislative power, is expected to control the government, which is the executive power. At the same time, in a system where there is no separation of powers between the legislative and executive powers, that is, in a system where the legislature and the executive are intertwined, it is very near impossible to happen. In addition, it will give in theory in countries with a parliamentary system; could not provide control. As an example given, the change in Turkey's ninety-two year history of the sixty-three power emerges as a statistic coincides with a ruling on each one and a half years. It is seen that the existence of coalition governments is limited to almost one year each. At the same time, it is seen that there have been eighteen elections since 1950, when democratic elections were held. When we have elections that were not held during the coup period, there is one election in three years.

3.2.1. Problems Arising From The Structure Of The Parliamentary System

The famous philosopher Sartori says that the main problem that needs to be addressed when creating a system is to bring active parliamentary control and active government together (Sartori, 1997: 11). Because in the administrations where the parliament is not effective, the governments come before us without supervision, whereas in the systems without effective administration, the countries become unstable and turn into an unstable structure. But the parliamentary system offers two assumptions where Sartori's view is applied to the contrary.

First; an ineffective executive that does not function at all or is slow, but under the control of political parties in the legislature.

Latter; An extremely strong executive that has rendered the legislation ineffective by taking it under control, leaving everything in the hands of the prime minister.

In the parliamentary system, the legislation should be weak and less effective in order for governments to take part effectively and actively and to be successful (Sartori, 1997: 147). The weaker the government against the legislature in a country, the more perfectly the parliamentary system appears before us. However, the fact that the power is so strong brings before us the possibility that the parliament is weak and that this government cannot be controlled. Besides, the answer to why many countries still apply the parliamentary system is; The first system to be applied by countries that have existed from authoritarian or totalitarian regimes when they will establish a new system; It is hidden in the parliamentary system and its being a type of parliamentary government (Sartori, 1997: 149). Another answer to this question will be their insistence on the continuity of the parliamentary system, since another system of government that can be controlled as easily as the parliamentary system is not possible.

While the parliamentary system brings many structural problems, many writers overlook the fact that a few of the problems encountered contain contradictions with each other. The biggest negative criticism of the parliamentary system is that it causes unstable, short-lived governments. What overlooked by the majority of authors is that the parliamentary system bypasses legislation, leading to overly powerful and difficult governments to control. The reason for this is that in countries where there is a parliamentary system, there are generally coalition governments.

When the parliamentary system is implemented, system-centered problems come before us as problems encountered during the times of single-party governments, problems experienced during the times of coalition governments, problems caused by electoral systems and problems stemming from rigid party discipline.

3.2.1.1. Problems in Single Party Governments

The single-party power is the control of the executive by a single party as a result of the absolute majority of the seats in the legislative power being gained by one party. In a single party rule, while the majority of the legislature is controlled by a party, at the same time the party gains the confidence of the majority in the parliament and becomes the government. Since the ruling party has a sufficient majority in the legislature during this period, it does not need to cooperate with a second party and the head of the ruling party becomes the unconditional prime minister. Duverger defines the prime ministers as "elected rulers" because of this power he has (Duverger, 1975: 80).

In a parliamentary system, a party to rule alone is something that is desired for countries suffering from coalitions. Countries ruled by single-party governments had a longevity compared to coalition governments. This results in a stable and effective government structure compared to coalition governments. But the long duration of governments cannot make them effective governments. In this regard, Sartori says that "governments can be both long-term and impotent" (Sartori, 1997: 152).

The problem of single-party periods in parliamentary systems is not a problem of ineffectiveness. The problem in the rule of a single party is that the ruling parties have been overly active and acted outside the constitution and legal boundaries. That is to say, since the leader of the party with the majority in the legislature and the prime minister will be the same person during the one-party rule, the legislature is dependent on the executive. Again, in this process, the legislature is expected to control the executive and, in some cases, to drop the government. At the same time, it is impossible to conduct inspection. Finally, governments that cannot be controlled by the legislature and control the legislation, after a certain period of time, the process of nationalization of the ruling party and politicization of the state bureaucracy comes before us.

3.2.1.1.1 Executive Dependent Legislation

In the yeast of parliamentarism there is the notion that the legislature “controls” the government and the government acts on the confidence of the legislature. However, in the parliamentary system, it is necessary to have the parliamentary majority in order to form a

government. In other words, legislative votes are actually voting to determine the majority that will create the government rather than the parliamentary votes. Regardless of the results of this voting, governments are like a photocopy of a single party or coalition legislature (Erdoğan, 1993: 39). The party that created the government has a parliamentary majority and the governments can easily make the changes they want in the parliament. For this reason, in the parliamentary system, the governments are above the legislature, and the governments are at the command of the legislations (Lijphart, 2014: 28-29).

But the government's superiority over the legislature is also linked to the government's remaining in power. Supporting this idea, Lijphart says that the parliament was strong during the coalition governments and weak during the one-party governments (Lijphart, 2014: 157). In the Turkish examples, there is no clear separation of powers between the legislature and the executive (Duverger, 1986: 40). Thus, during the single-party governments, the sharing of forces that Sartori emphasized does not occur (Sartori, 1997: 137). That is to say, even though there is a division of powers, it is again in favor of the government that constitutes the majority of the parliament. As a result, in single-party governments, the legislature may be completely subordinated to the executive. In this regard, it is said that the disintegration of the forces is not important anymore (Kuzu, 2011: 55).

However, although the separation of powers cannot be fully implemented today, the existence of this separation is an indispensable condition for regimes to remain in a democratic line. Because it is impossible to establish a pluralistic understanding of democracy in countries where there is no separation of powers. On the other hand, even though it is not possible for the legislature to make a law independent of the executive, during the single-party governments, it is almost impossible for a law requested by the executive to become law (Göze, 1995: 445). Again, in line with this idea, Duverger says that the ruling party can enact laws from the parliament and that its legal superiority will not change anything from this dependent state of the parliament on the executive (Duverger, 1975: 80).

In this system, a law that passes or does not pass through the parliament passes or does not, not because the law is suitable for the benefit of the society, but because the government party's request is in this direction, benefit or uselessness remains in the second place. The parliament, which appears to have unlimited authority and privileges in theory, is

practically under the control of the government (Özbudun, 1968: 73). He argues that the regulated two-party system causes the executive to be at a high level against the legislature (Lijphart, 2014: 29).

There are unfair aspects to this assumption as well as its justifications. For example, what makes the executive superior over the legislature is the fact that coalition parties or a single party have a large place in the parliament. The reason why the government party or coalition parties control the legislation is that the representatives of the parliament are members of the parties. At the same time, the existence of rigid party discipline forces the attorneys to follow the orders and instructions of the parties they represent. This causes the Majority party to dominate both the executive and the legislature. Thus, close contact is formed between the parliament and the government, thanks to the hard party discipline of the ruling party (Duverger, 1986: 45). In short; In parliamentary systems, parliament occupies a key place.

The parliament puts the government in power and can terminate its mandate, elect the head of state, and retain the authority to make laws. When a single party comes to power, it can use all these powers of the parliament as it wishes without resorting to any common means. In fact, the leader of the party holding all the powers, that is the prime minister, will have superior powers as the person holding both legislative and executive power, and the system will be under the administration of the president (Küçükalp, 2001).

3.2.1.1.2 Unregulated Governments

Within the basic framework of the systems that hold the principle of separation of powers, the executive task is carried out through the government, and the legislation opens the way of the executive by issuing laws and balances the executive with certain means. For these to happen, the legislature must be composed of participants independent of the executive. However, the absence of the desired separation of powers in the parliamentary system paves the way for a person to be both a legislative and a government participant (Lijphart, 2014: 153). In addition, during the periods of single-party governments, the

political punishment of attorneys who use votes against their political parties by their parties is regarded as normal (Göze, 1995: 453).

Based on this, Duverger also supports that due to having a parliamentary majority, the government cannot be inspected by the parliament and if necessary it cannot be dropped. Another issue is that the parliament has a decision against the cabinet and the ruling party puts its leader in political pressure. On the other hand, another problem is that the harsh party discipline trump card of political parties in their hands restricts the MPs from voting against the governments formed by their own parties (Göze, 1995: 447). Through his political party, the Prime Minister will prevent his government from being inspected by the legislature and prevent an action against his government from being approved by the parliament (Okandan, 1963: 11). As a result, the parliamentary majority of the ruling party members do not inspect their own government (Kuzu, 2011: 65).

At the same time, the parliamentary system actually has no solution to the situation of a bad-minded political party taking the country off the democratic horizon by winning just one election. It is the biggest proof that this system is incomplete and defective (Duverger, 1986: 82). Most of the parliamentary systems have a double assembly to solve this problem. However, the existence of a bicameral parliament brings about a confusion of authority (Sartori, 1997: 235). This time, a power crisis will bring us to the front and the system will be locked. There is no Westminister system like England in Turkey. However, in the period of single party governments, the system tends towards the westminister system, reaching the same level with the westminister governments.

The proportional representation system and list procedure implemented in Turkey make the attorneys more dependent on their parties than in the UK. In Turkey, unlike in Britain, assuming that the President and the Prime Minister are from the same party, there is a political power that cannot be controlled and cannot be restrained (Erdoğan, 1993: 93). As a result of such a situation, the democratic orientation is left only to the conscience of the president.

3.2.1.1.3 Party and the State Intermingling

The structuring of state policies based on the political views and thoughts of the political power and the dominance of party views over the state administration. The problem of intertwining party and state exists in countries where the head of state is elected to legislation. There is a situation where a party standing in power directs the state towards its own political policy by appointing the state organs according to its own wishes, and finally, by choosing one of its own political policies, the head of state has to dominate all parts of the state. In parliamentary regimes, such as Turkey, where the head of state is determined by the people, this problem may be encountered regarding the fact that the political power and the head of state are from the same political class.

In fact, the law that the prime minister wants will be enacted regardless of whether it is legal or not, and the appointment he wants will be made without obstacles to all judicial organs from top to bottom. In this case, the professional horizons of bureaucrats who do not act in accordance with the party ideology will not be bright. For example, in the American presidential system, if the parliament is compatible with the president, the president can say 'I am the state' (Erdoğan, 1993: 95). The same thing exists in the parliamentary system. So who can the state say it's me? Is the president or prime minister elected by the parliament? Actually, the answer is the head of state. However, in practice, the situation is contradictory (Erdoğan, 1993: 115). The power to govern in democracies should never be given to one person (Duverger, 1986: 30).

The center, which we can call the ideological owner of the state, creates problems when a name comes from the environment that is not from them (Erdoğan, 1993: 114). This is at the center of the problems experienced in the period of Turgut Özal and Abdullah Gül. As a result, it can be said that the authoritarianism of a single party and governing the state according to the ideologies of the political parties are the crises of the parliamentary system. However, what is meant to be expressed in this part of the study is that the parliamentary system is incapable of preventing the political power from shifting to these paths by the power of the parliamentary system against the parties or rulers who will resort to these methods.

3.2.1.2. Problems in Coalition Governments

In parliamentary systems, coalition governments appear in the absence of single-party governments. In the parliamentary system, if there is no two-party structure as in Britain, the generally seen form of government is coalition governments, therefore, parliamentary systems and coalitions and instability are the words associated with it. Because it seems difficult for the coalition partners to remain in agreement for a long time in a consensus, which causes the coalition governments to make structural adjustments and deal with daily affairs (Duverger, 1986: 42).

3.2.1.2.1 Unstable and Short-Term Governments

The parliamentary regime is actually a directorate regime. The directive regime is a system without hierarchical differences, where people in an equal hierarchy make decisions together. However, the obligation of the directive regime to act together in the decision-making process reduces the speed of decision-making and causes a vacuum in management (Duverger, 1986: 31). For this reason, the differences of opinion and opinion of the coalition partners in coalition governments prevent the actions of the governments and cause their lives to be short (Duverger, 1986: 87). What determines the lifespan of coalitions is that as the number of coalition members that make up the majority of the assembly increases, it is difficult to please these members, thus weakening the governments and weakening the coalitions (Lijphart, 2014: 91).

As mentioned earlier, coalition governments normally have short lifetimes, but according to Lijphart, what makes coalition governments even shorter is the lack of coalition partner parties, party rule and morality. However, in addition to that, in coalition governments different from the one-party government, although the parliament cannot control the government at the expected level, the coalition unions function as "control and brake" for each other, and the coalition unions perform the supervision task relatively. Therefore, since the prime minister, who is the director of the coalition, cannot rule over an absolute power, they will lead the government by making mutual agreements with the coalition partners (Duverger, 1986: 87).

On the other hand, coalition governments prevent the formation of an effective administration. According to Sartori, Coalition governments "stand still without doing anything" to extend their life, and coalition governments can do their important actions within the first six months. Because in the first six months, the partners will prefer to remain inactive due to problems in the partnership process (Sartori, 1997: 152). Therefore, coalition governments will start to wait in bed like a patient awaiting his death. As the number of parties in the parliament increases, the assumption of the formation of a coalition increases. However, having a program within each party also damages the free idea environment in the parliament and the interlocking between coalition partners (Duverger, 1986: 45), which is another reason for the collapse of coalitions.

In the coalition governments section, certain results have been obtained for the parliamentary regime, based on the claim that a coalition has existed so far. Well, what will happen if a coalition cannot be formed in the parliament formed after an election? What kind of a way will the system offer us? In case of failure to form a coalition, the first solution found is early election. But the parliamentary system never guarantees that the government will be formed and offers no solution options. He puts a single early election wildcard on the table and waits for the strongest government candidate to receive a vote of confidence, fearing that the members of parliament will once again enter the election race. However, if the administration of the political party to which the proxy is a member does not support the coalition or the minority government, the assumption of that proxy's vote of confidence is rather low. For example; In the June 2015 voting, four parties were placed in the parliament, but no single party could achieve the great voting potential to be in power, and Turkey faced the coalition government situation for the first time in thirteen years. At this time, the task of creating a government was transferred to Ahmet Davutoğlu, who was the leader of the party that was elected by the President, and Davutoğlu started "exploratory talks" with all parties that entered the parliament to create a coalition, something that has not been addressed for many years in our country. However, a government did not come out of these talks and exchange of ideas and Turkey opted for early elections. During this time, Turkey was ruled by the electoral government, which remained unmanaged for six months. When unfortunate situations occurred, the Justice and Development Party (AKP) came out by gaining the majority in the first elections and the government resolved the problem at the

end of six months. What solution would have been offered if the parties had not kept their old attitude and gave the majority to the Justice and Development Party? The answer is obvious, the parliamentary system offers no solution if a government cannot be formed. As a result, neither stability nor an active government can be mentioned in a democracy that regularly leads to early elections (Sartori, 1997: 154).

3.2.1.2.2 Weak Governments Against Political Structure and State Bureaucracy

In the coalition government, one vote of the minority is as valuable as one vote of the ruling party, because this decision must be signed unanimously for the laws to be passed in the parliament. If someone does not approve the mentioned law or activity, it will be impossible for that law to pass. Even if someone who does not approve of the decision is the smallest of the coalition partners, the coalition may be disrupted because the decision is taken against this partner. For this reason, coalition governments are actually walking on the ice. Anytime ice can melt or break. In coalition governments, ministries are divided among coalition partner parties. In these shared ministries, each minister stands side by side in a cabinet under the so-called prime minister. However, the main directors of the ministers are not the prime minister, but the leaders of the political party to which they belong. The prime minister remains in his seat by sharing the ministries like a kind of derby system (Duverger, 1986: 45). In such a case, it is impossible for the prime minister to govern the government with ministers attached to him for show.

In order for the prime minister to continue to rule, he must continue in his mutual interests, otherwise the government itself will come to an end at the point where the connection of interests ends. In another case, as the leading ministers are constantly changing, they cannot apply new policies to work with old staff.

3.2.1.3. Problems Caused by The Election System

Although the issue of electoral systems is perceived as a simple matter, it is not. Because election systems determine how the votes cast are shaped as seats (Sartori, 1997: p.

15), the allocation of seats in the legislature to be established differs depending on which election system is used. Electoral systems are divided into two parts: majority systems and relative systems.

Majority systems have three options called simple majority, absolute majority and proportional majority (Buran, 2005: 55-67). In the proportional representation system, as the goal was to distribute the number of seats in the parliament to the parties in proportion to the election results (Lijphart, 2014: 60), many sub-systems were created as it was aimed to minimize "residual votes". Some of these are the Hare method, the constant odd number method, the number of national elections, the number of environmental choices, the Hagenbach-Bischoff method, the d'Hont method, the classical Saint-Lague, the Saint-Lague Iskandiv version, the Turkish system I and II (Buran, 2005. : 73-82). In elections held with the majority system, it is expected to exceed 50% from the absolute winner, which is usually done in two-round systems. However, if a simple majority is desired, then the one who gets the most votes among those who entered the election at that time wins the election (Lijphart, 2014: 175). However, the expressions of the systems and their application in the parliamentary system differ. Because the reflection of the vote on the parliament is different.

Relative representation systems according to the majority system produce more proportional results compared to majority systems (Lijphart, 2014: 174). However, there are disproportionate results in certain applications of the proportional electoral system. On the other hand, proportional representation systems may draw conclusions that exclude small parties, although not as much as simple majority systems (Sartori, 1997: 59-60).

3.2.1.3.1 The Size of the Electoral District

The size of the electoral area is very important for the election result. Because the default electoral system and the size of the electoral circle directly affect the election result. Since the growth of electoral districts in absolute and simple majority systems will prepare the environment for non-objective election results, small electoral circles are suitable in these systems, whereas small electoral circles cause disproportionate results in proportional representation. For this reason, the larger the electoral circles in proportional representation

systems, the more accurate the result will be. In the proportional representation system, the best results are obtained in systems where the country is seen as a single electoral district. However, in systems where the entire country is accepted as the only electoral district, this time we will face a multi-party and divided parliament. In this case, either a government will not come out of the parliament or a multi-party coalition will emerge, which will not last long. For this reason, there are almost no countries that use the relative-absolute majority system in a wide electoral environment with single representatives (Lijphart, 2014: 182).

So what are the consequences if majority systems are used in large constituencies? The answer to this can be seen with the national balance system applied in Turkey between 1950 and 1957. For example, in the elections in 1950, each country was accepted as an electoral district and the party with the highest vote in that region got all the deputies in that country. As a result, in the 1950 elections, the Republican People's Party obtained 69 seats, corresponding to only 14% of the 487 deputies, with a rate of 39.6%. The Democratic Party won 415 of 487 deputies, that is, 85% of the seats in the parliament with 55.2% of the votes (Özgishi, 2014: 67-68). Likewise, the results were similar in the 1957 elections. For this reason, it should be used in single-named constituencies in countries with majority systems.

In other words, the electoral system chosen in the election of the parliament will be as successful as it conveys the views, ideas and political tendencies of the people to the parliament. For this reason, for the sake of integrity, the electoral system should not be accepted as majoritarian in parliamentary systems.

3.2.1.3.2 Election Threshold Problem

The electoral threshold is a limit imposed on the voting rate or the amount of seats won in order to reduce the number of small parties entering the parliament in order to ensure continuity in the administration. Since the proportional representation system brought many party members to the parliament, the German system introduced a threshold rule called "Sperrklausel" in order to prevent this. Electoral threshold limit differs from country to country. To give an example, this number is 0.67% in the Netherlands, 1.5% in Israel, 4% in Sweden and Norway, and 5% in Germany and New Zealand (Lijphart, 2014: pp.184-

185). Lastly, while this limit was 10% in Turkey, Greece has recently introduced a 15% threshold requirement.

According to many authors, the 5% threshold is not only a very high limit, but also harms the representational justice. With this being said, while the 10% electoral limit in Turkey offers an advantage to large parties, it has started to erase the parties under the threshold from politics. While the total of the votes of the four major parties in the parliament in the one of the last elections was 97.4%, the 3 major parties at the bottom of the threshold, the Saadet Party, the Great Union Party and the Vatan Party, made 1.6 together.

On the other hand, in the 2002 elections that took place in Turkey, only two parties took part in the parliament due to the threshold and until the middle part of 2007 the parliament continued with two parties. Consequently, AKP, which had the most votes in the elections with 34%, won 363 seats and dominated 66% of the seats in the parliament. On the other hand, the CHP, which got out of the election as the second party, gained 178 deputies in spite of the 19% of the votes it received, and obtained 32% of the parliament seats. Independently, 9 people entered the parliament and the combined vote of these candidates was 1%. Although those who have the system in Turkey advocate the proportional representation system, acting on the contrary, by putting an extremely high threshold of 10%, they created a contrast to the system they established.

If the result is reached, the threshold rule foreseen in the elections held with the proportional representation system aims to maintain stability in the administration by limiting the number of parties in the parliament, and this exit may seem a correct idea. However, election thresholds condemn politics around major parties and prevent polyphony.

3.2.1.4. Problems Arising From The Solid Party Discipline

The fact that the party administration establishes a command-to-command relationship over the participants and organizations of the parties, thanks to the power of the party, is a proof of the party discipline (Turan, 1968: 80). When it comes to party rules, it is mandatory compliance of party members with the political policies determined by the party

administration. Party rules mostly come before us over representatives in the legislature. For this reason, Duverger uses the concept of strict party discipline; He explains it as the system that puts a severe pressure on the representatives in the parliament and where group decisions must be implemented (Duverger, 1986: 44). Examples of harsh party rules are the political groups of the British and Turkish parliaments. The disciplined party system is "a requirement of parliamentarism" (Sartori, 1997: 127). However, while the party rules render the representatives unqualified, the representatives use the votes in the direction that the party administration wants, and remove what the administration wants from the parliament.

The existence of the government in the parliamentary system starts with the vote of confidence from the parliament. If it wants to get a vote of confidence, the government has to negotiate hard. On another issue, party members are in need of party management if the party prepares its candidate lists directly during the election period (Sartori, 1997: 32). The transformation of party organizations into an authoritarian form is the first indication of the decrease in individual freedoms in that country (Duverger, 1986: 47). Sartori divides these political groups into the ubiquitous “octopus party” and the weak “vestigial party”. The large number of parties in the system and the "octopus" structure in these groups affect every part of the society and shape the society with its policies. Sartori explains these groups as a cancer that spreads and exploits the social and economic structure of society (Sartori, 1997: 243). The element that lifts the separation of powers between the legislature and the executive is the rigid party discipline, and this is the most important factor that immobilizes the system (Duverger, 1986: 45). If there is a strict party discipline in parties, we may encounter situations that do not overlap with democratic elements such as weak democracy within the party and representatives responsible to the party manager.

3.2.1.4.1 Weak In-Party Democracy

The reason for many problems in politics such as constantly renewing itself, not being able to find an opposition to the problems, not being able to carry out long projects and being distant to society stems from the failure of democracy within the party (Vural, 2010: 154-155).

In the parliamentary system, due to the strict party discipline, the party orientation threatens the representatives in terms of both voting and the inclusion of their names in elections. The deputy who regards himself as a debtor to the party management, strengthens the position of the administration and strives to make decisions according to the management. A kind of proxy is now obedient. However, if the party uses a vote that is contrary to its opinion, the attorney is regarded as a traitor and the process can proceed until the expulsion. The speeches and discussions made by the deputies on the rostrums to persuade the other party become merely show meanings, and the speeches made cannot transform the views and opinions of any deputies. Sartori supports that party discipline is necessary when voting in a single chamber (Sartori, 1997: 244). However, it is not appropriate for the deputies to justify a law for their interests by ignoring the public interest (Sartori, 1997: 247). As a result, the deputies can be shaped according to the party leaders as soon as possible.

3.2.1.4.2 Deputies Responsible Against the Party Leader

According to Schmitt, the parliament is the governing body behind the party leaders (Schmitt, 2010: 23). Because the deputies do not go beyond the words of the leaders. The way the proxies forming the political party are elected is important in analyzing the relationship between them and the leader. While the candidates determined before the pre-election will cause the party leader to become stronger, the pressure of the parties on the candidates will be minimized in the determination of the candidates by the primary elections (Sartori, 1997: 30) and the candidates will be elected or not elected according to their connections with the public. In the system, the candidacy of a person again depends on his loyalty to the party. At the same time, the person should be able to rank at the top of the list (Sartori, 1997: 29).

In Turkey, which Sartori calls "Caligula's horse", it causes the existence of candidates who are unconditionally and unjustly affiliated to the party leader who is called "even if he nominates his jacket he wins". As a result, the deputies who carry out their affairs affiliated with the leaders have become destroying their political charisma. For this reason, deputies have often been accused of lying and accused of being people who get their salary

and spend their days in parliament. In single-party governments, the prime minister keeps everything under command thanks to party discipline. Thus, the separation of powers is eliminated and opposition parties are pushed out. On the other hand, coalition governments are the opposite. Because in coalitions, people see themselves as a deputy minister. Something they don't accept can turn into a crisis. The representatives here do not owe themselves to the prime minister, but are responsible to the party leaders. However, there is a need for a balance within the parliament or something to keep the members of parliament in balance (Schmitt, 2010: 63).

As a result, it is seen that the countries where the parliamentary system is applied brings many problems arising from the structure of the system. Countries that implement the system will encounter a form of government that is either unstable with coalitions or with single-party governments in which the prime minister has completely taken control of the system and can lead the people towards social contradictions while paving the way for one-manisation. On the other hand, he has been elected in a way with the elections in the executive that came out of the legislature. Therefore, either there will be disproportion in the distribution of seats in the parliament to be elected according to the majority system, or the disproportion will be eliminated by using the proportional system, and this time a parliament condemned to a coalition will be formed.

3.3. Advantages and Disadvantages of The Presidential System

In this part, advantages and disadvantages of the presidential system will be discussed. As these two topics were discussed in the whole study under different headings partly, here we will not keep the subject long.

3.3.1. Advantages of the Presidential System

3.3.1.1. Stable Management

In the presidential government system, the president derives his legitimacy directly from his election by the people. Therefore, a strong executive body emerges. Specialization,

which also occurs with the effect of the principle of separation of powers, ensures that the administration is effective in the executive body. On the other hand, the monolithic side of the executive body also results in the emergence of a strong and effective administration. Because the concentration of all powers under a single authority brings with it strong management. In addition, the uniqueness in management makes it possible to act swiftly and quickly. Quick and rapid action is a feature that should be carried especially in times of crisis and emergencies.

The absence of fear of being dropped by a vote of no confidence will make it easier for the president to take bold decisions and implement the government program he promised to the public. If the legislature attempts to obstruct the executive branch for an unjust cause, this will not go unnoticed by the public. In addition, ministers, ie secretaries, will not be concerned about being accountable and elected in the next elections, as they are not members of the legislature. For this reason, they will not use their duties for election investment, they will fulfill the requirements of public services. The fact that the head of state comes to power directly by popular vote will give the president an important spiritual authority as well as the abundance of legal powers. Thus, the president will easily become the dominant element of the system and a strong administration will emerge.

3.3.1.2. Strong Management

Since there is a separation of hard powers, there is no dependency between the legislature and the president, ie the executive body, in the presidential government system. Therefore, since there is no question of overthrowing the government by the legislature with a vote of no confidence, the executive branch will perform its actions for a certain period without fear of being overthrown. As a result of this, a stable management will emerge. On the other hand, a situation such that the parties in the Parliament agree to overthrow the government and cannot agree to form a government, is not seen in the Presidential government system, thanks to the separation of hard powers.

Government stability has an important effect in maintaining political stability. However, government instability does not always lead to political instability. It is rather

weak and bad governments that fuel political instability. A government can survive by doing nothing. However, that doesn't mean everything is going well. For example, although there was frequent government instability in Italy after World War II, there was no situation such as political instability. In the meantime, it should be taken into account that in underdeveloped countries and countries with not established democracy culture, the possibility of government instability leading to political instability is extremely high.

3.3.1.3. More Democracy

It can be said that the representation relationship in terms of executive is more direct than in other systems, since the president who has the executive power in the presidential government system comes to power directly by popular vote. Because the people will have clearly stated who they want to have executive power while voting. In addition to the ability to directly determine who will be the executive body, the public will not hesitate to evaluate the actions of the previous government and who is responsible for this action. If he liked the action, he would vote for the power again, if he did not like it, he would drop him from power. However, some authors rightly point to situations in which the public cannot hold an account in the presidential government system. That is to say, in countries where the president has a maximum term of office, a president who is experiencing his last term will not expect to be elected in the next term, so the possibility of the public asking an account directly from the person of the president disappears. In this case, it can only be mentioned that the party to which the president is a member is accountable to the public.

3.3.2. Disadvantages of the Presidential System

3.3.2.1. Rigidity

In the presidential system, the election of the president for a fixed term and the inability to be dismissed by the legislature within this period, except in very exceptional cases, gives this system a rigidity that is not available in the parliamentary regime. Advocates of the presidential system see this rigidity as one of the regime's advantages. Indeed, the

election of the president for a fixed term and the sole possession of executive power does not allow for the volatile and short-lived coalition governments occasionally seen in parliamentary systems. In other words, it provides stability in execution. On the other hand, rigidity does not allow the replacement of an unsuccessful president who has lost the trust of the public, or even his own party. However, the ability of parliamentary regimes to adapt to such crises and changing conditions is much higher. The crisis can be solved much more easily by ousting the prime minister, forming a new coalition and similar ways. If these efforts fail, it is possible to hold elections with the dissolution of the parliament and thus create a new government majority. Finally, one should not confuse the stability of the executive with political stability in general. Although the presidential system provides stability in the executive, the non-legislative adoption of laws that are necessary for the execution of the president's policy, the rejection of the president's budget can create much deeper crises than the government crises that can be seen in parliamentary systems. These crises can lead to the intervention of the armed forces as a "mediator power", as was frequently seen in Latin America before.

3.3.2.2. Dual Legitimacy

In the presidential system, the election of the president and the legislature by the people in separate elections gives both of them democratic legitimacy in terms of representing the will of the people. If the president and the legislative majority belong to separate parties or separate political tendencies, there is no democratic mechanism that can resolve this legitimacy crisis. The absence of such crises in the USA can be explained by the unique and almost unique positions of American political culture and especially political parties. It is clear that in countries where social division lines are deeper and parties are more disciplined and ideological, these crises will occur more frequently and their solutions will be much more difficult. In the presidential system, the election of both the president, who is the head of the executive, and the legislature, by the people causes the problem of "double legitimacy" and it is not foreseen which "will be considered first among the equals" in the disagreements between the two powers. In the parliamentary system, such a problem is not the only case in unipolar parliaments, as the executive is not independent from the

parliament. In biplane parliaments, when the majority of rival parties in both wings are in question, a double legitimacy problem may arise. This problem can also be encountered in cases where the "lower wing" of the Parliament was dissolved and the Senate could not be dissolved. According to some political scientists, the double legitimacy problem that can arise in biplane parliaments is negligible besides the benefits provided by the dual parliamentary structure.

3.3.2.3. Political Style

According to Linz, presidential elections, whether single-round or double-round, are usually a "bipolar" process that takes place between two major candidates, and this situation is likely to cause a serious polarization. In this process, where small voting differences will determine the winner, candidates may need to secure the support of extremist or anti-system parties with certain voting power. This deepens the polarization in society. However, as Linz himself points out, this danger is out of the question for countries where democratic rules of the game are adopted by the vast majority of society, anti-system parties do not exist, or where they are in a marginal position. As a matter of fact, presidential candidates in the USA mostly advocate centripetal policies by targeting "floating votes" in the center. Therefore, the danger of polarization seems to depend on the general characteristics of the political system and the political culture rather than the government system model. As a matter of fact, many parliamentary regimes, including Turkey in recent years, have witnessed an alarming degree of political polarization.

According to Linz, one of the consequences of the presidential system is that a confrontational style prevails in politics: “Perhaps the most important consequences of the direct relationship between a president and the electoral body are the feeling that the president can have that he is the only elected representative of the whole people, and the accompanying danger of mixing. The plebiscite element inherent in the authority of the president can make the obstacles and opposition faced by him seem very boring. In this disappointment, the president may tend to define his own policies as a reflection of popular will and those of his opponents as selfish plans of narrow interests. This worrying tendency towards cold indifference, disrespect, and even open hostility towards opposition cannot be

underestimated (Linz, 1995: 152). These statements, which are very familiar to our ears, reveal that the trend in question is not specific to presidential systems. However, it can be said that the structure of the presidential system will encourage a trend in this direction.

The political style promoted by the structure of the presidential system closely resembles the type of regime Guillermo O'Donnell calls "delegational democracy". O'Donnell says the following about the classic political style that dominated such regimes, with the 1994 title "Delegative Democracy", which he wrote largely inspired by Latin American presidential systems;

> *"The President is considered the embodiment of the nation and the principal protector and identifier of its interests. Other institutions - courts and legislatures, for instance - are annoying things on this view. Accountability to these institutions is seen as just the obstacles to the unlimited authority given to the president by proxy. In delegational democracies, candidates compete for the chance to rule, with almost no restrictions, except in naked, unorganized power relations. After the election, voters / delegates are expected to be passive but applauding spectators of what the president is doing. Horizontal accountability, which is the hallmark of representative democracy, is either absent or extremely weak in delegational democracies. Moreover, since the institutions that make horizontal accountability effective appear to be unnecessary ties in front of their missions by the delegating presidents, the presidents make great efforts to prevent the development of these institutions*."

Presidents are seen as "saviors of the country". Among the characteristics of delegational presidential regimes, one can also mention the extreme personalization of politics and the tendency of presidents to run the country by presidential decrees by bypassing parliaments. Indeed, it is difficult to find examples in which the presidential system embodies a long-lasting and stable democracy, except in the United States, which has very specific and unique conditions. In almost all Latin American countries that have adopted the presidential system in imitation of the USA, democratic processes have been interrupted by either military coups or the populist authoritarian governments of leaders such

as Juan Peron, Alberto Fujimori, and Hugo Chavez. Four important countries of South America (Brazil, Argentina, Chile and Uruguay) have witnessed long-term military dictatorships in the recent past. Venezuela, which has maintained a relatively stable democracy for a long time, has recently been thrown into a populist authoritarianism under the leadership of Hugo Chavez (Mueller, 2014: 121). Mexico, another important country in Latin America, has only recently passed from a hegemonic one-party (Revolutionary Institutions Party, PRI) administration to a competitive regime. In the third wave of democracy, especially with the effect of the changing external conjuncture, the period of military governments in Latin America seems to come to an end, but these democracies maintain their fragile or delegational qualities.

PART IV

4. PRESIDENTIAL SYSTEM AND TURKEY

In the previous chapters, the formation and necessity of the presidential system in the USA, then the development of the parliamentary system in Turkey, the problems encountered and the constitutional differences were emphasized. In this section, the discussions on the necessity of the presidential system from the past to the present will be discussed, and then the differences of this system from the presidential system in the USA and the parliamentary system we used in the past will be emphasized.

4.1. Periods When Presidential System Is Discussed

From the past to the present, the chaos of the presidential system first appeared in Turkey during the making of the 1982 Constitution. Presidential system chaos at the end of September 12; The Advisory Council, the Istanbul Law Faculty Executive Board, the Istanbul Bar Association and some lawyers discussed the presidential system (Fendoğlu, 2010: 22). To give an example, the statement of Süleyman Sırrı Kırcalı, a member of the Consultative Assembly of the Grand National Assembly of Turkey, to personally elect the President and his deputy by the people is an example of these discussions. In this regard, Kırcalı stated that the system is in accordance with the past government history of the Turks, while the parliamentary system does not fit the Turkish character and past (Advisory Council Minutes, 1982: 375). But at that time, this idea could not find enough supporters (Beceren and Kalağan, 2007: 175).

In Turkey, the debates on the presidential system were on the agenda for the first time in a significant way during the Presidency of Turgut Özal (Yılmaz: 2012). Here, Turgut Özal has speeches for the Presidential System before and after he won the Presidency. For example, the Prime Minister of the period Turgut Özal used the following statements in an interview in 1987 (Hürriyet Newspaper, April 23, 1987: 13 as quoted by Onar, 2005: 84-85): “I find it more democratic for the President to be elected by the people. Because the President has quite a lot of powers. Parties may nominate candidates or external candidates, but instead of parliament, the people should elect the President. The President should see

himself strong according to him. Attention, this is not a presidential system. So do not confuse it with the presidential system in America. We have given authority to our President… He has the weight… If the people elect, it will be stronger. "

As can be understood from this speech, Prime Minister Turgut Özal believed that the powers of the President could only be achieved when the people directly elected the President. However, Özal's idea cannot be proof that he supports the presidential system. However, it can be said that these statements are a preliminary study of the presidential system when Özal's friend, politician and bureaucrat Hasan Celal Güzel's statements (Güzel: 12 May 2012): “In our country, charismatic leaders have always preferred the presidential system. The charismatic leader who most wanted the presidential system is the late Özal. In fact, the late Özal was uncomfortable with the 1982 Constitution. He commissioned me to draft a concise and flexible Constitution. I prepared drafts of 35 articles of Constitution referring to all three systems and gave them to individuals. But after the 1989 Local Elections, ANAP started to lose power rapidly. "

The thing that the late Turgut Özal put forward while supporting the presidential system is the control of the parliament. He stated the following on this issue (Latest News: 03 November 2012): “If there is a transition from a parliamentary system to a presidential system, this means that the parliament performs its supervisory duty, its main task. The parliamentary system cannot do this inspection well. Because party groups own the parliament. This would be a single minority government. It does not seem possible either. " he said.

Another person who started the discussion on the presidential system in Turkey is Süleyman Demirel, one of the past Presidents. Süleyman Demirel also advocated that the head of state should be elected by the people and appointed (Onar, 2005: 85). Reminding his authority to overthrow the parliament, Süleyman Demirel stated that he wanted a strong Presidency as if he was making a presidential touch (Ünal: 1996).

In October 1999, in the speech of the TGNA to open the new legislative year, he said the following (Onar, 2005: 85 as cited in TBMMTD, 1999: 28): “The President should be elected by the people with two rounds of election. If your council deems it appropriate, it

should be elected twice. But it should be chosen by the people. If your aim is to strengthen democracy, it is absolutely necessary to delegate the consent and authority of the people to the Presidency. "

Discussion of the presidential system in Turkey was also expressed in the Liberal Democrat Party. However, what makes the Liberal Democratic Party different is the advocacy of the presidential system as party policy. In other words, one person's opinion was left aside and the presidential system was considered as a party view. Because the only political party that has included the full presidential system in its program since 1994 is the Liberal Democratic Party. The Liberal Democratic Party supports the use of the full presidential system, the need for the legislature to be unconnected with the executive, together with the "two-round narrow zone electoral system". Because the party sees these as the cornerstone of the presidential system (Mutlu: 23 November 2012).

4.2. Economic Aspect of Presidential System Discussions

Presidential system debates in Turkey have an economic basis. Because the parliamentary system is seen as a cause of political instability (Gözler, 2000: 27), it is thought that political instability also affects economic development. According to Kuzu (Kuzu, 2012: 92), it is not a coincidence that the governments of Menderes, Demirel, Özal and Erdoğan made breakthroughs in Turkey, even though they were of different shape and power. But, for example, Demirel could not make his breakthroughs in the coalition period when he was alone. That is why the presidential system is inevitably discussed.

There is a link between political instability and economic development. That is, the increased likelihood of government change should be considered together with the uncertainty about the new policies of the potential new government. Risk-averse economic actors may avoid taking economic initiatives or exit the economy by choosing to invest abroad (Alesina, Özler et al., 1996: 4). Because, according to Goodrich (Goodrich, as cited in 1992, Alesina, Özler et al., 1996: 31), foreign capital is negatively affected by high levels of political instability.

The relationship between the presidential regime and economic stability is explained with the following proposition (Güvel, 2010: 8), “The presidential regime limits the waste of political power in the hands of coalitions to a certain extent. This advantage provides the ability to determine or apply economic policies, thus increasing the effectiveness of economic stabilization programs. " As can be seen, it is generally accepted that there is a directly proportional link between political stability and economic stability. However, establishing such a relationship between coalition governments and economic stability is not as easy as the previous association.

Nooruddin (Nooruddin, 2011: 3) explains the relationship between coalition governments and the concept of economic development in a way that opens a new window on the economic dimension of the presidential system debates in Turkey. According to him, countries where decision-making authority spreads to political institutions controlled by actors including different social constituencies are more reliable in long-term policy stability. In other words, it refers to the people as a constituency. The spread of decision-making authority to many parties in this way is also a requirement of minority or coalition governments (Kashwan, 2012: 628).

4.3. Foreign Policy Aspect of Presidential System Debates

It is claimed that the problems occurring through the parliamentary system left Turkey in a favorable situation in foreign policy. The most important reason for this is the double-headed executive structure of the parliamentary system. Within this structure, the periods in which the President was active come to the fore in terms of foreign policy. For example, the USSR was disintegrated, the Turkic Republics gained their independence, and the then President Turgut Özal stated that such an opportunity could be difficult to happen again for the country. However, in the 1990s, the frequent changes in government and the disagreements between the administrators prevented us from taking this opportunity (Bal, 2013: 129). However, in the USA where the presidential system is implemented, as stated by former President Harry Truman as "I form the American foreign policy", although it is sometimes exaggerated, the biggest responsibility in the formation of foreign policy belongs to the President (Emiroğlu, 1999: 44).

The presidential system was reconsidered when the AKP just came to power, supporting it with the EU 2004 Progress Report. The report mentioned the election threshold in Turkey. The then Minister of Justice Çiçek responded as follows to the criticism of the ten percent threshold stated in the report. "This threshold has been brought to preserve stability, if it is considered to be abandoned, stability will be achieved by making a system difference, and in this case, it will be the presidential system to be elected (Onar, 2005: 86 as cited in Radikal Newspaper, December 7, 2004)".

It started with the statements of Prime Minister Recep Tayyip Erdogan in 2003: "My desire in politics is the presidential system, the most appropriate one for me is American model" (Sabah Newspaper: 2004). The discussions in 2003 became concrete with the recommendations of the AKP to the Constitution Reconciliation Commission in 2013, ten years later.

According to the proposal submitted by the AKP to the commission, the executive power belongs to the President and the President is also the head of the state (Justice and Development Party, 2013: art. 22). That is, the execution will be of a monolithic nature. The president takes office with a new election independent of the parliamentary election (art. 21). The president does not need any confidence vote from the assembly, nor is he responsible to the assembly. All these features show that the draft carries the basic characteristics of the presidential system. However, it is clear that in the system proposed by the draft, there are some important differences compared to the system applied in the USA (Ataay, 2013: 269).

It is a fact that the US political system is based on control and balance between powers, and essentially, all presidential systems should adopt this principle. When the system proposal of the ruling party is examined on this basis, the weight of the President stands out, and it is seen that the parliament lacks the mechanisms to balance this weight. In fact, there is a disconnection rather than an equilibrium. E.g; When the draft was sent back to the parliament for reconsideration, it required that it be accepted by a three-fifths majority in the parliament for publication by the President (art. 11). In other words, the president has a difficult veto power. On the other hand, the President's power to appoint senior public officials is not subject to the approval of the parliament, as in the USA (art. 22). However,

in the USA, the President's appointments are submitted to the Senate for approval, thus balancing the President's difficult veto power over the law.

While considering the issues on which the presidential system is based, it is said that the parliament and the government do not have the power to favor each other. In addition, it is stated that the most distinctive feature of presidential systems, which can not be called a presidential system, is the effectiveness of the president in the administration and the personalization of power, in addition to these, the President has the authority to dissolve and can present a bill to the parliament (Kuzu, 2012: 26- 38). In the AKP's proposal, it is seen that the traces of these features, which Kuzu underlined for the definition of presidential systems - although they were softened a little more, are observed.

In the AKP proposal, the President can issue a Presidential Decree when necessary (art. 23). These decrees are similar to the Decree Laws (Decree Laws) but have some distinct aspects (Ataay, 2013: 271). Because, the Council of Ministers' ability to issue a Decree Law depends on the authorization of the parliament. However, such an authority has not been stipulated for the Presidential Decree. The only limitation of Presidential Decrees is that the subject from which it will be issued has been previously determined by laws. From this statement, it can be understood that the presidency is positioned as a competitor to the parliament in every issue that is not subject to law. However, the parliament was given the right to repeal Presidential Decrees through the Constitutional Court and the option to hold a referendum (Ataay, 2013: 271). In this way, although the parliament has tried to strengthen its hand against this possible opponent, the President's ability to issue a Decree is essentially not an ordinary situation in terms of the presidential system.

It would be an erroneous approach to say that the presidential system in Turkey aims to make the executive power very strong within the system and to comment that "the sultanate model is aimed" from this point of view. Because, as will be explained in detail in the following subsections, -especially in the multi-party presidency system, there is a risk of inactivity, and this risk generally makes it necessary to resort to non-constitutional solutions. The possible system retention problem is not a natural consequence of the presidential system. The main source of the problem is the proportional representation electoral system, which makes it difficult to have a parliamentary majority in line with the President in

disciplined multi-party systems, and both elections (presidency and parliament) are held in different time periods (Bal, 2000: 111). That is why the powers such as the President and the parliament can decide together to renew the elections and the President can issue a decree should be considered together with the problem of inactivity or keeping the system.

4.4. Reasons for Supporters of Presidential System

Turkey has used many government systems since the Constitution of 1876 until today. However, it is known that there were system debates during the period when the 1982 Constitution was used, including its preparation. Those who thought the presidential system would be more beneficial supported discussions on the system at that time. It is known that the reasons for supporting are collected under a few items. These substances; The desire for political stability, strong execution for rapid development, the suitability of the historical past to the presidential system, the idea that the presidential system does not cause dictatorship and military coups, the desire to solve the problems arising from the parliamentary system (Yılmaz, 2012: 19; Arslan, 2003: 161).

In the parliamentary system, the inability of the parliament to control the administration and the stability of the Presidential system were among the leading issues of the period.

4.4.1. Evaluation of the Stability Concept in Terms of Presidency System

The main reason of the supporters of the presidential system is that the system will bring political stability. For this reason, before examining whether there is a relationship between political stability and the system, the meaning of political stability should be examined.

Political stability is that there is a political structure in the presence of democratic and rule of law principles. Political instability, on the other hand, is the failure to create an efficient and orderly structure in the presence of these principles. (Öztürk, 2004: 9). It is seen that two main issues such as order and continuity dominate political stability. The first of

these is that the political system is distant from using force and oppression. The second is its stability, the fact that the basic elements of the political system are not renewed frequently, and there are no disconnections in the political process (Caniklioğlu, 1999: 18).

In order to establish a connection between the presidential system and the concept of stability, it is said that stability will be possible if the person who won the majority vote in the second round is the head of the government, even if he did not get 51 percent in the first round, without putting forward any conditions. In a real sense, the presidential system will create political stability. However, such a stability model can be defined as the stability of the government (Kalaycıoğlu, 1999: 18 quoted in Erdoğan, 2000: 89). Looking at the above explanations, it is understood that political stability and government stability are different things. Because the presidential system facilitates the establishment of governments, but the governments that have always been established cannot fulfill their duties efficiently and regularly.

Three situations should not be ignored in the name of legislative-executive relations (Cheibub, 2000: 3-4):

First Situation: Although the opposition within the legislature has the majority that can ignore the president's veto, their bill should be enacted.

Second Situation: In the case where the President dominates, the drafts selected by the President of the Assembly are approved and these drafts become law with the signature of the president. In these two cases, the system works somehow.

Third Situation: With the occurrence of this situation, the relationship between the system and the concept of willingness will be questioned again. Because in this case, there will be an impassable road. The Assembly will enact the draft of the opposition, the President will veto it, and the Assembly will not regard it as invalid.

The complex possibility mentioned above occurs in non-disciplinary / multi-party presidential systems and countries with a low consensus culture (Mainwaring, 1997: 55). Probably no innovation occurs between the legislature and the executive (Cheibub, 2000: 4).

Istanbul University Faculty of Law also said, “In countries where there is no tradition of consensus, where the party management is strictly committed to the party principles and where the leaders want to implement their policies without compromise, the friction between the president and the parliament is unlikely to be eliminated. He explained the same issue in his opinion to the Constitutional Commission with the words "If the friction cannot be lifted, the state will be locked" (Gürbüz, 1982: 93).

According to Cheibub, this last situation must be one of the reasons that make the presidential system helpless. Because the president and the opposition may tend to have a solution beyond the constitution for this inaction (Cheibub, 2000: 4).

After all this information, it can be said that there is a possibility of a disconnected relationship between the presidential system and political stability. While the failure to form a government in the Parliamentary System and its collapse causes instability, the relationship between the organs in the presidential system brings instability.

4.4.2. Relationship between Coalition Governments and Presidential System

In Turkey, another version of the presidential system, which does not have its full characteristics, is used in practice today. Although it is known that it was wanted to apply in coalition governments in the past, it is completely different to have and maintain coalitions in the presidential system. According to Altman (Altman, 2000: 260-261), who deals with this distinction, differences can be examined in four groups:

i. The coalition cannot be formed intensely, as it is known that one of the constituents of the coalition, namely the president, will be a natural member of the coalition.
ii. Coalition partners examine the president's performance. However, whatever their contribution to the coalition, the coalition parties believe that good government success can only be achieved with a single president being at the forefront.

iii. Partners strive to maximize their votes until the next election where their work will be evaluated.
iv. In line with previous assumptions, it is considered that those in the coalition will change periodically.

It is known that cooperation and unity cannot be formed in the presidential system according to the "winner takes everything" nature of the system. Therefore, it would be a mistake to consider the presidential system and coalitions together (Altman, 2000: 261). According to Valenzuela (as cited in Valenzuela, 1994: 93, Altman, 2000: 261), the presidential system rules harm the mentality of coalition formation.

Coalitions are unlikely to form in the presidential system compared to other regimes. Exceptions alone do not break the rule.

Cheibub highlighted three situations. Among these cases, the third one has an important place in considering the presidential system in the context of coalition governments. Because, especially in cases where presidents lose majority support, the need for an uninterrupted capacity to implement additional policies and form a government coalition becomes understandable (Valenzuela, 2004: 13).

The need to form a coalition is generally experienced in multi-party presidential systems. Multi-party presidential models are reminiscent of parliamentary governments (Mainwaring, 1993: 200).

Coalitions are criticized on a different level. That is to say, the parliamentary system in our country is criticized for its coalition orientation and for the thought that it will lead to political instability. In the West, especially in the United States, the presidential system is criticized for preventing the establishment of a coalition when needed, and for this reason, there are blockages.

4.5. Reasons of Those Who Criticize the Presidential System

The presidential system has been a subject of constant debate since the 1980s. Because there are critics as well as defenders, and both defenders and critics have reasons. The reasons of the critics, such as dictatorship / one-man rule concerns, concerns about the compulsory course of federalism and division, the view that the system is incompatible with concepts such as republic and democracy, the presidential system is not related to the Turkish state customs and traditions.

What critics of the system emphasize most comes from the idea that the presidential system will resemble dictatorship or one-man rule. While establishing the 1982 Constitution, organizations such as universities, bar associations and the Constitutional Court gave reasons and opposed the idea of transition to presidential and semi-presidential systems that it would not fit into Turkey's past and easily resemble a dictatorship (Yazıcı, 2011: 160). As a basis for this, it was stated that the elected president would be like the king and the president was elected differently than the king. It has been said that the semi-presidential system somewhat resembles the past of our country, but the full presidential system will completely see us to the federation (Çeçen, 2013: 402-404).

On the other hand, it was thought that federations would lead to differences as states will be established within the country, taking the example of the USA.

4.5.1. Union of Powers Instead of Separation of Powers

The system in Turkey differs from the democratic presidential model created by the American constitution in two important points. The first concerns the "separation of powers". As will be remembered, the presidential government has long been described in the literature as a "typical system of separation of powers". As a matter of fact, in the American system, the legislature and the executive are independent from each other. First of all, the President and the Congress (legislature) are elected at different times. They are also functionally differentiated, that is, although the President cannot enter the legislative sphere and can veto laws, he can neither make the law nor impose an equivalent rule to the law (Gözler, 2017).

On the contrary, the AKP's proposal is based on the unity of the legislature and the executive, not the separation. This is a conscious choice. It is hard to notice that the will behind the proposal made a special effort to move away from the separation of powers and to fuse the two forces. First of all, the terms of office of the president and the Turkish Grand National Assembly were equalized as five years and it was envisaged that the elections of both would be held on the same day (art. 11./106 of the offer. (discharge of the presidency) and 12./116. (in cases where the Turkish Grand National Assembly decides to renew the elections and the President decides to annul the elections of the Turkish Grand National Assembly), it is stated that both elections will be held together (Erdoğan, 2016).

Another important point here is that the President's power to dissolve the Assembly is specific to parliamentary regimes and is incompatible with the presidential system. Dissolution is against the separation of powers in that it undermines the independence of the legislature from the executive and can open the way for one-man rule by strengthening the president much more than the normal presidential model (Aydın ve Durgun, 2017).

In this constitutional amendment proposal, another indication of the departure from the legislative-executive divide emerges in the functional plan. There are two main examples of this, and both are the intervention of the president to the mandate of the TGNA, strengthening it against the legislature. First, the President has been given strong decree powers. In other words, the President will exercise legislative power under the name of decree. As a matter of fact, in this proposal, the "Presidential Decree" (Art. 9 / Art. 104) has been replaced by the "decree having the force of law" (Decree Law) in the constitutional system. But there is a very important difference between the two: Unlike the Decree Laws, Presidential decrees must neither be based on an authorization law to be enacted by the Parliament, nor must they be submitted to the Parliament for approval after they are issued. Presidential decree will be an act of the President ex officio.

In addition, the President will be able to issue an extraordinary decree. Presidential decrees specific to the emergency period do not have to be based on the jurisdiction law. On the other hand, these decrees must be submitted to the Assembly for approval on the day they are published, and the Assembly must discuss and decide on them within one month, otherwise they will be abrogated by themselves. In the meantime, the President of the

Republic may also issue regulations to ensure the implementation of the law and provided that they are not contrary to the law (Erdoğan, 2016).

Although ordinary decrees cannot regulate fundamental rights other than social and economic rights, they are limited to "matters of executive power" (Article 104), cannot be enacted in matters that the Constitution requires to be regulated exclusively by law, and they contain provisions different from the laws, there are four separate records that the provisions of the law will be applied (m. 9 / art. 104), it can be thought that the President's power on this matter is severely limited. However, contrary to what might seem at first glance, it is doubtful whether these records could seriously limit the President, except for the first one.

First, for “matters of executive jurisdiction” to have normative value, as in the French Constitution, for example, the regulation of certain matters must be explicitly assigned to the executive, that is, excluded from the jurisdiction of the legislature. Since such a situation is not in question, it is up to the President's discretion to determine what the "matters of executive power" are. In this case, although an annulment action may be filed at the Constitutional Court, there is almost no chance of getting results from this for the reasons explained below (Gözler, 2017).

In the meantime, it should be noted that there is no area in the Turkish public law tradition that the legislature cannot regulate or deemed to have waived from regulation in favor of the executive. In essence, execution is “the implementation of laws” by definition, it is the administration and administration of public affairs by implementing the laws.

In addition, the record of "matters that the Constitution exclusively stipulates to be regulated by law" cannot hardly limit the President. Because these issues are not too many, and applying to the Constitutional Court is not a genuine remedy if the President does not comply with this record. Moreover, there is at least one situation in which uncertainty is created by granting authority to the president in an area that should be regulated by law in the amendment proposal. As a matter of fact, while the first paragraph of Article 123 of the Constitution, which stipulates that the Administration will be regulated by law, on the other hand, the third paragraph envisaged to be amended gives the president the authority to establish a public legal entity with a decree (also without the obligation to rely on the law).

The provision that its institutions and organizations will be regulated by presidential decree (art. 15) is added. This regulation has been brought in order to make the criterion "exclusively regulated by law" inoperative, almost deliberately (Erdoğan, 2016).

Finally, the record that the provisions of the law will prevail in the event of conflict between the laws and the provisions of the decree is also of little practical value. Because first of all, the existence of such a conflict should be determined. This means that the decree will continue to be enforced in most cases, as it can only be done by a court. Moreover, due to psychological reasons, it is very unlikely that the courts will dare to annul the act of the president, who is almost the boss of the state in this model, a strong guardianship at the top of the state.

The second, less important intervention of the executive in the field of the legislature, concerns the President's power to return laws adopted by the Turkish Grand National Assembly. Accordingly, a law returned by the President of the Republic can be adopted by the Turkish Grand National Assembly not by the ordinary quorum for decisions, but by the absolute majority of the total number of members. Although it has been strengthened, it can rightly be said that this power of the President to delay the legislative process is still not a full veto power as in the US system. While this is true, it is also necessary to admit that it is not easy for an Assembly that the President can dissolve at any time (art. 12 / art. 116) resists his will. Moreover, since the President's party will be the majority in the Assembly, the Parliament's willingness to resist will not be out of the question.

Another important feature of the model proposed by the AKP, which deserves criticism in terms of the separation of powers, is the position of the judiciary vis-à-vis the executive. In the first article of the amendment proposal, a small supplement is made to the 9th article of the Constitution on judiciary. Accordingly, courts will no longer be only independent, but also “impartial”. However, the optimism created by this amendment proposal unfortunately turns into disappointment upon reading the other judicial regulations of the proposal. We can base this observation on the structure of the new board proposed to replace the HSYK and the Constitutional Court (Aydın ve Durgun, 2017).

According to the 17th article (art. 159) of the amendment proposal, the existing High Council of Judges and Prosecutors will take the name of "Council of Judges and Prosecutors" (HSK) and the number of its members from 22 will decrease to 12, meanwhile the reserve membership will be removed. Likewise, the elective membership, accepted by the 2010 constitutional amendment, is also abolished. Thus, this Council will no longer have "bench judges" chosen by the judges and prosecutors themselves. The Minister of Justice is again the chairman of the Board, and his undersecretary will attend the meetings he does not attend (Erdoğan, 2016).

5 of the 11 members of the Council of Judges and Prosecutors, excluding the Minister, will be directly appointed by the President among faculty members and lawyers, as well as first-class judges and prosecutors. 6 of them will be selected by the Turkish Grand National Assembly, again, from among lawyers and lawyers, high judges and prosecutors. In the procedure of choosing members of the Turkish Grand National Assembly, there is a qualified majority (2/3 and 3/5, respectively) in the first two votes, but if the election is not completed in the second vote, who will be the member will be determined by drawing the lot between the two candidates with the highest number of votes. In this case, it means that who will be elected will be determined by the party that has the majority in the Assembly. As a result of the presidential election and the co-election of the Turkish Grand National Assembly, a judicial system governed by the HSK, which owes its position indirectly to the President of the Council, since both organs will almost always be controlled by the same political majority, it does not seem possible (Gözler, 2017).

A similar situation is also valid for the Constitutional Court. The Constitutional Court is not truly independent of the legislature and the executive (especially the latter, the President) in terms of its form of formation. That is to say: Constitutional amendment proposal (Article 19 / D) reduces the number of members of the Constitutional Court from 17 to 15. Although no other changes are envisaged regarding the election of members, the current election method already allows the same political majority behind the President and the TGNA to control the Constitutional Court. As a matter of fact, except for the reduction of the number of members of the Court, according to Article 146 of the Constitution, which is preserved as it is, the President appoints twelve members of the Court. In other words, the

decision of who these members will be belongs to the President. He will appoint four of them directly, three of them from the proposals of YÖK and five from the proposals of the Supreme Court and the Council of State. This means that most of the members of the Constitutional Court are determined by the party President. The remaining three members of the court - most likely sharing the same political view as the President - will be elected by a majority in Parliament.

4.5.2. Absence of Brake-Balance Mechanisms and One Man / Dictatorship Management Relationship

The second fundamental point that separates the new government system from the American presidential system is that this design includes almost no effective braking mechanism for the President. As a matter of fact, the President appoints both vice-ministers and all senior public officials (including rectors and YÖK members) alone. However, the appointment of ministers and high bureaucrats in America is subject to the approval of the Senate. By the way, it should be noted that in the US system, the Vice President is elected by the people together with the President. However, in the current order formed by the AKP proposal, vice-presidents do not come by elections, and one of them will act both to the Presidency in case of a vacancy, and to the President who is temporarily absent. Especially, considering that the deputy presidency who is not elected by the people (or the Parliament) can take up to one year to act, it is obvious that there is a situation that is incompatible with the principle of democracy (Gözler, 2017).

In this model, the President does not have to give accountability to anyone, and there is no control mechanism that can have an effect on him. The President has only criminal liability. However, even if he is referred to the Supreme Court with the allegation of committing a crime and he is convicted there, which is unlikely, this may not mean the end of his duty. Because it is stated in the constitutional amendment proposal that the duty of the President will end only if he is convicted of "a crime preventing being elected". This is a very strange situation: a criminal with a final conviction will continue to sit in the Presidency.

On the other hand, although parliamentary control is envisaged for the vice presidents and ministers (art. 7 / art. 98), this is a very weak control. In the new system, as is still the case, the TBMM will be able to conduct a parliamentary investigation and general meeting, and the deputies will be able to ask written questions to the vice presidents and ministers. However, the control effect of the general meeting is not much. In contrast, the question method may allow parliament to interact more directly with a minister. As for the parliamentary investigation, unless the Rules of Procedure are made to establish Research Commissions with strong powers, including “hearing” sessions and on-site review powers that require the minister concerned and the witnesses summoned to come and testify, this method cannot allow an effective control over the executive. The more important point is this: On the one hand, elections for the President and the Turkish Grand National Assembly are held together. On the other hand, through a president who can control the legislation thanks to his party, which will be a leader or a leading figure, it is very unlikely that these instruments of control will function as a brake for the executive within the new system where the legislature and the executive are fused (Erdoğan, 2016).

The duty crimes of the Vice Presidents and the ministers may be subject to investigation, but they benefit from immunity in terms of ordinary crimes (Art.11 / Art. 106). However, there is no plausible explanation for the granting of immunity (as well as "legislative immunity", as it means) to the aides and ministers of the President, who are in the position of officials. This would have been appropriate only for the Vice President, who was to be elected to the President, if he was elected instead of being appointed. In addition, it is envisaged that, just as in the case of the President, the Deputy Presidents and ministers will end their duties only if they are "convicted of a crime preventing being elected". In other words, we will also see vice presidents and ministers who were convicted by the Supreme Court but still continue to serve. By the way, it is unclear what it means to be convicted of a crime “preventing being elected” for these persons who are appointed by appointment rather than by election (Aydın ve Durgun, 2017).

Another problematic aspect of this proposal in terms of braking mechanisms is the preservation of the over-centralist structure of the political-administrative system and the unicameral structure of the legislature. However, almost all of the presidential systems,

especially the USA, are decentralized (federal as a rule) and have two-chamber parliaments. Thus, the central government (president) can be restrained both by the federated states (or regional administrations) and by the second assembly (senate). When considered together with other deviations from the presidential model mentioned above, we can say that this situation will serve to guarantee an arbitrary administration that is as powerful as it can get but also irresponsible and uncontrolled (Aydın ve Durgun, 2017).

Let's take a look at the issue of legal supervision of the President's actions. Let us first recall the following point: the emergency decrees of the President are already out of control. On the other hand, it is envisaged that the "Presidential decrees" replaced by the decree laws (Decree) will be subject to the supervision of the Constitutional Court. However, it will not be easy for the Constitutional Court to apply the records, except for the restriction that fundamental rights cannot be regulated by decrees, for the technical-legal reasons mentioned above. In such a case, it is highly likely that the Supreme Court will choose not to enter this area as much as possible. As a matter of fact, it would be unreasonable to think that the Constitutional Court would be willing to audit Presidential decrees, again in view of the structure described above. As a result, it cannot be said that the Constitutional Court, which will very likely be under the control of the same political majority holding the legislative and executive power, will properly supervise the presidential decrees and thus function as a real brake for the Presidency (Erdoğan, 2016).

Also there is appointment to senior management positions issue. Social balances and public interest were being pursued in the parliamentary system, which was the old form of government. Currently, senior management positions are not systematically clear and determined. Although the measure of merit is included in the law, no committee or other mechanism such as a merit protection board has been established to ensure the implementation of this principle. The President is the sole decision maker. The Turkish Grand National Assembly has no function in appointment to top management positions. The rules are determined unilaterally by the President of the Republic. Before making an appointment, it may be possible to change the rule according to the person. This means there are legitimate concerns about brake-balance mechanisms (Albayrak, 2020).

4.6. The Presidential System Implemented in Turkey

4.6.1. The Comparison of Turkish Presidential System with The United States Presidential System

Comparison of the system called Turkish-style presidential or presidential government system, which was voted on April 16, 2017, with the constitutional amendment numbered 6771, and the American-style presidential system, by considering different aspects, seems useful in the context of better understanding of the issue.

The fact that the most obvious difference of the parliamentary system, the election of the cabinet among the deputies, is not included in this system, is the clearest indication that the system is a presidential system. The aim here can be stated as separating the legislature and the executive. In this context, according to Kaplan (Kaplan, 2017), Turkish and American presidential systems can be compared as follows:

In the USA, the President cannot remove the legislature and the legislature cannot remove the President. Can take it in Turkey. The harsh separation of powers in the USA manifests itself as the inability of the parliament and the executive, that is, the president, to put an end to each other's duties. Aside from ending it, it works in harmony with each other in two organs. In Turkey, the President, in other words, the President can terminate his parliamentary mandate without any reason and likewise can end his own duty. On the other hand, by using the same authority in the parliament with a little more difficult and severe conditions, it can decide to repeat the elections with 3/5 of the total number of members, that is, 360 deputies compared to 600 deputies.

In the US, the Vice President is elected and is one. The number is uncertain in Turkey and is appointed: Vice Presidents in the USA are elected as candidates together with the president and there is a Vice President. When the president is absent for any reason, he substitutes for the office of the president, using all the powers of the president. In Turkey, however, the period is not known. They come through the president's appointment. The legitimacy of this attorney is a problem. Because the nation did not choose him, the person authorized by the nation appointed him.

The power to appoint ministers, high judges and many public officials in the USA depends on the approval of the senate. It is not affiliated in Turkey. In the United States, no matter how strong the President is, he cannot appoint ministers, high judges and public servants without his senate consent. This President has to work in conjunction with the senate. In Turkey, the President can appoint 6 members to the HSK and 12 members to the Constitutional Court without the approval of the parliament.

In the USA, the budget proposal made by the President is first accepted by the congress and comes into effect. In Turkey, if the budget to be made by the President is not approved by the parliament, the previous year's budget is recalculated with value increases and automatically comes into effect: The most important reason for this is that the state system in America does not exist in Turkey. Each state in America has a different budget. If the Congress does not accept the budget of the President, there is no big problem. Since there is no state system in Turkey, if the President's budget is not accepted, a big problem may arise. Therefore, in such a case, it would be more beneficial if the budget was calculated with value increases and entered into force automatically.

In the USA, the President's relationship with his party is low, in Turkey it is strong. In the USA, the president cannot be the chairman of his party. It can happen in Turkey. For this reason, it is easier for a President with a group in the parliament to be included in the legislation. The president can thus take a decision on the enactment of a law in the party assembly.

According to Tüfekçi (2017), the differences between the Presidential System in Turkey and the presidential system in the USA are listed as follows:

In the USA, Congress elections are held separately from presidential elections and it is possible that the party holding the majority in the House of Representatives and the party of the President can be two separate parties.

In the USA, voters are polled every two years. About a third of the senators are renewed every two years. In addition, the Vice President in the USA cannot be arbitrarily appointed by the President. The person elected as the President of the Senate is also the Vice President.

Although the President of the USA is a candidate from a party, he cannot be the leader of that party.

In the USA, the President cannot dissolve the Congress, but Congress 2/3 mostly accuse the President and terminate his office after the trial.

In the USA, the Parliament controls the budget, the courts can control the laws and find the President's decisions unconstitutional.

In the United States, the President employs judges, but the Senate may or may not approve the appointment after checking it.

In Turkey, the President of the Republic, through Decree Laws, shares the authority of the Assembly, can dissolve or renew the Assembly.

In Turkey, the President can appoint 12 of the 15 members of the Constitutional Court.

In Turkey, the President makes the budget and the previous budget can be used if the budget is not accepted in the Parliament.

In Turkey, the President determines 6 members of the 13-member Judges and Prosecutors Board, and the rest is determined by the Assembly under the supervision of the president.

With the above statements, Turkey and the US presidential systems have been compared with each other. However, while considering the differences between the two systems, the fact that the formation, development and current conditions of Turkey and the US systems are not equal has been ignored. These issues were mentioned in the previous sections of the study.

4.6.1.1. Management by Presidential Decrees

According to Üskül (2013), the president's power to issue decrees means that the president shares his direct legislative power with the parliament. The fact that the president has the power to issue decrees can be seen as a natural consequence of his general authority to determine general politics. However, the president, on the grounds that there are no clear provisions in the laws on certain matters, may regulate this area by means of decrees and, if he makes it a habit, he may attempt to govern the country by decrees. This means that the president has the main legislative power, albeit partly, which is against the presidential system as well as the general democratic regime understanding.

According to Özbudun (2012), giving the president the opportunity to rule the country through decree laws means a deviation from the pure presidential system. This is unimaginable in the naive form of the presidential system in America. It is unimaginable for a US president to rule the country by legislative ordinances and decrees bypassing Congress. The President can only issue "executive orders" that will explain the meaning of the laws and direct the practices of the executive body, within the framework of the duty of "faithfully enforcing the laws" imposed by the Constitution. Apart from this, the congress, although not based on a clear constitutional provision, may delegate powers to the president in some areas; however, they almost exclude it from the sphere of foreign policy execution. Although some Latin American countries occasionally see governance practices with decrees, this practice called "decretismo" is criticized by all authors as a tendency that corrupts the presidential system, puts the president and the legislature into conflict, and thus can lead to constitutional crises.

4.6.1.2. Provisions Regarding the Judicial Body

According to Üskül (2013), if the President and the majority in the parliament are in the same direction, the president will be able to direct the exercise of the legislative power through his party, in addition to the executive power he uses alone, and will also be able to directly exercise his legislative power, albeit partially, through presidential decrees. The fact that some of the high judges and HSK members are elected by the president, while the rest will be elected by the parliament in which the president is effective, will lead to the dominance of the executive over the judiciary.

According to Erdogan (2013), the President's jurisdiction is in conflict with his understanding of an independent and strong judiciary. Considering that some of the AYM members, which are in the position of supervisory authority, will be elected by the president and the remaining part will be elected by the parliament with the majority of the party in which the president is the leader, it can be said that in this case, the constitutional control will not be effective either. The presidential system requires a very strong judicial system. In a politically strong presidential system, a power to control the president is required. The judiciary should be independent in mentality. Only if there is a judiciary that seriously implements what the law says, there may be a braking mechanism.

According to Özbudun (2012), whether the separation of powers is harsh as in the presidential system or soft as in the parliamentary system, the independence of the judiciary against the political bodies is essential. Judicial independence is an indispensable condition of the rule of law. The president assumes the power to determine a significant part of the members of the judiciary, and the other part is elected by the parliament, to which the president will largely control under the current circumstances. Therefore, the entire AYM and the majority of the HSK consist of members elected by political bodies. In the new constitution, the control and appointment of judges are completely given to the control of politicians. An excessive concentration of authority arises in the president, including determining the composition of the judiciary. However, the basic idea of constitutionalism is to divide the state power. The goal is to create mutual balances and brakes in state power.

4.6.1.3. Selection Method

A bicameral legislative system has been adopted in the USA in line with the federal structure, and a unicameral legislative system in Turkey. Elections for the House of Representatives in the USA are held every two years. Senate membership is 6 years, and one third of the members are renewed every two years. The term of office of the TGNA in Turkey is 5 years. Unlike in the USA, presidential elections and parliamentary elections are held on the same day.

The TGNA or the President alone can decide to renew the elections of both organs together. With this provision, the president is given the power to "dissolve" and the Parliament to "dismiss" the president, but each power terminates the existence of the other while also terminating its existence. According to Erdogan (2013), termination and dismissal powers are not compatible with the pure presidential system. In the presidential system, the President has no power to dissolve the parliament. In this system, the president will control the parliament strongly.

According to Özbudun, the president is given the right to dissolve the parliament that is not in the USA. In fact, this is a proposal that goes against the spirit of the presidential system. Because the presidential system is essentially based on a harsh and sharp separation between legislative and executive. Both bodies are elected for fixed periods of time by independent elections. It is the essence of the presidential system that the president cannot dissolve the congress during this period and the congress cannot bring down the president. If you authorize the president to "dissolve the congress", you will seriously deviate that system from its essence. Among the 20-odd countries of Latin America, there are altogether four countries (Paraguay, Peru, Uruguay and Chile) that give the president's power to dissolve the parliament under certain conditions. The president's power to dissolve is seen as the degeneration of the presidential system. These powers, which degenerate the presidential system in Turkey, are given (Özbudun, 2013).

According to Erdogan, holding elections for the Presidency and the legislature at the same time may not be in conflict with the presidential system formally. However, considering that one of the main distinguishing features of the presidential system is the separation of powers, this arrangement is incompatible with the logic of the presidential system. Because this is intended to ensure that the president has a majority in the legislature that agrees with him. In this situation, the legislature cannot effectively control the president. A legislative-executive alliance that emerges in this way could unleash the majority rule (cited in Küçük 2016).

According to Köker, overlapping the election periods of the legislature and the president creates a deviation from the presidential system type. In the political tradition of Turkey, "disciplined political party" is valid. If the elections for the president and the

legislature are held at the same time, the party leader of the majority party will be able to control the executive as the chairman, and the majority party under the control of the chairman will control the legislature, and therefore the system may result in the assembly of the legislative and executive powers indirectly, albeit indirectly, in one hand. The proposal to hold presidential elections and legislative elections at the same time shows that the essence of the presidential system is not understood or accepted (cited in Küçük 2016).

CONCLUSION

Government systems are basically divided into two main categories: separation of powers or union of powers. Here, how the forces affect each other and the relationships between the forces are decisive. What is meant by forces is the legislative, judicial and executive powers that form the structure of states. The union of forces is not of much importance when examining government systems today. Therefore, when examining government systems, government systems formed as a separation of powers are generally considered. In government systems established according to the principle of separation of powers, the judicial body is evaluated as independent and impartial. Therefore, in the government systems determined according to the separation of powers principle, the relations between the legislative and executive powers are taken as basis.

It can be said that the principle of separation of powers is also divided into two. These can be represented as a hard-sharp separation of forces and a soft separation. Semi-Presidential and Parliamentary systems can be cited as an example to the system in which the separation of powers takes place in a harsh manner, while the Presidential system is realized in a soft way. Presidential system, which is the government system in which the separation of powers is determined precisely, is a system that emerged with the establishment of the USA. Therefore, the first country that comes to mind when talking about the Presidential system is the USA. The Semi-Presidential system, which is one of the government systems where the separation of powers is determined softly, is a system that has come to light in France. Again, the soft separation of powers has emerged in England, on the other hand, the parliamentary system.

The reason why the relationship between the legislature and the executive branch is soft in terms of the separation of powers in the parliamentary system is that the executive power is determined by the legislative power. The legislative power, which comes to power through elections, carries out the executive power, which will ensure the administration of the country, among the members elected among themselves. In the parliamentary system, the executive branch is formed in a two-headed way. There is a head of state, or a council of ministers formed together with the president and the prime minister. In the parliamentary system, the functionality of the executive power is carried out by the prime minister and the

council of ministers. The powers of the head of state or president are more symbolic. In the parliamentary system, the responsible wing of the executive is the council of ministers working with the prime minister. The head of state or the president is the irresponsible wing of the executive. In the presidential system, on the other hand, since the separation of powers is sharply determined, the sharing of duties and powers between the men is clearly determined and they do not interfere with each other. While the presidential system is being investigated due to its emergence in the USA, the presidential type in the USA is discussed. For this reason, the Presidential system is identified with the USA.

In the presidential system, the executive body is given to a single person, namely the presidency. The sole authority of the executive is the president. The legislature, on the other hand, shows a two-headed structure considering the presidential system of the USA, although it may differ from country to country. This structure is called the congress. Within this dual structure of the congress, there is the representative assembly and the senate. Since the essence of the presidential system is that the separation of powers is created sharply, the powers cannot interfere with each other, but they can control each other within the framework of the powers given to them. Within the framework of the Presidency system, which was created especially to ensure the effectiveness of the executive, a phenomenon called balance-brake was added to the system in order to ensure that the executive does not outperform other powers and does not carry out whatever the president says in the system. This situation is shaped within the framework of the powers given to the powers in the Presidential system. For example, in the USA, although the president has the authority to appoint all top state administrators, he needs the approval of the senate, which is a balance-brake mechanism in the Presidential system.

Likewise, the veto power given to the president by the legislature is also a balance-brake mechanism. Thanks to this structure created in the USA, the system functions very successfully. Therefore, the presidential system has made the USA a superpower thanks to its application in the USA. The president, who is the head of the executive in the presidential system, takes his legitimacy from the people. He comes to the head of his duty with the choice of the people. For this reason, the president has no responsibility against the legislature, which is also elected by the people. This is an aspect that can make the executive

stronger in the Presidential system, although its forces are statically equivalent. The Semi-Presidential system, on the other hand, has features from both the Parliamentary system and the Presidential system. It has emerged as a result of a tendency towards the Presidential system, especially due to the problems experienced in the parliamentary system.

The similarity of the semi-presidential system with the parliamentary system is due to the dual structure of the executive body. The executive body is formed by the sharing of power between the president or the council of ministers formed together with the president and the prime minister. Here, the reason why this system is called Semi-Presidency can be shown because the president is elected by the people. Thus, the system gets closer to the Presidential system in a sense. In the parliamentary system, the symbolic powers and irresponsibility of the head of state is more effective in terms of the responsibility and powers of the prime minister, whereas in the Semi-Presidency system, this situation becomes the opposite. The president, who is legitimized by the people, has been equipped with more important powers and duties than the prime minister in the Semi-Presidential system. In the semi-presidential system, the prime minister also has less powers and duties, although it is determined by the legislature elected by the people. This situation has been brought on behalf of the efficiency of the executive, in order to make the Parliamentary system functional.

The presidential system has started to be implemented in the USA and due to the positive effects of the system on the USA, it has caused it to become a system that is desired to be implemented by other states. First of all, since the Presidential system is an effective government system in order to ensure the stability of the executive, it started to spread due to the demand for the executive power of states to become effective in the changing and globalizing world. However, while applying the Presidential system to their own countries in order to ensure executive efficiency, they followed differences from the US-style Presidential system and transformed their government systems into a form similar to the Presidential system.

The advantages of Presidential System can be summarized as stable management, strong management and more democracy while disadvantages can be summarized as rigidity, dual legitimacy, political style. Every topic is discussed in detailed chapter two.

In order for the countries to make these changes on the Presidential system, they did not directly apply the US-style Presidential system in order to display a structure that is compatible with their internal conditions in the cultural, economic and social sphere. In this context, the implementation of the Presidential system in Turkey has taken its place as the Presidential government system. Turkey has been governed by a parliamentary system for many years. Within the framework of the constitutions put forward in Turkey, an internal change has always been tried to be made in the Parliamentary system. In the first years of the foundation of the Republic in Turkey, with the Constitution of 1921, the Parliamentary government system, in other words, the assembly of the legislative and executive organs' powers in the legislative body was implemented. It is possible to say that the aim of the implementation of the parliamentary government system has been achieved in order for the country to be in a difficult situation and to get out of this difficulty very quickly. Later, with the 1924 Constitution, the Parliamentary system began to come to light. As a typical parliamentary system feature, the executive branch is positioned in a double-headed way. The council of ministers working with the president has formed the executive. As in the classical parliamentary system, the President, prime minister and ministers are determined from within the legislature. On this occasion, the separation of powers occurred smoothly. While the president is the irresponsible and symbolic side of the executive, the prime minister and the council of ministers have served as the responsible and competent wing.

Constitutional provisions and constitutions have been amended from time to time due to the problems experienced in the parliamentary system of Turkey and in terms of the effectiveness of the executive. In our study, we have discussed the problems of the parliamentary system under the second chapter. We have mentioned the problems caused by single part governments, coalition governments, election system, and solid party discipline culture in Turkey in detail. In this respect, discussions started on the grounds that the success expected from the parliamentary system could not be achieved and breaks from the parliamentary system were requested. The biggest factor in the occurrence of this situation is the problems of the Parliamentary system and the views that it does not bring stability to Turkey. In 2007, a break from the parliamentary system began with the amendment made in the 1982 Constitution. It was decided that the President, which is a wing of the executive, should be elected by the people, not by the parliament. On this occasion, Turkey's

government system has evolved into the Semi-Presidential system. However, in this system, while the powers of the President have been increased, his responsibility has not been increased accordingly. The prime minister is still in office and the responsible wing of the executive is the president and the cabinet of ministers. This situation necessitated various constitutional amendments.

In 2017, both the Parliamentary system and the government system similar to the Semi-Presidential system were abandoned and the Presidency system was adopted with the constitutional amendment. In this system called the Presidential government system, the US type Presidential system is taken as an example. Although the US presidential system is taken as an example, with the constitutional changes made, differences have emerged in many areas. After this process, Turkey's government system became the Presidential government system. In the presidential government system, the only official of the executive was made the President. The Prime Ministry and the Council of Ministers offices have been removed from the system. The main reason for the realization of this situation is to ensure the stability of the executive. Presidential government system in Turkey is based on the strength of the executive. While the balance-brake and control mechanisms are quite functional in the US-style Presidential system, it is seen that such a system has not been established within the state powers in the presidential system of government. The fact that the legislative and judicial organs have not fully included the checks and balances mechanisms in the presidential government system in terms of ensuring the efficiency and stability of the executive, may lead to various problems in the system. For example, in the presidential system, there is the authority to approve the budget draft that provides the functionality of the legislature against the president, which is brought for the purpose of balance - brake mechanism. However, the legislature has been rendered dysfunctional in the presidential system of government because it is regulated in a way that it can enter into force without the approval of the parliament. Therefore, the executive body has become very strong against the legislature. Again, this situation related to the budget may serve to prevent the administration of the country, but considering the fact that the executive is composed of a single person, it may serve for the emergence of a single man regime.

With the constitutional changes made in the judiciary, it can be understood that the supervision and balancing of the executive body by the judiciary has made it quite dysfunctional. In addition, with these amendments, a structure that can interfere with the functioning of the executive body judicial body is envisaged.

There is a situation in the presidential government system that does not exist in the US Presidential system. In the USA, presidential elections and congressional elections are held at separate times and the congress is a system that can ensure the supervision of the president by ensuring continuous change within itself, but this is not the case in the Presidential government system.

In the presidential system of government, it was decided to hold elections for the President and the parliament on the same day. This situation may create an opportunity in the Presidential government system to elect the legislative and executive organs in line with the same political view or ideology. Considering the implementation of party discipline in Turkey, in such a case, the legislature will lose its effectiveness and the system may become completely managed through a single person. This may lead to the personification of the country's administration. Again, in connection with the above situation, it can be added that the President has not been dismissed from his party. The legislative power may cause a situation such as the inability to control the executive power. Another thing that may be a problem can be shown that the Presidential decree is issued within the framework of the executive power given to the President. As can be understood from the few examples shown above, the Presidential government system has been realized in the form of increasing the singularity and power of the executive over Turkey. The functionality of the legislative, executive and judicial powers in terms of supervision and balancing seems to be considerably reduced compared to the executive. It will be difficult to say that there is a system that can be successful or a system that will fail, in line with the situations described in this study and due to the fact that the Presidential system is very new in Turkey. However, it may be necessary to make some arrangements with predictions about the problems that may occur in the system.

To conclude, we can say that the people of Turkey have experienced various management stages since the last periods of the Ottoman Empire. With the constitutional

amendment in 2017, it has passed to the presidential system. The motivation for the transition to this new system has been the problems experienced in the current and previous systems. Although the Turkish type of presidential system emerged by citing the problems in the past management systems, it is obvious that it still has many weak points in terms of its implementation methods.

REFERENCES

Acar, Uğur. (2016) ,"İstikrar Sağlama Aracı Olarak Yarı Başkanlık Sistemi: Fransa ve Rusya Örnekleri", *Akademik Hassasiyetler Dergisi*. 3 (6).

Akbay, Muvaffak (Çev.) (1950). Amerika Birleşik Devletleri Anayasa Metinleri. *Ankara Üniversitesi Hukuk Fakültesi Dergisi,* Cilt: 7, sayı: 1,2, s. 446-493

Akgül, Mehmet Emin (2008). Yargısal Bağımsızlık: Amerika Birleşik Devletleri Örneği. *MÜHF Hukuk Araştırmaları Dergisi (HAD*), Cilt: 14, Sayı:3, ss. 113- 146

Akın, Fehmi (2006). 1924 Anayasasının Modernleşme Açısından Anlamı. *Afyon Kocatepe Üniversitesi Sosyal Bilimler Dergisi*, Cilt: 8, Sayı: 3, s. 1-12

Akinci, B. (2019). The Contribution of the Presidential Government System of the Republic with Specific Design To Turkey to Rationalize the Presidential System. *OPUS Uluslararası Toplum Araştırmaları Dergisi*, *13*(19), 2107-2124.

Albayrak, S. (2020). Türkiye'de Üst Kademe Kamu Yöneticiliğine Atanma. *Memleket Siyaset Yönetim*, (33), 101-140.

Aldıkaçtı, O. (1960). *Modern Demokrasilerde ve Türkiye'de Devlet Başkanlığı*. İstanbul: Kor Müessesesi.

Aldıkaçtı, Orhan (1960). *Modern Demokrasilerde ve Türkiye'de Devlet Başkanlığı*. Doçentlik Tezi. İstanbul.

Alesina, Alberto, Sule Ozler, Nouriel Roubini, and Phillip Swagel (1996). Political Instability and Economic Growth. Journal of Economic Growth, Cilt: 1 Sayı: 2, http://dash.harvard.edu/bitstream/handle/1/4553024/alesina_instabilitygrowth.pdf?sequence=2, Erişim Tarihi: 22.04.2021

Alkan, Haluk. (2013). *Karşılaştırmalı Siyaset Başkanlık ve Parlamenter Sistemler Işığında Yarı Başkanlık Modelleri*, Açılım Kitap, İstanbul.

Alpaç, Birol (2001). *Amerika Birleşik Devletlerindeki Başkanlık Sistemi ve Türkiye'ye Uyarlanması*. Yüksek Lisans Tezi. Kocaeli Üniversitesi, Sosyal Bilimler Enstitüsü. Kocaeli

Altman, David (2000). The Politics of Coalition Formation and Survival in Multi-Party Presidential Democracies: The Case of Uruguay, 1989-1999. *Party Politics*, Cilt: 6, Sayı: 3, s. 259-283

Apostolovska Stepanoska, M., & Runcheva-Tasev, H. (2016). `Presidential System of the USA through a Prism of the Roman Republic`. *Macedonian Journal of Political Science e-Proceedings of Papers, Year 3, Vol. VIII, JUne 2016 UDC. No. 32/Ebsco Publishing*.

Arı, Tayyar (2000). *Amerika'da Siyasal Yapı Lobiler ve Dış Politika*. (3.b). İstanbul: Alfa Kitapevleri

Arslan, Nagehan Talat (2003). Yönetimde İstikrar Arayışları Çerçevesinde Siyasal Sistem Tartışmaları ve Başkanlık Sisteminin Türkiye Açısından Değerlendirilmesi. *Gazi Üniversitesi İ.İ.B.F. Dergisi*, Cilt: 5, Sayı: 3, ss. 161- 173

Ataay, Faruk (2013). Adalet ve Kalkınma Partisi'nin 'Başkanlık Sistemi' Önerisi Üzerine Değerlendirme. *Alternatif Politika*, Cilt: 5, Sayı: 3, s. 266-294

Atar, Yavuz (2011). *Türk Anayasa Hukuku,* Seçkin Yayıncılık, Konya.

Atılım Üniversitesi Siyasi ve Ekonomik Araştırmalar Laboratuarı (2012). Başkanlık Sistemi. http://seal.atilim.edu.tr/baskanlik-sistemi. Erişim Tarihi: 21.04.2021

Aydin, A. H., & Durgun, S. (2017, September). Kuvvetler Ayrılığı/Birliği Açısından Türkiye'de Partili Cumhurbaşkanlığı Sistemi. In *ICPESS (International Congress on Politic, Economic and Social Studies*) (No. 2).

Bacic, A. (1988). The Presidential System in USA as an Example of a Rigid or Absolute Separation of Powers. *Zb. Radova*, *25*, 129.

Bahro, H., Bayerlein, B. H., & Veser, E. (1998). Duverger's concept: Semi-presidential government revisited. *European Journal of Political Research*, *34*(2), 201-224.

Bal, İdris (2008). *ABD Politikaları ve Türkiye*. Ankara: Lalezar Kitabevi

Balo, Yusuf Solmaz (2012). Amerika Birleşik Devletleri Mahkeme Teşkilatı. *AÜHF Dergisi,* Cilt: 61, Sayı: 3, 973-1015

Baltacı, Cemal (2013). Demokrasi ve Yargı Bağımsızlığı Bağlamında Türkiye'de Hakimler ve Savcılar Yüksek Kurulu. *C. Ü. İktisadi ve İdari Bilimler Dergisi*, Cilt: 14, Sayı: 1, s. 157-168

BBC Türkçe (8 Ocak 2013). AKP Başkanlık Sisteminde Yalnız Kaldı. http://www.bbc.co.uk/turkce/haberler/2013/01/130104_turkey_presidential.shtml, Erişim Tarihi: 23.04.2021

Beceren, E., & Kalağan, G. (2007). Başkanlık ve Yarı-başkanlık Sistemi; Türkiye' de uygulanabilirliği tartışmaları. *İstanbul Ticaret Üniversitesi Sosyal Bilimler Dergisi*, 2(11), 173-176.

Beceren, Ertan, Gökhan Kalağan (2007). Başkanlık ve Yarı Başkanlık Sistemi; Türkiye'de Uygulanabilirliği Tartışmaları, *İstanbul Ticaret Üniversitesi Sosyal Bilimler Dergisi*, Yıl: 6, Sayı: 11, Bahar 2007/2, s. 163-181

Benoît, C., & Szilagyi, A. M. (2021). Legislative direction of regulatory bureaucracies: evidence from a semi-presidential system. *The Journal of Legislative Studies*, 1-20.

Beriş, Yakup, Aslı Gürkan (2003). *Türk Amerikan İlişkilerine Bakış: Ana Temalar ve Güncel Gelişmeler*. İstanbul: TÜSİAD. TS/WSH/02-020

Bilik, Erol (1953). Amerika Birleşik Devletlerinde Federal Mahkemeler. Ankara Barosu, http://www.ankarabarosu.org.tr/siteler/ankarabarosu/tekmakale/1953- 3/4.pdf, Erişim Tarihi: 21.04.2021

Boyunsuz, Ş. Ö. (2017). *Dünyada Başkanlık Sistemleri*. Baskı. Ankara: İmge Kitabevi Yayınları.

Bucur, C. (2017). Cabinet ministers under competing pressures: Presidents, prime ministers, and political parties in semi-presidential systems. *Comparative European Politics*, *15*(2), 180-203.

Buran, H. (2005). *Seçim Sistemleri ve Türkiye İçin Yeni Bir Seçim Sistemi Önerisi*. Ankara: Siyasal

Caniklioğlu, Meltem (1999). Seçim Sistemlerinin Siyasal İstikrarın Sağlanmasında ki Rolü. *Anayasa Yargısı Dergisi*, Cilt: 16, s. 17-44

Carmy, S. (2010). Personal ethics, public virtue, and political legitimacy in biblical kings and American presidents. *Presidential Studies Quarterly*, *40*(1), 76-89.

Cheibub, J. A. (2008). Making presidential and semi-presidential constitutions work. *Tex. L. Rev.*, *87*, 1375.

Cheibub, Jose Antonio (2000). Minority Presidents, Deadlock Situations, and the Survival of Presidential Democracies. University of Yale. http://www. yale.org/leitner/resources/docs/2000-08.pdf, Erişim Tarihi: 23.04.2021

Cronin, Thomas E, Michael A. Genovese (2004). *The Paradoxes of the American Presidency.* (2.b). New York: Oxford University Press

Çam, E. (1976). *Devlet Sistemleri*. İstanbul: Güryay Matbaası.

Çam, Esat (1990). *Siyaset Bilimine Giriş*. İstanbul: Der Yayınları

Çeçen, Anıl (2013). Başkanlık Sistemi ve Sömürgeleşen Federasyon. *Yeni Türkiye Dergisi Başkanlık Sistemi Özel Sayısı*, Yıl: 9, Sayı: 51, s. 394-405

Dann, P. (2006). The Gubernative in Presidential and Parliamentary Systems-Comparing Organizational Structures of Federal Governments in the USA and Germany. *Journal of Comparative Public Law and International Law (Zeitschrift für ausländisches öffentliches Recht und Völkerrecht-ZaöRV)*, 1-40.

Dareste, Francois Rodolphe (1931). Amerika Birleşik Devletleri'nin Anayasa Tarihi (Çev. M. Akbay). *AÜHF Dergisi,* Cilt: 7, Yıl: 1950, Sayı: 1,2, s. 18-39

Dehousse, R. (1998). European institutional architecture after Amsterdam: parliamentary system or regulatory structure?. *Common Market Law Review*, *35*(3).

Dereli, Esen. (2001). *ABD ve Fransa Siyasal Sistemi*, 2.Baskı, Der Yayınları, İstanbul

Devereux, Robert (1963). *The First Ottoman Constitutional Period: A Study of Mithat Constitution and Parliament.* Baltimore: Johns Hopkins Press

Dolez, B., & Laurent, A. (2010). Strategic voting in a semi-presidential system with a two-ballot electoral system. The 2007 French legislative election. *French politics*, *8*(1), 1-20.

Drake, M. J. (2001). Presidential address: presented 2000 August 28, Chicago, Illinois, USA the eucrite/Vesta story. *Meteoritics & Planetary Science*, *36*(4), 501-513.

Duverger, M. (1975). *Seçimle Gelen Krallar*. İstanbul:Konuk

Duverger, M. (1980). A new political system model: Semi-presidential government. *European journal of political research*, *8*(2), 165-187.

Duverger, M. (1986). *Siyasal Rejimler*. (Çev. Teoman Tunçkaşık), İstanbul:Sosyal

Ekici, Zehra (2014). *Türkiye'de Yarı Başkanlık Sisteminin Uygulanabilirliği*, Beykent Üniversitesi, Sosyal Bilimler Enstitüsü (Yayımlanmamış Yüksek Lisans Tezi), İstanbul.

Elgie, R. (2016). Three waves of semi-presidential studies. *Democratization*, *23*(1), 49-70.

Elgie, R., & Machin, H. (1991). France: The limits to prime-ministerial government in a semi-presidential system. *West European Politics*, *14*(2), 62-78.

Emiroğlu, Hüseyin (1999). Türk Dış Politikasının Oluşturulma Sürecinde Yasama-Yürütme İlişkileri. *Ankara Üniversitesi SBF Dergisi*, Cilt: 54, Sayı: 3, s. 41-69

Erdem, Kasım (2017) "Karşılaştırmalı Hükümet Sistemleri Yarı Başkanlık Hükümet Sistemleri Fransa, Polonya ve Rusya Örnekleri", *TBMM Araştırma Hizmetleri Başkanlığı Yayınları*, No:6, Ankara.

Erdem, Kasım, Mehmet Solak (2009). *Bazı Ülkelerde Yargı Konseylerinin Oluşumu Ve Görevleri. Yasama Dergisi*, Sayı: 13, s. 123-143

Erdoğan, M. (1993). *Anayasalcılık, Parlamentarizm Silahlı Kuvvetler*. Ankara: Siyasal

Erdoğan, M. (2016). *Başkanlik Sistemi, Latin Amerika Tecrübesi ve Türkiye.* Özgürlük Araştırmaları Derneği, Ankara

Erdoğan, Mustafa (2000). *Türkiye'nin Sistem Arayışı*. (Ed.) Nihal İncioğlu. Siyasal Rejim Tartışmaları. İstanbul: TESEV Yayınları: s. 83-96

Ergun ÖZBUDUN, "Prof. Özbudun: AKP'nin Anayasa Önerisi Mevcut Demokrasiyi Geriletir", Taraf Gzt., 18.03.2013.

Ergül, T. (2005). *Başkanlık Sistemi*, Türkiye Barolar Birliği Yayınları, Ankara.

Erinç, Sırrı (1991). *Amerika Birleşik Devletleri*. DİA, Cilt: 3, s. 43-47

Eroğul, Cem (2010). "1908 Devrimini İzleyen Anayasa Değişiklikleri". Şu Kitapta:

Federal Judicial Center (2006). Federal Courts and What They Do. http://www.fjc.gov/library/fjc_catalog.nsf, Erişim Tarihi: 26.04.2021

Federal Judicial Center (2005). U.S.Legal System: A Short Description. http://www.fjc.gov/public/pdf.nsf/lookup/ijr00003.pdf/$file/ijr00003.pdf, Erişim Tarihi: 21.04.2021

Fendoğlu, H. T. (2012). Başkanlık sistemi. *İnönü Üniversitesi Hukuk Fakültesi Dergisi, 3*(1), 39-60.

Fendoğlu, Hasan Tahsin (2002). Amerika'nın Keşfi Sorunu. http://www.hasantahsinfendoglu.com/akademik/makaleler/piri%20reis%20ve%20amerika. pdf, Erişim Tarihi 21.04.2021

Fendoğlu, Hasan Tahsin (2010). *Başkanlık Sistemi Tartışmaları (SDE Analiz*). Ankara: Başak Matbaacılık

Figueiredo, A. C., & Limongi, F. (2000). Presidential power, legislative organization, and party behavior in Brazil. *Comparative Politics,* 151-170.

Fish, M. Steven (1997). The Pitfalls of Russian Superpresidentialism. *Current History,* Cilt: 96, Sayı: 612, s. 326-330

Friedrich, Carl J., Zbigniew K. Brzezinski (1964). *Totaliter Diktatörlük ve Otokrasi* (Çev. O. Onaran). Ankara: Türk Siyasi İlimler Derneği Yayınları

Gaylord, S., & Rennó, L. (2015). Opening the black box: cabinet authorship of legislative proposals in a multiparty presidential system. *Presidential Studies Quarterly*, *45*(2), 247-269.

Gaylord, S., & Rennó, L. (2015). Opening the black box: cabinet authorship of legislative proposals in a multiparty presidential system. *Presidential Studies Quarterly*, *45*(2), 247-269.

Gilia, C. (2013). Is Romania Heading Towards a Presidential Republic?. *Acta Universitatis Danubius. Juridica*, *9*(1), 89-98.

Goldsmith, J., & Manning, J. F. (2005). The President's Completion Power. *Yale LJ*, *115*, 2280.

Gönenç, Levent (2010). *Yasaların Anayasaya Uygunluğunun Denetimi ve Anayasa Yargısı.* Ankara: TEPAV Anayasa Çalışma Metinleri

Göze, A. (1995). *Siyasal Düşünceler ve Yönetimler*. İstanbul: Beta

Göze, A. (2011). *Siyasal Düşünceler ve Yönetimler*. İstanbul: Beta Basım Yayın A.Ş.

Gözler, K. (2017). *Elveda Kuvvetler Ayrılığı, Elveda Anayasa*. İstanbul: Beta

Gözler, Kemal (2000). *Türk Anayasa Hukuku*. Bursa: Ekin Kitapevi Yayınları

Gözler, Kemal (2001). *Devlet Başkanları: Bir Karşılaştırmalı Anayasa Hukuku İncelemesi*. Bursa: Ekin Kitapevi

Gözler, Kemal (2004). *Kanunların Anayasaya Uygunluk Denetimi*: Anayasa Yargısı. Bursa: Ekin Kitabevi Yayınları

Gözler, Kemal (2007). *Türk Anayasa Hukuku Dersleri*. (4.b.). Bursa: Ekin Kitapevi Yayınları

Gözübüyük, Şeref (2003). *Anayasa Hukuku – Anayasa Metni – 11. Ek Protokol'e Göre Hazırlanmış Avrupa İnsan Hakları Sözleşmesi*. (12.b.). Ankara: Turhan Kitabevi Yayınları

Gül, H., Kamalak, İ., & Sallan Gül, S. (2017). Amerikan Başkanlık ve Fransız Yarı-Başkanlık Sistemleri Işığında Türkiye'nin Yeni Cumhurbaşkanlığı Hükümeti Sistemi. *Strategic Public Management Journal*, *3*, 101-120.

Gürbüz, Özer (1997). Dünyada ve Türkiye'de Uygulanan Seçim Sistemleri ve İdeal Seçim Sistemi İçin Öneriler. *Ankara Barosu Dergisi*, 1997/1, s. 14-29

Gürbüz, Yaşar (1980). *Siyasal Sistemler*. (1.b.). İstanbul: MAY Yayınları

Gürbüz, Yaşar (1982). *Anayasa, Görüşler, Taslak*. İstanbul: Araştırma, Eğitim, Ekin Yayınları

Güvel, Enver Alper (2010). Ekonomik Açıdan Başkanlık Rejimi ve Parlamenter Demokrasi. Milliyet Blog. http://blog.milliyet.com.tr/ekonomik-acidan- baskanlik - rejimi-v-parlementer-demokrasi/Blog/?BlogNo=265059, Erişim Tarihi: 21.04.2021

Güzel, Hasan Celal (12 Mayıs 2012). Başkanlık Sistemi Neden Olmasın? (1). Sabah Gazetesi

Haz. Sina Akşin, Sarp Balcı, Barış Ünlü. (2010) *100. Yılında Jön Türk Devrimi*. İstanbul: İş Bankası Kültür Yayınları.

Hazaman, Yasushi (1996). Constitutional Review and the Parliamentary Opposition in Turkey. *The Developing Economies*, Cilt: 34, Sayı: 3, s. 318-338

Hekimoğlu, Mehmet Merdan (2003). *"Türkiye İçin Yeni Bir Hükümet Şekli Önerisi: İki Turlu, Fesih Yetkili Başkanlık Sistemi*". Şu Kitapta: Haz. Hüseyin Ülgen, Arslan Kaya, Gül Okutan Nilsson. Bilgi Toplumunda Hukuk: Ünal Tekinalp'e Armağan (3. c.). İstanbul: Beta Yayınevi, s. 399-412

Heper, Metin, Menderes Çınar (1996). Parliamentary Government with a Strong President: The Post 1989 Turkish Experience. *Political Science Quarterly*, Cilt: 111, Sayı: 3, s. 483-503

History (t.y.). The Continental Congress. http://www.history.com/topics/thecontinental-congress, Erişim Tarihi: 25.04.2021

Jacobs, L. R. (2009). Building reliable theories of the presidency. *Presidential Studies Quarterly*, *39*(4), 771-780.

Junior, A. M., Pereira, C., & Biderman, C. (2015). The evolution of theories about the Brazilian multiparty presidential system. *Journal of Politics in Latin America*, *7*(1), 143-161.

Kaboğlu, İbrahim Ö. (2009). *Anayasa Hukuku Dersleri (Genel Esaslar).* (5.b.). İstanbul: Legal Yayıncılık

Kalaycıoğlu, Ersin (2005). *Başkanlık Rejimi: Türkiye'nin Diktatörlük Tehdidiyle Sınavı.* Şu Kitapta: Haz. Teoman Ergül. Başkanlık Sistemi. Ankara: TBB Yayınları, s. 13-29

Kaplan, Hakan (2017). http://www.mornota.com/turk-ve-amerikan-tipi-baskanlik-sistemi/, Erişim Tarihi: 25.04.2021

Karakoç, İrem (2006). 1876 Tarihli Kanun-ı Esasi'de Yürütme Organı. *Dokuz Eylül Üniversitesi Hukuk Fakültesi Dergisi*, Cilt: 8, Sayı: 2, s. 115-149

Kashwan, Prakash (2012). Do Coalition Governments Bring Economic Stability?. *International Studies Review*, Sayı: 14, s. 628-631

Kılıç, Selda (2011). 1876 Meclis-i Mebus an'ı ve Seçim Hazırlıkları. *Ankara Üniversitesi OTAM Dergisi,* Sayı: 30, s. 27-40

Köksal, İsmail (2001). Seçim Sistemleri ve İslam Hukukunun Bakışı. *Fırat Üniversitesi Sosyal Bilimler Dergisi,* Cilt: 11, Sayı: 2, s. 345-368

Kumarasingham, H. (2012). *A political legacy of the British Empire: Power and the parliamentary system in post-colonial India and Sri Lanka*. IB Tauris.

Kurban, S. (2014). *Başkanlık Sisteminden Beklentiler ve Türkiye*. Dumlupınar Üniversitesi Sosyal Bilimler Enstitüsü Kamu Yönetimi Anabilim Dalı, Yayınlanmamış Yüksek Lisans Tezi, Kütahya.

Kuzu, Burhan (1992). Yeni Bir Anayasaya Doğru. *Ankara Üniversitesi Siyasal Bilgiler Fakültesi Dergisi,* Cilt: 47, Sayı: 3, s. 215-235

Kuzu, Burhan (2011). *Her Yönü ile Başkanlık Sistemi.* İstanbul: BKY Yayınları

Küçük, a. (2016). Ak Parti'nin Başkanlık Sistemi Modelinin Abd'deki Başkanlık Sistemi Modelinden Farklılık Arz Eden Yönleri. *Kırıkkale Üniversitesi Sosyal Bilimler Dergisi,* 6(1), 25-64.

Küçükalp, D. (2001). West-minister Modeli Demokrasi ve Sorunları, "İş, Güç" Endüstri İlişkileri ve İnsan Kaynakları Dergisi, http://www.isgucdergi.org/?p=makale&id=74&cilt=3&sayi=2&yil=2001 adresinden erişilmiştir.

Law, D. S. (2008). A theory of judicial power and judicial review. *Geo. LJ*, *97*, 723.

Lijphart, A. (2014). *Demokrasi Modelleri Otuz Altı Ülkede Yönetim Biçimleri ve Performansları*. (Çev. Güneş Ayas- Utku Umut Bulsun), İstanbul:İthaki

Linz, J. J. (1990). Presidents vs. Parliaments: The Virtues of Parliamentarism. *Journal of Democracy*, *1*(4), 84-91.

Luney, P. R. (1990). The Judiciary: Its Organization and Status in the Parliamentary System. *Law and Contemporary Problems*, *53*(1), 135-162.

Madej, M. (2008). Cohabitations: The Parliamentary Aspect of the French Semi-Presidential System. *Polish Pol. Sci. YB*, *37*, 184.

Mainwaring, Scott (1993). Presidentialism, Multipartism, and Democracy: The Difficult Combination. *Comparative Political Studies*, Cilt: 26, s. 198-228

Mainwaring, Scott (1997). *Dilemmas of Multi-Party Presidential Democracy: The Case of Brasil*. Şu Kitapta: Haz. Scott Mainwaring ve Matthew Shugart. Presidentialism and Democracy. New York: Cambridge University Press, s. 55-109

Marinelli, I. (2020). *The presidential system in Latin America: a comparative analysis between the constitutional systems of Argentina and Brazil*. Master's Degree Thesis, Master's Degree Program in International Relations (LM-62)

McQuire, K. A. (2011). President-Prime Minister Relations, Party Systems, and Democratic Stability in Semipresidential Regimes: Comparing the French and Russian Models. *Tex. Int'l LJ*, *47*, 427.

Möller, T. (2016). The Parliamentary System. In *The Oxford Handbook of Swedish Politics*.

Mumcu, Ahmet (1986). 1924 Anayasası. *Atatürk Araştırma Merkezi (ATAM) Dergisi*, Cilt: 2, Sayı: 5, s. 383-399

Mutlu, Mustafa (12 Kasım 2012). Başkanlığı Savunan Liberaller, AKP'nin Önerisine Neden Karşı?. Vatan Gazetesi. http://haber.gazetevatan.com/baskanligi- savunan-liberallerakpnin-onerisine-neden-karsi/494693/4/yazarlar, Erişim Tarihi: 21.04.2021

Neto, O. A. (2002). Presidential cabinets, electoral cycles, and coalition discipline in Brazil. *Legislative Politics in Latin America*, 48-78.

Nevins, A, Henry Steele Commager (1961). *ABD Tarihi* (Çev. H. İnalcık). (4.b). Ankara: Doğu Batı Yayınları

Obradović, S., & Tomić, N. (2017). The effect of presidential election in the USA on stock return flow–a study of a political event. *Economic research-Ekonomska istraživanja*, *30*(1), 112-124.

Oder, Bertil Emrah (2005). "*Türkiye'de Başkanlık ve Yarı-Başkanlık Rejimi Tartışmaları: 1991-2005 Yılları Arasında Basına Yansıyan Öneri ve Tepkilerden Kesitler"*. Şu Kitapta: Haz. Teoman Ergül. Başkanlık Sistemi. Ankara: TBB Yayınları, s. 31-69

Okandan, R. G. (1963). Pozitif Amme Hukukumuzun Gelişmesi Bakımından 1945 – 1960 Devrinin Özellikleri, *İÜHFM* 29(1-2), ss. 3-16.

Onar, Erdal (2005). "*Türkiye'nin Başkanlık veya Yarı-Başkanlık Sistemine Geçmesi Düşünülmeli midir?*". Şu Kitapta: Haz. Teoman Ergül. Başkanlık Sistemi. Ankara: TBB Yayınları, s. 71-103

Oruçlu, Avni (2008). *Başkanlık Sisteminin Türkiye Açısından Değerlendirilmesi*. Akdeniz Üniversitesi Sosyal Bilimler Enstitüsü Kamu Yönetimi Anabilim Dalı. Yüksek Lisans Tezi, Antalya.

Özay, İlhan (1991). Yargı Güvencesi- Bağımsızlığı ve Anayasa Mahkemesi. *Anayasa Yargısı Dergisi*, Cilt: 8, s. 103-116

Özbudun, Ergun (2005). *Başkanlık Sistemi Tartışmaları*. Şu Kitapta: Haz. Teoman Ergül. Başkanlık Sistemi. Ankara: TBB Yayınları, s. 103-111

Özbudun, Ergun, "Türk Usulüne Göre Başkanlık Sistemi", Milliyet Gzt., 15.12.2012

Özer, Attila (2010). *Anayasa Hukuku: Genel İlkeler*. (4.b.). Ankara: Turhan Kitapevi

Özbudun, Ergun, Ömer Faruk Gençkaya (2009). *Democratization and the Politics of Constitution Making in Turkey*. Central European University Press

Özhan, Taha (2012). ABD Başkanlık Seçim Sistemi (Video – NTV). SETA, http://setav.org/tr/abd-baskanlik-secim-sistemi/video/1297, Erişim Tarihi: 25.04.2021

Öztürk, Hüseyin (2004). *Siyasi İstikrarsızlık ve Ekonomi Üzerindeki Etkileri: Türkiye Uygulaması (1950-2003)*. Yüksek Lisans Tezi. Süleyman Demirel Üniversitesi Sosyal Bilimler Enstitüsü. Isparta

Padovano, F., & Gavoille, N. (2017). Legislative cycles in a semipresidential system. *Journal of Institutional and Theoretical Economics*, *173*(3), 470.

Passarelli, G. (2010). The government in two semi-presidential systems: France and Portugal in a comparative perspective. *French Politics*, *8*(4), 402-428.

Prado, M. M. (2010). 14 Presidential dominance from a comparative perspective: the relationship between the executive branch and regulatory agencies in Brazil. *Comparative administrative law*, 225.

Price, D. K. (1943). The parliamentary and presidential systems. *Public Administration Review*, *3*(4), 317-334.

Ramsey, M. D. (2004). Torturing Executive Power. *Geo. LJ*, *93*, 1213.

Ribeiro, P. F., & Fabre, E. (2020). Multilevel party organizations in a fragmented presidential system: The case of Brazil. *Regional & Federal Studies*, *30*(4), 525-555.

Samuels, D. J. (2000). The gubernatorial coattails effect: Federalism and congressional elections in Brazil. *The Journal of Politics*, *62*(1), 240-253.

Sartori, G. (1994). Presidentialism. In *Comparative Constitutional Engineering* (pp. 83-100). Palgrave Macmillan, London.

Sartori, G. (1997). *Karşılaştırmalı Anayasa Mühendisliği*, (Çev. Ergun Özbudun), Ankara:Yetkin

Schmitt, C. (2010). *Parlamenter Demokrasinin Krizi*.(Çev. A.Emre Zeybekoğlu), Ankara: Dost

Sevinç, Murat (1996). Amerikan Yüce Mahkemesi. *Ankara Üniversitesi SBF Fakültesi,* Cilt: 51, Sayı: 1, s. 391-407

Shoesmith, D. (2003). Timor-Leste: Divided leadership in a semi-presidential system. *Asian Survey*, *43*(2), 231-252.

Shourie, A. (2010). *The parliamentary system*. MEHTA Publishing House.

Shugart, M. S. (2005). Semi-presidential systems: Dual executive and mixed authority patterns. *French politics*, *3*(3), 323-351.

Siaroff, A. (2003). Comparative presidencies: The inadequacy of the presidential, semi-presidential and parliamentary distinction. *European journal of political research*, *42*(3), 287-312.

Simovic, D. (2007). The Definition of Semi-Presidential Regime–Reformulated. In *Vii World Congress of the International Association of Constitutional Law.–Athens*.

Soysal, Mümtaz (1969). Dinamik Anayasa Anlayışı: Anayasa Diyalektiği Üzerine Bir Deneme. Ankara: *Ankara Üniversitesi Siyasal Bilgiler Fakültesi Yayınları*

Star Politika (28 Ağustos 2012). CHP'den Başkanlık Sistemi Açıklaması. http://www.stargazete.com/politika/chpden-baskanlik sistemiaciklamasi/haber- 566649, Erişim Tarihi: 21.04.2021

Stepan, Alfred, Cindy Skach (1993). Constitutional frameworks and democratic consolidation. Parliamentarism versus presidentialism. *World Politics*, Cilt: 46, s. 1-22.

Szilágyi, I. M. (2009). Presidential versus parliamentary systems. *AARMS*, *8*(2), 307-314.

Szyliowicz, S. Joseph (1963). The 1961 Turkish Constitution – An Analysis. *Islamic Studies Journal*, Cilt: 2, Sayı: 3, s. 363-381

Şivgin, H. (1997). *Türkiye İçin Umut Krizden Çıkış-Yeniden Yapılanma ve Başkanlık Sistemi*. Türk Dünyasında Demokrasiyi Geliştirme Vakfı, Ankara.

Tanilli, Server (2007). *Devlet ve Demokrasi: Anayasa Hukukuna Giriş*. (4.b.). İstanbul: Alkım Yayınevi

TBMM (2011). 1982 Anayasası. http://www.tbmm.gov.tr/anayasa/anayasa_2011.pdf, Erişim Tarihi: 21.04.2021

TBMM (t.y.). 1924 Anayasası. http://www.tbmm.gov.tr/anayasa/anayasa24.htm, Erişim Tarihi: 22.04.2021

TBMM Anayasa Portalı (2014). Anayasa Uzlaşma Komisyonunun Çalışmalarına İlişkin Sonuç Dökümanları. http://yenianayasa.tbmm.gov.tr/calismalara_iliskin_belgeler.aspx, Erişim Tarihi: 24.04.2021

TESEV (2012). *Demokratikleşme Reformları Siyasa Raporları Serisi, Yargı Reformu (4), Referandumdan Sonra HSYK: HSYK'nın Yeni Yapısı ve İşleyişine Dair Yuvarlak Masa Toplantısı.* Moderatör: Ali Bayramoğlu. İstanbul: TESEV Yayınları

The White House (2013). The Executive Branch. http://www.whitehouse.gov/our-government/executive-branch#vicepresident. Erişim Tarihi: 24.04.2021

Tocquevılle, Alexis;(1962), Amerika'da Demokrasi, (çev. Taner Timur), İstanbul Turhan, Mehmet (1991). Meclis Hükümeti (Konvansiyon Kuramı). *Ankara Üniversitesi SBF Dergisi*, Cilt: 46, Sayı: 1, s. 453-463

Tüfekçi, Nevzat Çağlar (2017). http://www.yarimadagazetesi.com/yazi/karsilastirmali- baskanlik-sistemleri-abd-ve-turkiye/, Erişim Tarihi: 21.04.2021

Uluşahin, Nur (2011). Türkiye'de Mevcut Hükümet Sisteminin Niteliği ve Rejimin Başkanlık Sistemine Kaymasının Getireceği Tehdit ve Tehlikeler. *Hukuk ve İktisat Araştırmaları Dergisi,* Cilt: 3, Sayı: 1, s. 29-38

United Nations, Department of Economic and Social Affairs (2004). Republic of Kazakhstan Public Administration Country Profile. http://unpan1.un.org/intradoc/ groups/public/documents/un/unpan023235.pdf, Erişim Tarihi: 23.04.2021

United States Courts (2014). Federal Courts in American Government. http://www.uscourts.gov/FederalCourts/UnderstandingtheFederalCourts/FederalCourtsInA Merican Government.aspx, Erişim Tarihi: 21.04.2021

United States Courts (2014). Jurisdiction of the Federal Courts. http://www.uscourts.gov/FederalCourts/UnderstandingtheFederalCourts/Jurisdiction.aspx, Erişim Tarihi: 23.04.2021

United States House of Representatives (2013). http://www.house.gov/content/learn/, Erişim Tarihi: 21.04.2021

United States Senate (2013). About the Senate Committee System. http://www.senate.gov/general/common/generic/about_committees.htm. Erişim Tarihi: 22.04.2021

United States Senate (2013). Constitution of the United States. http://www.senate.gov/civics/constitution_item/constitution.htm/ Erişim Tarihi: 26.04.2021

United States Senate (2013). Majority and Minority Leaders and Party Whips. http://www.senate.gov/artandhistory/history/common/briefing/Majority_Minority_Leaders.htm. Erişim Tarihi: 21.04.2021

United States Senate (2013). President of the Senate: Vice President of the United States. http://www.senate.gov/reference/Index/Vice_President.htm Erişim Tarihi: 21.04.2021

United States Senate (2013). President Pro Tempore. http://www.senate.gov/artandhistory/history/common/briefing/President_Pro_Tempore.htm. Erişim Tarihi: 26.04.2021

Urul, A. (1998). *Türkiye'de Hükümet Sistemi Tartışmaları* (Doctoral dissertation, Marmara Universitesi (Turkey)).

US Constitution Online (2013). http://www.usconstitution.net/xconst_A1Sec3.html/. Erişim Tarihi: 21.04.2021

Ünal, Mustafa (1996). Rota Başkanlık Sistemi. http://www.aksiyon.com.tr/aksiyon/haber- 2090- 33-rota-baskanlik-sistemi.html, Erişim Tarihi: 21.04.2021

Üskül, M. Zafer, "Başkanlık Sistemi mi? Neden?", *Yeni Türkiye D.,* Yıl 9, S. 51, Mart-Nisan 2013.

Valenzuela, Arturo (2004). Latin American Presidencies Interrupted. *Journal of Democracy*, Cilt: 15, Sayı: 4, s. 5-19

Vural, M.A. (2010). Parti İçi Demokrasi ve Siyasal İletişime Katkıları. *Iletişim*, 13(13), ss. 147-162.

Yavuz, Bülent, Mehmet Bülbül (2012). Çift Meclis Sistemi ve Türkiye. *Gazi Üniversitesi Hukuk Fakültesi Dergisi*, Cilt: 16, Sayı: 1, s. 217-260

Yılmaz, Sait (2012). Başkanlık Sistemi: ABD, Türkiye'ye Örnek Olabilir mi?. 21. Y.Y. Türkiye Enstitüsü. http://www.21yyte.org/tr/arastirma/abd/baskanlik-sistemi- abd-turkiyeye-ornek-olabilir-mi. Erişim Tarihi: 26.04.2021