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Revisiting the authoritarian pattern in Turkey: transition to presidential system

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ABSTRACT

Systems of government have been an issue that has occupied Turkish politics periodically since the transition to multi-party politics. Most political leaders from the right-wing spectrum have repeatedly advocated the transition to a presidential system, which they considered an instrument for a fast and powerful executive branch. Following the constitutional amendments in the 2017 referendum, parliamentarism was replaced with the presidential government system. However, this dispute has not been settled yet. The opposition parties claimed that the presidential system would lead to a more authoritarian political regime, while the leading political party saw the amendments as tools to prevent a coalition government and sustain political stability. Inspired by these opposing views, this study aims to reveal the authoritarian shift generated by the 2017 constitutional amendments. It focuses on empirical findings to transcend the rational interpretations of the amendments. It concludes that even the two-and-a-half-years experience of the Turkish presidential system offers tangible proof of further authoritarianism.

KEYWORDS

Turkey; authoritarianism; democratization

Introduction

Approximately two years after the 2017 transition to a presidential system in Turkey, Supreme Election Council (SEC) unexpectedly ruled on 6 May 2019 for a re-run of the Istanbul Metropolitan Mayor election, which had resulted in the victory of the opposition candidate in the local elections in March. The ruling party suffered the greatest electoral disappointment since its rise to power in 2002 because it came after 25 years of Islamist political control in Istanbul metropolitan municipality; and the defeat in Istanbul meant the loss of the country's largest city with a budget of \$4 billion. The SEC's controversial cancellation decision raised questions about whether the political regime was turning from competitive authoritarianism into electoral authoritarianism due to the change of governmental system (Reuters News Agency 2019; Esen and Gumuscu 2019, 318). These news stories served to consolidate concerns about the state of the rule of law in Turkey, which has deteriorated, since the constitutional amendments in 2017. This constitutes the main focus of this study.

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Since democracy is a universally recognized, dynamic ideal, identifying the obstacles to and the reasons for a reversal from democratization have been of great significance both in real politics and academic studies. Per this autogenous importance of democracy in all political entities, the authoritarian tendencies of the Justice and Development Party (*Adalet ve Kalkınma Partisi*-AKP) era in Turkey drew well-deserved academic interest, as did post-coup authoritarian transitions of the 1960s and 1980s. Correspondingly, light was shed on its effect on freedom of speech, the media, opposition, bureaucracy, judicial branch, etc., and in a detailed manner. Considering the abundance of these studies, the contribution of this presidential system transition to authoritarianism was relatively less examined because of the novelty of the phenomenon. Indeed, the existing analysis of the Turkish presidential system mostly dates back to the transition period and addresses the perils of change with regards to the political regime, i.e. authoritarianism. Unfortunately, these studies were unable to go beyond the legal interpretations of the possibility of a 'one-man rule' because of the lack of empirical data and the lack of comprehension of the various spheres of society under authoritarian pressure. It has been more than two years since the de facto beginning of the presidential system, following the 2018 presidential and general elections. It is time to support legal interpretations with observable findings to attain objective knowledge on authoritarianism generated by the change in the governmental system. Thus, this study aims to identify the negative effects on Turkish democracy of the 2017 transition to a presidential system.

What might make the findings of this study controversial is that authoritarianism existed in Turkey before 2017 and was incited by different dynamics, maintaining an earlier domination of the public and private spheres. Therefore, it is essential to identify further authoritarianism trends following the 2017 referendum. The Most Similar System Design (MSSD) of the comparative method is preferred to avoid such ambiguity. MSSD was derived by Przeworski and Teune from J.S. Mill's 'Method of Difference' (Mill 1882, 482). According to MSSD, *systems as similar as possible with respect to as many features as possible constitute the optimal samples for comparative inquiry ... If an important difference is found among these otherwise similar systems, then the number of factors attributable to this difference will be small to warrant explanation* (Przeworski and Teune 1970, 32). A comparison to reveal the link between cause and effect is not limited to the cross-national level (Przeworski 2009, 148). One of the convenient ways of using the MSSD is by comparing a single political system over different periods, i.e. time series analysis. By doing this, the number of independent variables can be narrowed down because many of the potential variables stayed the same – in other words, the variables were controlled – after 2017. In practice, this means that if there is increased authoritarianism following the annihilation of the parliamentary governmental system, the only potential differing variable – namely, the 2017 constitutional amendments – could explain the referred escalation.

This study is configured in three interrelated and integral parts to identify and explain how authoritarianism grew in Turkey following the constitutional change in 2017. The indicators and the timing of the authoritarian tendencies of the AKP era before 2017 are analysed chronologically in the first part. The spheres of social existence influenced by the shift from electoral democracy to an authoritarian regime are also clarified. In the second part, commentaries on the 2017 constitutional changes are studied. In the third part, the further authoritarianisation of the regime due to the 2017 referendum,

which necessarily could be the single dynamic as the sole differing variable, is explored through before-and-after comparisons of the compliance within the executive body, the volume of parliamentary and executive legal arrangements, the efficiency of parliamentary overview mechanisms, the indicators of politicization of the judiciary and the reports of various international organizations. The compared segments of time correspond to before-and-after the 2017 referendum. However, the state of emergency process is considered separately to neutralize its potential effects on the comparison.

The inquiry is limited to analysis of the 2017 constitutional changes and their consequences, although the transition was also brought about using ordinary laws, statutes, and decrees. Within that framework, primary and secondary resources involving scholarly literature, reports released by international institutions, media accounts, and social policies and practices relating to the authoritarianism of Turkey during the AKP era are interpreted as complementary parts of a whole.

Authoritarianisation of the AKP Governance before the 2017 Referendum

The literature about authoritarianism is replete with various definitions and measurement standards. Pseudo-democracy, delegative democracy, semi-democracy, illiberal democracy, disguised dictatorship, semi-authoritarianism, electoral authoritarianism etc., are conceptualizations regarding the flaws of democracies and the non-democratic governance in common, yet they focus on aspects of authoritarianism in different domains. Addressing this inconsistency, Diamond wanted to clarify the blur by grading the regimes in his work published in 2002. He classified the world's regimes by the fivefold typology, plus the residual one of ambiguous regimes (Diamond 2002, 26), rating Robert Dahl's Liberal Democracy, Schumpeter's Electoral Democracy, Levitsky and Way's Competitive Authoritarianism, Schedler's (hegemonic) Electoral Authoritarianism and Linz's Politically Closed Authoritarianism.

Among the authoritarian regimes, the competitive authoritarian regime is defined by Levitsky and Way (2002, 59) 'as the coexistence of democratic rules and autocratic methods that aim at keeping incumbents in power. Using bribery, co-optation, and various forms of "legal" persecution, governments may limit opposition challenges without provoking massive protest or international repudiation'. Elections still offer opportunities for the rotation of power. Hegemonic Electoral Authoritarianism, however, do not include any form of the competition. According to Schedler (2006), 'this type of regimes establish the institutional façades of democracy, including especially regular multi-party elections'. Instead of being the tool for the transfer of power, elections are just the cover of authoritarianism, and legal opposition parties do not seriously challenge the ruling political party that monopolizes the political sphere. Besides competitive and hegemonic electoral authoritarianism, Linz's categorization of authoritarianism (2000, 60) 'in which a political party is *de jure* granted a special constitutional and legal status' is classified by Diamond as Politically Closed Authoritarianism. In this version of authoritarianism, political control includes a legal ban on political pluralism, and no institution of opposition is allowed to operate in the political arena.

Despite his own classification of authoritarian regimes and final interpretation of measurement for each type, even Diamond considered 17 regimes among 192 throughout the world 'ambiguous' due to the blurry boundary between electoral democracy and

competitive authoritarianism. Considering the abundance of different approaches to this subject, hence the diversification of standards, it is evident that the related literature is far from consensus on what constitutes 'authoritarianism'. Unfortunately, the reflection of these theoretical inconsistencies in the field has been inevitable, as was in the case of Turkey.

The plethora of academic studies on the authoritarian shift of the AKP was accompanied by remarkable controversy among those studies about the timing and indicators of authoritarianism. Although EU membership incited reforms and inclusive democratic progress was said to be a predominant feature of the AKP in its first ruling period between 2002 and 2007, the authoritarian tendencies of party politics started to be reported the year after they gained power.

The intra-party intolerance of the opposite factions since 2003 (Cosar and Ozman 2004, 58), violation of the basic constitutional rights such as freedom of speech from 2005 onwards (Yilmaz 2011, 2), and suppression of the media as of 2007 were criticized by scholars as early indicators of the AKP's undemocratic turn. The state institution, Savings Deposit Insurance Fund (TMSF), was instrumentalised to take over the media assets due to debts or tax burden and changed the ownership in favour of government-friendly owners (Akser and Hawks 2012, 303). Although Turkey was deemed a 'vibrant democracy' by some analysts even in 2013, the evaluation of Freedom House data accounted for the authoritarian turn in Turkey since 2005 (Meyersson 2016, 4).

Following indicators of authoritarianism that involved revanchist attitudes of the AKP and after weathering e-memorandum of the military in 2007, the existential threat due to a party closure case in the constitutional court in 2009 was intensified primarily in the bureaucratic sphere to control state apparatus. The government started to dismiss military officers in strategic quarters via dubious procedures and evidence distortion by police forces. They then replaced them with military personnel whose values were closer to those of government (Onis 2015, 26–27; Cilliler 2016, 511). Of course, the control and instrumentalisation of the judicial branch should have been achieved to accomplish the purge of all state institutions. In line with this, the Constitutional Court nomination procedures and the structure of the High Council of Judges and Public Prosecutors (CJP/HSYK) that control the appointments and promotions were changed in favour of the government via a constitutional referendum in 2010. The structures of other high courts, such as the Court of Cassation and the Council of State, were modified (for example, the number of members was increased) in 2014 in order to obtain a majority of pro-government judges (Ozbudun 2015a, 7).

In the late second term of the AKP rule, repercussions of authoritarianism were evident in the civil society sphere. The government tried to suppress Turkish civil society. Since the constitutional amendments in 2010, the government has been able to implement its control strategy, including its containment through selective repression and the establishment of an alternative civil society (Yabancı 2019). In this respect, the government followed an authoritarian pathway to empower the state vis-à-vis organized labour. Collective labour legislation was restructured in 2012 to control trade unions, and clientelist relationships with workers and unions were adopted (Ozkiziltan 2019), as had previously been established in business circles (Esen and Gumuscu 2018).

Besides representative institutions of societal classes, society itself became the objective of a government that used global mechanisms of neoliberalism, new populism, clientelism, etc., to control the masses. For instance, the Housing Development Administration (TOKI) operated to appease the lower segments of society, while the capital owners were attracted by privatization and public-private partnerships (PPPs). To prevent the Independent Regulatory Agencies (IRAs) in these corrupt and symbiotic relations, the government has turned IRAs into extensions of various ministries by executive decrees. Finally, thanks to numerous arrangements in the Public Procurement Act, the AKP was able to instrumentalize the punishment of opposition-controlled institutions and reward proponent mechanisms to maintain the loyalty of capital owners and lower segments of society. That is, the government gained a hegemonic position by functioning as a machine in the redistribution of state resources (Sommer 2016, 9; Onis 2015, 2019; Esen and Gumuscu 2018; Sekhniashvili 2017; Ozdemir 2015; Gunay and Dzihic 2016).

Despite early indicators stated thus far, the positive narratives in the West about Turkish moderate-Islamic democracy only recently collapsed in 2013 (Alaranta 2016, 5–8; Freedom House 2013). Referring to the 2013 Gezi Park protests in Istanbul and the 2014 presidential elections, Stelgias (2015, 10,13), in line with the Human Rights Watch Organization (HRWO 2014) and the Organization of Security and Cooperation (OSCE 2014), argued that the AKP, as of 2013, began to show a growing intolerance of the opposition in the field of civil liberties and to adopt electoral tactics that resulted in unfair elections and uneven political competition.

Following the change in Western perceptions regarding the AKP government, the worsening Turkish security complex in the homeland and abroad became the justification for the government's authoritarian attitude throughout the country, and governmental methods to overcome internal and external threats strengthened the negative and critical western approach. The collapse of the Kurdish peace process resulted in bombings in Diyarbakır, Suruç, Ankara, and engendered military operations in the southeastern part of Turkey in 2015 and the chaotic coup attempt on 15 July 2016 (Ezizoglu 2019, 200–220; Eralp et al. 2017, 19–20; European Commission 2015, 23, 2016, 9). These developments paved the way for a long-desired change in the governmental system from a parliamentary to a presidential system, which would guarantee the unprecedented absolute control of the state by the AKP. Collaterally, the possibility that the AKP would become paralysed if the intra-party conflict strengthened also led to the president aiming to transform the then-parliamentary government into a presidential government. With the declaration of Nationalist Action Party (*Milliyetçi Hareket Partisi*-MHP) support serving as a pretext for the immediate need to legalize unconstitutional power concentration in the presidency, the qualified majority of MPs – 330 MPs out of 550 –, necessary for the amendment of the constitution via a referendum was met.

The referendum was held in April 2017 and concluded with 51% in favour of the amendment but with poor performance in big cities for the leading People Alliance (Cumhur İttifaki) as opposed to Nation's Alliance (Millet İttifaki). On 24 June 2018, presidential and general elections were held under a state of emergency, almost two years after the coup attempt that served as pretext for its declaration. President Recep Tayyip Erdoğan managed to win re-election with 52.6% of votes, and the AKP won a majority in parliament, with 295 seats out of 600. However, some studies focused on the state of

emergency – lifted approximately one month later – and on the timing of elections – pushed forward by 17 months – and criticized their effects on the results, citing an unfair electoral playing field. In addition to the obstacles to a free, fair, and competitive election, the subsequent assignment of Berat Albayrak, son-in-law of the new President, as the ‘economy czar’ justified concerns that the authoritarian tendency would not recede in the short-run (Tas 2018, 10). As neopatrimonial regimes have shown, the appointment of family members and cronies to head army, police, intelligence, and other state agencies is often an important means of enhancing intra-regime trust and reducing the likelihood of elite defection (Way and Levitsky 2006, 396).

In sum, the diagnosis of the AKP’s authoritarian tendencies originates from the early phases of its reign, in contrast with the evaluations of Western scholars that suggested that the deviation from democracy was in 2013. This incoherence might be attributed to the characteristics of the third – current – wave of autocratization, considering the Huntingtonian three waves of democratization and the literature on autocratization – erosion of democratic quality – . From this point of view, the third wave of autocratization unfolds more clandestinely and incrementally than its historical precedents and tends to operate under a legal disguise that makes it quite problematic to pinpoint the onset (Lührmann and Lindberg 2019, 1098; Somer et al. 2021, 2).

Interpretations of the Turkish presidential system

Authoritarianisation of the political regime in Turkey is not unique to the AKP rule. It can be traced back to earlier origin in the context of military-bureaucratic tutelage; however, starting it with the 1982 constitution, which is still in force, would be more reasonable for the case of transition to the presidential system. Through the 1982 constitution, a depoliticization process had been launched that limited political participation. Political relations and cooperation of political parties with associations, foundations, trade unions, professional associations etc., were prohibited, and these pressure groups were restricted from accessing the political sphere. Political parties were not allowed to form subsidiary organizations such as women’s branches and youth branches. The closure of political parties was facilitated, and public officials were banned from political party membership. The strengthening of the executive branch in general and the presidency in particular was also criticized on the grounds that it opened the way to authoritarianism. National Security Council (*Milli Güvenlik Kurulu*-MGK) consisting of half military half political members, and supreme courts and higher boards, where the president was influential in the election of their members, were instrumentalised to keep the political and social spheres under control (Ozbudun 2009, 59–70). Nevertheless, following the transfer of power to political parties in 1983, a normalization process was initiated, and with the constitutional amendments of 1987, 1993, 1995, 1999, 2001, 2002 and 2004, a more democratic political climate was aimed. On the other hand, the early years of AKP rule witnessed the beginning of a simultaneous democratic recession.

In addition to the transition to more authoritarian governance that lasted from 2003 onwards and reached its peak with the state of emergency after the coup attempt, an essential step for further authoritarianism, namely the proposal of the transformation into a presidential system, has been addressed by various studies (Ataay 2013; Ozbudun 2015b; Boyunsuz 2016). Moreover, the European Council Venice Commission reported,

prior to the referendum, that the proposed constitutional amendments would lead Turkey to a personal regime (Venice Commission 2017). Parallel arguments interpreting the changing rules of the game and pointing out the risks of a ‘one-man rule’ continued to be released in academic studies after the referendum too (Kirisci and Sloat 2019, 2; Gurbey 2019, 2). Most of these studies interpreted the new constitutional arrangements according to their particular understanding of authoritarianism. In this study, consistent with the account of Yilmaz and Turner (2019, 692; Cilliler 2019, 7), authoritarianism is comprehended as a would-be democratic regime with centralized governance using anti-democratic tools to silence the opposition both inside and outside the political party and to undercut the rule of law. From that perspective, criticisms can generally be divided into three groups: the centralized executive, the diminishing power of legislation, and the decrease in – or politicization of – judicial power.

Constitutional amendments consisted of 18 key points comprising changes in 80 articles of the Turkish constitution. Regarding the centralization of the executive power, its dual structure was single-headed, abolishing the post of prime minister and transferring all prime ministerial powers to the president (Law no. 6771, Article 8). In the ex-parliamentary system, sharing of the executive jurisdiction by the prime minister and the president brought about their reconciliation even if they were members of the same political party. On the contrary, the president has had absolute power over all executive decision-making processes in the presidential system. For instance, ministers and all high-ranking members of public bureaucracy have been appointed without any judicial or parliamentary consent, as in parliamentary systems and without senate approval as in the (model) presidential system in the United States.

In terms of centralizing the executive, the dissociation of the president from their political party has no longer been required by the constitution (Law no. 6771, Article 18). It has allowed the elected president to continue to be the chairperson of the political party, which entails the monopoly of decision-making of the appointments of MP candidates. In the pre-presidential AKP era, a consensus between heads of executives was necessary, and the prime minister used to choose the candidates with the intrusion of the president. But according to the existing regulations, the president has started to appoint not only ministers and high-ranking public executives but also the majority of the legislative body thanks to party discipline and the absence of primaries for MP candidates of the AKP.

As for the balance-breaking regulations between executive and legislative powers, even the formation stage was criticized. The new rule about simultaneously holding presidential and parliamentary elections (Law no. 6771, Article 4) was meant to generate results close to each other (Fish 2005, 81). This way, the possibility of a split government could be narrowed down, and presidential decisions would not be challenged by the parliamentary majority, which might be held by the opposition in the case of differing election times.

The executive has also been equipped with greater legislative capabilities than before. The requirement of a simple parliamentary majority to override the presidential veto power of a legislative bill has been scaled up to an absolute parliamentary majority favouring the executive (Law no. 6771, Article 16 c). Indeed, the scale of the veto power to block legislative bills ought to be considered together with ordinary decree power (Law no. 6771, Article 8) and emergency decree power of the executive (Law no. 6771, Article

12; Boyunsuz 2016, 79). The power delegated by the parliament to issue former executive decrees – having the force of law – turned into ordinary presidential decrees, which were already inherent to executive power, without the need for parliamentary ratification. Even the subject limitation for those decrees did not reduce the advantage of the executive power. Whereas the fundamental, individual, and political rights and duties were left outside of the scope of ordinary presidential decrees, the emergency decrees – having the force of law and needing parliamentary approval – could be put into force, free from judicial overview on all matters necessitated by the state of emergency. The vital point is that emergency decrees, even ordinary ones, are immediately effective and valid as soon as they are published, but parliament is given three months for confirmation. This time interval enables the executive to legislate measures even if they are undemocratic and irreversible.

The effectiveness of parliamentary scrutiny over the executive was weakened by re-designing the overview mechanisms. Censure and vote of confidence mechanisms were repealed. On the contrary to previous acquisition and supervision tools, questions of parliament members were limited to be in written form and had to be directed to the vice-president and ministers alone and not to the president as head of the government (Law no. 6771, Article 6). The level of control was reduced even in terms of the mechanisms having judicial results, such as the impeachment process (Law no. 6771, Article 9). The absolute parliamentary majority required to impeach the president and send him to Supreme Criminal Tribunal was changed to a two-thirds majority of the parliament (Egeresi 2018, 142–143), making the impeachment mechanism almost totally ineffective.

As for the allocation of resources, which is the ultimate objective of politics in a Lasswellian sense (i.e. who gets what, when, and how), the preparation and implementation of the annual budget did not undergo significant changes except for the replacement of the Council of Ministers by the President in the budgeting process. Yet, the finalization and confirmation of the budget by Parliament were turned into a non-compulsory component of budgeting. This was due to the previous year's budget being increasingly applied as per the re-valuation rate, in the absence of the adoption of the ordinary and provisional budget law in the given period (Law no. 6771, Article 15). The power of the Assembly to change the budget – that means the contribution to the policy-making process or decline the budget – a reason for the dissolution of government according to traditional law – was revised to the power to block executive policies different to those of the previous year. In addition to that, the portfolio of assets consisting of 14 companies – worth approximately \$30 billion (Sozcu 2019) – of Turkey Wealth Fund, which was established in 2016 and put under the supervision of the President in 2018, was held outside of the budget and, thus, outside of parliamentary control through the Court of Accounts (*Sayıstay*).

As for the new regulations related to the justice system, they mainly addressed the most strategic judicial institution, namely the Council of Judges and Prosecutors (CJP), which has the power to appoint, transfer, promote, investigate, and punish judges and prosecutors, as well as distribute cadres, admit to- and suspend them from the profession (Council of Judges and Prosecutors 2020). Indeed, the CJP elects the members of the Council of State and the Court of Cassation, both of which are sending nominees for the Constitutional Court as well (Venice Commission 2017, 28). Therefore, according to

Ozbudun (2015a, 6), the government clearly can control the entire judiciary if it dominates the CJP. In this context, the presidential power on judicial appointments was increased at the expense of European standards, which require that at least half of the high-ranking judicial members must be appointed by the judiciary system itself to avoid politicization (Venice Commission 2017, 27). Under the constitutional amendments (Law no. 6771, Article 14), six members, including the Justice Minister and Undersecretary – natural members of CJP – out of 13 have been appointed by the president, and the remaining seven members have been determined by the parliament, of which the majority have been dictated by the president since the constitutional referendum enables a president to be the chairperson of a political party as well. Apparently, it can be argued that the executive is over-empowered vis-à-vis the judiciary compared to the former system, where the presidents were able to appoint just three members out of the 22 regular and 12 substitute members.

Reason – Fact compliance of alleged authoritarianism

The changed rules, at least theoretically, were quite likely to trigger authoritarianism, but would not guarantee it either, since the rest of the rules, the former mindset, or the accumulated parliamentary political culture etc., may have continued to dominate the political arena and to limit further authoritarianism. Therefore, credible findings are needed in order to conclude that the presidential system has generated a more authoritarian regime than before.

In terms of a centralized executive, the president was given absolute power through new regulations so that his decisions could not be challenged by anyone or any institution. Regarding the executive appointments, President Sezer rejected 27 decisions made by the Council of Ministers out of 139 and 499 decrees signed by the Prime Minister and the Council of Ministers out of 3401 during the AKP administration between 2003 and 2007 (Yenisafak 2007). One can argue that it is only possible when the president and prime minister are not from the same political party. But even in the 20 months of Davutoglu governments the discrepancies between the president and prime minister despite their same party origin caused political crisis, for instance about the candidacy of the Undersecretary of the National Intelligence Agency (MIT) for deputy, the public transparency package, the structure of the coalition government, characteristics of the presidential system, the trial of academics under custody, and the division of authority between the chairman and the central decision administrative committee of the party, and so on (Senay 2016). In fact, it is quite clear that the government or the president had to negotiate with one another during the decision-making processes in the former governmental system. Turning the dual character into a centralized structure enabled the executive to eliminate intra-party opposition and the need for negotiations with intra-party cliques.

In particular, the annulment of the constitutional article that mandated the dissociation of the president from their political party served to achieve the same purpose. In the pre-presidential period, MPs were able to display distinct loyalties regarding the aforementioned discrepancies between the president and prime minister, which might have contributed to and consolidated the existing counter-balance within the role of the executive. In addition, it strengthened the executive vis-à-vis legislation, allowing the

president to monopolize the decision-making process on determining MP candidates. However, the legislative mechanisms to check executive were rarely operative during the parliamentary system; for example, the Turkish assembly's rejection of US troops' deployment on Turkish soil in 2003 (Boudreaux and Zaman 2003) demonstrated the potential balancing power of parliament vis-à-vis the executive. But the president, who is also the chairperson of the leading political party in the presidential system and chose the MPs, would not allow such a refusal.

More extensive legislative capabilities given to the executive branch resulted in its increasing tendency to circumvent parliament's will through the presidential decrees, as shown in Table 1 (Legal Gazette) below. Since the beginning of the AKP reign, the government issued 35 executive decrees having the force of law between 2002 and 2016. Later on, the number of executive decrees dramatically rose to 37 in two years, which might be attributed to the state of emergency that lasted from 2016 to 2018. Nevertheless, the escalation continued even after the state of emergency, and the number of the decrees in two years rose to 65 between 2018 and 2020. Kaboglu made a more detailed assessment by comparing the number of articles in laws and decrees. He identified that the volume of the presidential legal arrangements in decrees, comprising 2,229 articles, exceeded the volume of the parliamentary legal arrangements in laws, containing 1,493 articles (Solaker 2020). According to Mill's models of comparative analysis, this might be explained by the new governmental system, which was the only changing structural factor, and, therefore, the reason for the lasting escalation of presidential decrees – replacing executive decrees having the force of law – and its massive volume compared to those of law. While the rising number of the decrees and their vast content address the increasing power of the executive, the decreasing number of the laws from 421 to 107 in two years indicates the weakening power of the parliament.

The weakening of the parliamentary overview mechanisms offers some clues about the enhancement of authoritarianism as well. In addition to the abolition of censure and the vote of confidence mechanisms, the existing parliamentary tools such as questions and parliamentary inquiries started to lose their importance following the governmental system change. Except for the extracanonical 25th parliament (23 June – 1 October 2015), which lasted several months, and the 26th parliament (17 November 2015–16 May 2018), under the influence of a witnessed coup attempt, the percentage of questions answered by the executive in prescribed time decreased during the 27th parliament (7 July 2018 – date of article submission) under the presidential governmental system when compared to 23rd (23 July 2007–23 April 2011) and 24th (28 June 2011–23 April 2015). Another indicator of a stronger executive was the percentage of acceptance of parliamentary inquiries requested by delegates, which decreased during the 27th parliament, as shown in Table 2 (GNAT/

Table 1. The number of laws and decrees before and after the presidential system.

	3 November 2002– 14 July 2016	15 July 2016 (Coup Attempt) – 9 July 2018 ^a	10 July 2018– 28 July 2020
LAW	1881	421	107
DECREES	35	37	65

^aThe end of the state of emergency is replaced with the date because the first Presidential decree was issued on the 10 July, and since then, no additional laws or decrees have been issued during the state of emergency.

Table 2. The percentages of answered questions and accepted inquiry requests.

	23 rd Parliament	24 th Parliament	27 th Parliament
Total Questions of Delegates	21598	71276	33693
Answered Questions in Prescribed Time	11230 (51%)	16384 (22.9%)	3977 (11.8%)
Request for Parliamentary Inquiry	1101	3309	3186
Acceptance of Parliamentary Inquiry	134 (12.1%)	115 (3.4%)	45 (1.4%)

TBMM) below. Given the Members of the Parliament of the leading party are to vote in line with governmental preferences, the decreasing acceptance of parliamentary inquiry may also be interpreted as an indicator of the opposition that has been less functional in the Parliament. From this point of view, there is also a negative trend in terms of democracy, which mandates political participation and pluralism.

As for the judiciary, which constitutionally should be independent and impartial, the structure of the strategic institution, CJP, has been subjected to a shift that might have enhanced the politicization already in existence. It is not easy to measure the difference in judicial decisions demonstrating further politicization caused by the change in the governmental system. Still, some unprecedented incidents such as the annulment of the 2019 local elections, the release of a Gulenist suspect upon political engagement, the sacking of the Central Bank governor, etc., during the presidential system can be regarded as signs of further authoritarianism.

Repressive treatment of the government could emerge under many guises, and rulers may impose restrictions on the opposition camp not only after seizing power but also during the elections. The main point is whether governmental manipulation is managed with the support of the constitutional amendments regarding the transition to the presidential system since the pressure on the opposition was also present in the parliamentary period. The SEC, consisting of eleven members – four of them substitutes – from the Court of Cassation and the Council of State judges, who are determined by the CJP, annulled and decided to re-run the 2019 Istanbul Metropolitan Mayor elections. The judgment was mainly based on the allegations arguing that members of the ballot box committees were not civil servants. Nonetheless, ballots cast for the district mayors and the provincial and municipal councillors in the same ballot envelopes were accepted as valid. Furthermore, the same committee members counted the ballots cast in the 2018 presidential and parliamentary elections (Council of Europe 2019). In short, the annulment of the Metropolitan Mayor Elections in Istanbul rendered all other elections mentioned above illegitimate and demonstrated that the partisan decision of the SEC originated with the politicization of the CJP and the top-down judicial sequence.

In addition to this, there were widespread allegations about the partisan admissions of thousands of judges and prosecutors after the transition to the new governmental system (Koçlu 2020). As a result of the politicization of judicial cadres, executive interventions in judicial branches were followed by courts' verdicts consistent with political demands, as was seen in the Turkone case, in which Nationalist Movement Party leader Bahçeli intervened, the partner of 'People Alliance' in power. The appeals court's verdict to the release of Turkone, who was sentenced to 10.5 years prison on charges of links to the Gulen movement in 2018, followed a statement by Bahçeli, who called for his retrial. (Hurriyet Daily News 2020). Indeed, political initiatives and practices inconsistent with legal arrangements have been neglected by judicial incumbents too. For instance, the

Table 3. Ratings of freedom house and bertelsmann stiftung regarding Turkey's democracy.

	2015	2016	2017	2018	2019	2020
Freedom House	39/100	38/100	32/100	31/100	32/100	32/100
Bertelsmann Stiftung		5.55/10		4.92/10		No data available

central bank governor, Cetinkaya, who previously refused to resign, was illegally removed by Presidential Decree 159 in 2019 after the disagreement over the pace of interest rate (Pitel 2019). Despite the discordance of the reason of deposal between the presidential decree and the law on the Central Bank of the Republic of Turkey (Law 1211 1970, Articles 27–28), which limited dismissal only on certain specific conditions, no judicial process was launched for the suspension of execution based on the supremacy of laws over decrees.

The centralized executive, the decreasing power of legislation, and the decrease in judicial power in Turkey were also identified by various related non-profit organizations researching democracy. US-based foundation, Freedom House, decreased Turkey's status from 'partly free' first time to 'not free' in 2018 due to incidents ushered in by the 2017 constitutional referendum that concentrated power in the presidency (Freedom House 2018). In Germany, operating the largest non-profit foundation focusing on democracy and market economy worldwide, Bertelsmann Stiftung declared in its biannual Transformation Index 2020 that the Turkish president was granted excessive powers following constitutional changes that undermined the fundamental aspects of a democratic system and labelled new governance for the first time as an autocracy and a *de facto* dictatorship (Bertelsmann Stiftung 2020). Particular attention should be paid to the fact that the democratic backslide was not recovering, as shown in Table 3 below, despite the abolition of the State of Emergency in July 2018, which was imposed after the failed coup attempt in July 2016.

According to the European Union Progress Report of Turkey, the new constitutional amendments significantly curtailed the Grand National Assembly's legislative and oversight functions. For instance, since July 2018, the Assembly has adopted only 17 pieces of legislation out of the 1479 bills tabled by MPs. In terms of the decreasing power of legislation, it is also a crucial indicator that ministers no longer appear before MPs, whose right to oral questions has been annulled. (European Commission 2019). In South Africa, the headquartered global alliance of civil society organizations, CIVICUS (World Alliance of Citizen Participation), reported that Turkish authorities accomplished the mass deregistration of civil society organizations, the arrest of 115,827 individuals, and the closure of numerous news outlets thanks to the constitutional amendments in 2017. CIVICUS classified Turkey as a 'repressed' regime on their watch list, one category away from the most severe 'closed' classification (CIVICUS 2017). The United Kingdom centred non-governmental organization, Amnesty International, monitoring human rights violations, commented in its 2017–18 report that prosecutors and judges were less willing than in previous years to investigate violations by law enforcement officials in the face of extreme political pressure on the Turkish judiciary system (Amnesty International 2018, 370).

Conclusion

Compromise and consensus culture by bargaining and negotiating among rival elites is not strong enough to tackle the social, economic, and political problems in Turkish politics. Dictating the decisions of those with a majority in parliament is prevalent

throughout political history, which has been intolerant of diversity. Some have argued that this authoritarian top-down agenda led governments to portray opponents as traitors, and dissenting opinions among society have usually been dismissed by ruling elites (Kaya 2015, 3).

At the beginning of the twenty-first century, the AKP had all the necessary power, such as a popular mandate, US backing, and, most notably, EU support, to create a democratic transformation of the state (Alaranta 2016, 6). Legitimizing their authoritarian attitude with the argument of being among victims of former power holders, the AKP preferred to reinforce and conquer rather than democratize or dismantle the historical institutions instrumentalised by former political elites to control the opposition. Albeit to their small numbers, some democratic institutions attempted to be transformed into the control mechanism as well. For instance, the 2017 referendum is one of the most critical reversals from the parliamentary pattern and an effort to limit opposition inside and outside the AKP by changing the governmental system.

The authoritarian tendency of the incumbent AKP began to be reported from as early as its second year after seizing power. Intra-party intolerance of the opposite factions, violations of rights such as the freedom of speech, the suppression of media, the politicization of state institutions, and the setting up of their own cadres in public offices with distorted evidence were followed by intervention in the sphere of civil society, which aimed to control the masses via the redistribution of state resources. Bombings in Diyarbakır, Suruç, and Ankara, and ditch operations in the southeast of Turkey, as well as the chaotic coup attempt, justified and strengthened the authoritarian shift of the governance and the transition from a parliamentary to a presidential system, which equipped the government to carry the regime up to its current level of authoritarianism.

The predictions of further authoritarianism during the transition period of 2017–18 and the findings of authoritarianism pointed out in some studies during the execution period of the Turkish Presidential system between 2018 and 2020 are consistent with each other and can be categorized into three different and interrelated groups such as the centralized executive, the decreasing power of the legislature, and the weakening – or politicization – of the judiciary system.

Regarding the centralized executive, presidential decisions went unchallenged by any individual or institution inside the executive branch once the dual structure was single-headed. Indeed, lifting the ban on the association of the president with the party strengthened their one-man position as well.

However, this regulation guaranteeing the president's monopoly of choice of MP candidates generated presidential superiority over the legislature. Rising numbers of presidential decrees and their volume compared with the number of legislative legal arrangements and the size of their content, the escalation in the percentages of unanswered parliamentary questions by the executive, and the decreased acceptance of parliamentary inquiries address the increased power of the executive.

When it comes to the judicial branch, the change of the structure and nomination procedures of the CJP enhanced the capacity of the executive to control the judiciary system. To argue that it happened would be speculative and subjective without concrete findings. But it would not be baseless to argue that the constitutional amendments led the balance between branches to shift in favour of the executive. The partisan verdict on the 2019 local elections, the engagement of politicians in judicial decisions, and executive

orders conflicting parliamentary laws are strong evidence of such a phenomenon. The indicators of further authoritarianism after the 2017 referendum were also identified by various international organizations monitoring democracy across the world.

Consequently, the predictions of further authoritarianism triggered and accompanied by the transition to the presidential government system could have been verified by concrete evidence in two and a half years. Because of the accumulated Turkish political culture for years, any constitutional or legal arrangement that allows for the concentration of power could very likely result in further authoritarianism. To avoid any version of a ‘hyper-presidential system’, robust control mechanisms on presidential power are necessary. The power of the president to appoint high-ranking bureaucracy, monopolize the determination of MPs, issue ordinary and emergency decrees, determine the budget and circumvent the judicial and parliamentary overview needs to be limited by checks and balances mechanisms and sharing power among other branches of government.

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