INSTITUTIONAL CHANGES TURKEY: THE PRESIDENTIALIZATION OF TURKISH POLITICS AND ITS INFLUENCE IN DEMOCRATIC REGRESSION.

Summary

The study of *presidentialization* in hybrid regimes is a relatively unexplored field in comparative politics. In this regard, Turkey may be an interesting case for study due to the significant process of *presidentialization* experienced over the last decade. This research concerns a double process of *presidentialization* in a crucial political and historical context with the AKP in power from the year 2002. On the one hand, we have the *presidentialization* of the system (in which are studied legal and constitutional changes), and on the other the *presidentialization* of politics (in which we study electoral, executive and party aspects). In this context, our working hypothesis is that *presidentialization* in Turkey has led to a regression from the advances made between 2002 and 2007, leading it to a competitive authoritarian system.

*Keywords: presidentialization*, Turkey, AKP, authoritarian progression, presidential system.
1. Introduction

The study of *presidentialization* in hybrid regimes is a relatively unexplored field in comparative politics. The best known reference is the academic work of Poguntke and Webb (2005) centred on certain European and western democracies such as the United States, Germany, Spain, Holland, Israel, Finland, Sweden, Canada, Italy, France, and the United Kingdom. *Presidentialization*, according to these authors, refers to "the process by which regimes are becoming more presidential in their actual practice without, in most cases, changing their formal structure, that is, their regime-type" (Poguntke, Webb, 2005: 1). For this reason, interest in this process in semi-presidential and parliamentary democracies resides precisely in verifying whether, independently of legal and constitutional factors, there are contingent and structural factors leading towards a more presidential manner of acting. In other words, we also look for informal changes in the manner of operation of political systems and in concentration of power into the hands of political leaders.

By contrast, by the very nature of the system, in hybrid systems, defective democracies or competitive authoritarian systems, concentration of power and presidential modes of acting do not constitute exceptions as is the case in well-established democracies. Consequently, studies made of these countries appear to be less common. There is nevertheless a very particular case, the case of Turkey, which may be an attractive and suggestive subject for study. What factors then make it different, exceptional or interesting as a subject for studying *presidentialization*? What impact does *presidentialization* have on the political system?

In response to the first question, the exceptional character of the Turkish example is delineated by several components. The first is the definition of Turkey as a political system which has been formally democratic for several decades (with substantial and regressive changes over the past few years). The second is what we have called *double presidentialization* for the purposes of this research.

In the first place, Turkey has been formally speaking a democracy since 1950 (with the exception of a few periods), as is stated in Article 2 of the Constitution of the IIIrd Republic:

"The Republic of Turkey is a democratic, secular and social state governed by rule of law, within the notions of public peace, national solidarity and justice, respecting
human rights, loyal to the nationalism of Atatürk, and based on the fundamental tenets set forth in the preamble”.

Nevertheless in political practice it has been the country which has been described with the greatest number of democratic adjectives, all however intended to display the defects of a system described as a facade democracy. Turkey has been described by various writers as an illiberal democracy, a managed democracy (Söyler, 2012; Akay, 2010), a limited democracy (Morlino, 2008: 19), a defective democracy (Merkel, 2004: 49-50; Rodríguez et al., 2013), as a democracy in process of consolidation (Huntington, 2002: 247; Herper, 2002: 146), as a delegated democracy (Özbudun, Tas, 2015), and even straightforwardly as a democracy (Lewis, 2010: 120). Since 2007, and above all since 2013, the tendency has been to refer to the system as an example of competitive authoritarianism (Esem, Gumuscu, 2016) due to certain changes in the political orientation of the governing party.

The second exceptional factor we shall refer to in this study as double presidentialization: what we call the presidentialization of the political system together with the presidentialization of politics, in other words, both legal-formal changes and contingent or informal changes. In what follows, we shall refer to this double process simply as presidentialization). The first developed due to the following factors: the coming into effect of the Constitution in 1982 (strengthening the executive); the reform in 2007 (direct election of the President of the Republic) and the attempts by Erdogan and the AKP to reform the Constitution again in order to convert the system into a presidential one. The second, in other words, the presidentialization of politics, has been evident on a number of occasions during the IIIrd Republic, but in a particular way, due to the ample length of time and to the leadership of Erdogan once the AKP came to power.

With respect to the second question on the impact of presidentialization, in this study we establish the relationship between loss of democracy (authoritarian progression) and presidentialization. What implications does the presidentialization process in Turkey have? Since the AKP came to power, with the exception of the so-called "golden period" between 2002 and 2007 (Önis, 2015: 23) there have been substantial changes both in the State and in Turkish society. The legacy of this party has led to a mixture of authoritarianism and of advances in democracy, advances which
have been darkened both by retrograde reforms and by the personality and actions of Erdogan (Özsel et al., 551: 2013).

In these circumstances, our working hypothesis is that in the case of Turkey, presidentialization has encouraged the progress of authoritarianism. We consider presidentialization as the independent variable which can explain stagnation and a trend towards competitive authoritarianism in the case of Turkey. The time frame selected is the AKP period (from 2002 to 2016), a period characterised by being the longest with a single party [in power] since 1950.

We thus develop the research by first studying the independent variable (what we have termed double presidentialization). In this section, we go more deeply into constitutional presidentialization (the legal-constitutional changes) and the presidentialization of Turkish politics (the contingent changes), analysing both the executive aspects and the electoral and party aspects, in accordance with the analytical framework provided by Poguntke and Webb (2005). Next, we deal with the impact of the independent variable on the dependent variable, in other words, the importance of presidentialization for the political system. For that purpose, we analyse that impact in terms of three key variables in the political systems and processes of democratization: the judicial power, public liberties and rights, and freedom of expression and press freedom in particular. These three variables cover the main areas in which the AKP has intervened.

2. Presidentialization in Turkey

2.1. The presidentialization of the political system: constitutional presidentialization

The presidentialization of the political system in Turkey is currently the subject of one of the main political debates in the country, with strongly opposed views in favour of and opposed to the implantation of this model. However, in order to understand recent events regarding attempts to implement the presidential model in Turkey, we carry out a review beginning with the design of this model as carried out during the IIIrd Republic. For that purpose, we study constitutional changes beginning with the Constitution of the IIIrd Republic with respect to the positions of the President and the Prime Minister, the reform of the Constitution in 2007 to enable direct election of the President of the Republic, and proposals for reform currently being drawn up. Both the 1982
Constitution and its later reform in 2007 mark a design of the system in which priority is given to granting greater powers and control to the executive branch. Finally, the proposals for reform are positioned as favouring a presidential system with no constraints, a system known as hyperpresidentialism (Boyunsuz, 2016).

Table 1: The presidentialization of the Turkish political system

<table>
<thead>
<tr>
<th>Constitutional and legal factors</th>
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<td>• Strengthening of the powers of the President of the Republic</td>
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<td>• Strengthening of the powers of the Prime Minister</td>
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<td>• Direct election of the President of the Republic</td>
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<td>Proposals for a new model in the draft Constitution (2013):</td>
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<td>• Hyperpresidential model</td>
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Source: Drawn up by author

2.1.1. The constitutional changes in the IIIrd Republic: strengthening of the role of the President of the Republic and of the Prime Minister

With the 1982 Constitution, following a serious coup d'etat, the conditions were created for the presidentialization of a political system which had remained strictly parliamentary for decades.

The changes made to the Presidency of the Republic were substantial. The roles of president and prime minister were enlarged, strengthening their powers vis-à-vis the Assembly which now consisted of a single House.

The Presidency of the Republic changed from having a purely symbolic role in the Constitution of the IIInd Republic (1961) to having a supervisory role, going beyond ceremonial prerogatives, without however falling into the category of an executive
Presidency (Boyunsuz, 2016: 76). Under the 1961 Constitution, the President enjoyed limited and symbolic powers. According to Article 97:

"The President of the Republic is the head of the State. In this capacity he shall represent the Turkish Republic and the integrity of the Turkish nation.

The President of the Republic shall preside over the Council of Ministers whenever he deems it necessary, shall dispatch representatives of the Turkish State to foreign states, shall receive the representatives of foreign states, shall ratify and promulgate international conventions and treaties and may commute or pardon on grounds of chronic illness, infirmity or old age, the sentences of convicted individuals."

Equally in the 1961 Constitution, the fundamental tasks of the Prime Minister were less central. They consisted in co-operation between ministers and supervision of the implementation of general government policy. The executive therefore did not enjoy the significant power resources which it came to possess decades later.

However, with the Constitution of 1982 came more substantial changes. Firstly, a number of aspects of executive power were reformed. The reforms favoured the roles of the President of the Republic and of the Prime Minister (Articles 109-116), increasing their powers and converting the role of Prime Minister into a central figure in the executive. The system changed direction towards a semi-parliamentary system: the President was elected by Parliament but was not responsible either to it or to the people (Kalaycioglu, 2015: 158). The powers of the President of the Republic in the executive, legislative, and judicial fields were widened. Amongst a wide range of prerogatives, the following may be emphasised: powers to submit constitutional amendments to referendum; to dissolve the Assembly; to return laws to Parliament if necessary; to sign executive decrees together with Cabinet members; to appoint ministers who must then receive a vote of confidence. Certain senior posts also became subject to appointment: Higher Education Council, the Chief Public Prosecutor of the High Court of Appeals, the Constitutional Court, one fourth of the members of the Council of State and members of the High Military Court of Appeals, the High Administrative Court and the High Council of Judges and Prosecutors, the Chief of the General Staff, to appoint rectors of Universities (Art. 104).

Moreover, the Prime Minister, as the highest executive officer, saw his prerogatives widened, thus continuing the centralist state tradition but allowing more resources to the executive power. The roles conferred on him by the Constitution of 1982 were maintained and some were added (Art. 112):
"Each minister shall be responsible to the Prime Minister, for the conduct of affairs under his/her jurisdiction, and for the acts and activities of his/her subordinates. 55 The Prime Minister shall ensure that the ministers exercise their functions in accordance with the Constitution and the laws and shall take corrective measures to this end."

The role of the Council of Ministers vis-à-vis the Parliament was also strengthened, giving power to the cabinet to conduct regulations relating to implementation of the laws. Although the possibility of a minister defending the programme before the GANT for obtaining a vote of confidence was allowed for, in practice this function has always been exercised by the Prime Minister. Thus, the Prime Minister is personally invested with the confidence of the Parliament by means of a vote of appointment (Art. 111). The Prime Minister also directs the actions of the government, appoints ministers and co-ordinates its activities (Art. 112). Each minister is responsible to the Prime Minister for the affairs concerning him and for the actions and activities of his or her subordinates. The Government carries out functions in the legislative process of great importance. According to the provisions in the Constitution, the Government is one of the two actors able to initiate legislative proposals. It can also dissolve Parliament and call elections. In Plenary Session debates and Government commissions it is usually represented by a Minister. On the other hand, the Assembly enjoys the necessary powers and rights for controlling the activities of the Government.

With respect to relationships between the President and the Prime Minister, there have also been a number of changes. The cabinet, although strengthened vis-à-vis the Assembly, has been weakened in several respects in its relationship with the President. The Prime Minister is appointed by the President of the Republic from among members of the GANT. The ministers are proposed by the Prime Minister and appointed by the President of the Republic. The Constitution guarantees the President the right to dismiss any minister on the suggestion or indication of the Prime Minister. In this way, ministers can be individually removed from their posts at the discretion of the Prime Minister or the President. On the other hand, there are also conflicts of power between the President and the Prime Minister. Although there are these checks and balances in his relationships, the President has no executive authority in the drawing up of policies. However, these power conflicts have become more clear with the arrival of Erdogan to the Presidency, leading to the forced exit of Ahmet Davutoğlu for impeding a presidential system.
2.1.2. The direct election of the President of the Republic

In 2007 there was an important reform of the Constitution. Amongst a packet of proposed measures the direct election of the President of the Republic stood out. If the coming into effect of the Constitution of the IIIrd Republic meant a turn towards a hybrid or semi-parliamentary system, the reform in 2007 signified a further turn of the screw towards the importance of the President: in formal terms at least, a path was mapped out in the direction of a semi-presidential system. Moreover, it opened windows of opportunity for such a presidential system and fomented and encouraged debate on the subject.

However, at the same time 2007 was a point of inflexion in many areas. Between April and June 2007, there was a rapid succession of events: the crisis in the Spring of 2007 (known as the Virtual Coup d'Etat) due to the proposal of Erdogan as President of the Republic in substitution to the mandate of Sezer; the bringing forward of the November elections to July as a consequence of the crisis; the Constitutional reform proposal for the direct election of the President of the Republic; the crushing victory of the AKP; the election of Abdullah Gül as President of the Republic in August of that year and the submitting to referendum of the proposals and approval of the same in October 2007.

The main results of the crisis were that the AKP achieved a resounding victory in the elections of July of that year, Gül gained the Presidency by parliamentary election and achieved reform of the Constitution for the direct election of the President. The electoral victory enabled the election of Gül and achieved something of historic importance: it was the first time that such a figure who had been a member of an Islamist party occupied a post traditionally reserved to the Kemalist establishment. As President, he used his powers to change the military leadership and to strengthen the hegemony of the AKP in the judicial system and in the universities (Özsel et al., 2013: 563). The prerogatives of the President for nominating senior posts in all sectors began to have their influence from that time.

With respect to the proposal for the direct election of the President, the objective was above all to avoid future crises, giving the electorate the required function. President Sezer still in power, vetoed the proposal arguing that it was contrary to the parliamentary system and could lead to instability. But when the government submitted
it again, Sezer could not use the veto for a second time, but requested the Constitutional
Court to annul the package before a referendum could be held. The CHP also requested
annulment by the Court, arguing that the first article in the package had received one
vote fewer than the two thirds required. However, the Court declined to proceed to
annulation. That meant that there would be a vote by referendum in October 2007, the
packet of measures being approved. According to the interpretation by the
Constitutional Court, the effective date for the election of the President of the Republic
would come at the end of Gül's mandate (seven years), the latter having been directly
elected by the Assembly.

2.1.3. The reform proposal for a presidential model

Since 2007 and above all since the elections in 2011, the proposal for a presidential
model has been prominent. The then prime minister Erdogan had defended the idea of a
presidential system following the electoral results of 2011 (Aydin-Düzgit, 336: 2012).
At the same time the question became sharper still with the results of the first
presidential elections in August 2014. Erdogan declared that "Turkey's existing
parliamentary system is in the waiting room to be replaced by presidential system."
From that moment, in spite of the fact that the system is, formally speaking, semi-
presidential, the style has become highly presidential and there is a campaign for what
the defenders of this system have, since 2013, called the "Turkish type of presidential
system."

Between 2011 and 2013, formal work began on questions falling under the
presidential model. After the general election a commission was proposed by the AKP:
the Commission for Constitutional Consensus. This Commission, made up of experts,
was assigned the task of drawing up a Constitutional draft. It worked on the task for two
years, reaching some agreements but failing to agree on a fair number of points.
Amongst the latter, the most important, and the one which led to the dissolution of the
Commission in December 2013, was the disagreement over the system of government,
what the AKP had called "the Turkish type of presidential system."

The underlying problem is not just that a presidential design is wished for by the
AKP. The most spiny question is to be found in the rejection of the checks and balances
to be found in other presidential systems. The fact is that there is an attempt to draw up
a model for a presidential system more free of constraints: what we refer to as "hyper-presidentialism". In this model, the President controls the executive and the judicial branches. The assembly or assemblies can only have partial control over the President. In fact there is no separation of powers and power becomes concentrated in just a few hands. In addition, tactics of control can also extend to other fields, such as control of the press, decrease in individual liberties, intimidation of the political opposition and of political associations, etc. (Boyunsuz, 2016: 70-73).

Once again, in the parliamentary elections in June 2015, both the AKP and Erdogan (the President must remain politically impartial) took up the question of the presidential system. In addition, he stated that "the Turkish governmental system has been the facto changed into a presidential one since he was elected by public vote and now it is time to update the legal framework in order to recognize more powers for the presidential office" (Boyunsuz, 2016: 71). Nevertheless, the results of the parliamentary elections in June did not provide a sufficient majority for the AKP to form a government and there was thus some hope for opposition sectors. Finally, the elections in November 2015 gave the victory to the AKP for forming a government but not the majority necessary for changing the Constitution.

2.2. The presidentialization of Turkish politics (2002-2016)

Traditionally, Turkish politics has been dominated by omnipresent, charismatic and powerful leaders. Since the foundation of the Republic by Atatürk, followed by Menderes, Ecevit, Erbakan, Özal and Erdogan, Turkish politics has always been controlled by the prime minister. In Turkey, "personalities have always been more important than party programmes and institutions" (Yavuz, 2009: 98). The prime minister who is at the same time the party leader decides who will make up the party lists in general elections, who will stand in local elections and who will take part in decision making processes in the party. In addition, between 2002 and 2014, the role of Erdogan has sharpened this tendency, with substantial personalization of politics. His leadership and control over political institutions have few precedents.

The powerful personal orientation of politics leads us to study the contingent or informal factors over the period of twelve years in which the Justice and Development Party (AKP) has been in power, with Tayip Erdogan as the undisputed leader. These factors (which we call aspects) include: (i) the executive or governmental aspect,
referring to the increase in power resources possessed by the leader; and (ii) the electoral aspect of the party. The electoral aspect is centred upon the personalization of the electoral process, meaning that all aspects of this process are indisputably molded by the party candidate. The party aspect refers to the increasing importance of the position of leader in the party, since whilst holding the post of prime minister he finds himself protected from pressure from his own party (Poguntke, Webb, 2005: 5).

2.2.1. The executive aspect

As has been pointed out, the growth in the power and autonomy exercised by the prime minister in Turkey began with the Constitution of 1982. The Turkish political system is designed in this manner so that the prime minister has a central role when his party obtains a parliamentary majority. The parliament may only censure the government by proposing a constructive censure motion. The government has a dominant role when initiating the legislative process and when increasing its powers using legislative decrees. In practice, this model strengthens the executive vis-à-vis the Assembly. It can also create the conditions for the presidentialization of politics, concentrating executive authority around the Prime Minister's office. In fact over decades the office of the Prime Minister has been growing. The increase in executive functions has coincided with a decrease in the roles of the ministers. The domination exercised by the Prime Minister Erdogan over the government has been very significant, as has been the government's control over the parliament.

This increase in power (both de jure and de facto) and leadership combines the effects of growing autonomy and of increasing power resources. In the case of Erdogan, the exercise of power has been highly personalised, with domination by the executive sphere growing over a period of twelve years. He was able to carry the party to victory in three consecutive parliamentary elections (2002, 2007, 2011) and three municipal elections (2004, 2009, 2014), together with several parliamentary elections with Ahmet Dovutglu and with Erdogan as President campaigning for the AKP. This means that the AKP has been the most successful party in Turkey from the beginning of the multi-party period in 1946 and Erdogan, the most successful politician (Müftüler-Baç, Keyman, 2012: 88). A weak opposition unable to mount a challenge and which has had to face four absolute AKP majorities in four legislatures has also contributed significantly to the phenomenon.
With this panorama, centralisation in decision making has been becoming ever more clear. Erdogan, as a member of the executive of the AKP, has enjoyed greater power. He has combined the positions of party leader and Prime Minister with considerable personal charisma. Control over the government and control over the party, without any constraints over this role, have typified Erdogan. Also typical is a powerful and personalised form of government in which creative thinkers are not tolerated, Erdogan preferring to take all decisions by himself. His electoral popularity, his electoral achievements, his negotiations on the EU and the Kurdish question also contribute to his reputation as a versatile leader with negotiating abilities.

The considerable majorities he has enjoyed have strengthened his position in Parliament and vis-à-vis the party. Moreover, given his lengthy time in office, he has had sufficient space for manoeuvre to personalise the office of the Prime Minister and to exploit all the legal powers available to him through legislation. Various concrete actions display this. For example, control of all public institutions (including the judicial power) (Özsel et al., 2013: 562), the use of plebiscites on two occasions (2007 and 2010) as a tool for autonomy for validating his personal mandate and obtaining electoral gains (Poguntke, Webb, 2005: 8). With respect to relationships with the judicial power, in 2013 legislative changes concerning the Upper Council of Judges and Prosecutors were introduced. Erdogan was personally involved in these changes which have seriously affected the independence of the Judiciary. Equally, there has been a tendency in Turkey to veer towards the use of decrees, above all since 2011. For example, that year and in a period of six months, the AKP government signed 35 decrees which, in addition to re-organising the structure, organization and operation of the ministries incorporated new institutions and mechanisms (Tas, 2015: 780). There has also been a very significant move to appointing large numbers of advisors in a number of ministries as a way of controlling and managing their strategies. The power of these advisors, frequently greater than that of many ministers, has on occasion distorted the hierarchy in state institutions.

2.2.2. Electoral and party aspects

Firstly, the electoral aspect is very significant because the types of campaigns in Turkey have had influence over the presidentialization of the system. The leaders of the various parties (CHP, MHP, AKP, ANAP, DYP) have usually monopolised the public image of
their groupings. The excessive use of television, with short intense sound-bites, focuses political questions on the party leader. Moreover, over the last ten years, the roles of the main leaders have become more personalised. Erdogan has exploited his popular image with wide sections of society as a leader of the New Turkey and has developed a personality cult. As pointed out by Hale and Özbudun, campaigns in Turkey have become more professional and are centred upon the personal characteristics of the leader, in particular in the case of the AKP (Hale, Özbudun, 2010: 51-52). Erdogan has tried to create an image of a "man of the people", as a "lover of God" and as the "light and hope of millions" (Tas, 2015: 785). The electoral hegemony enjoyed by the AKP has enabled it to restructure the state without establishing or consolidating democratic institutions. As Fuat Keyman writes, in addition to converting itself into the dominant party, it has found itself with a powerful leader. The party has become stronger both in the government and in parliament, exploiting the formula dominant party + dominant leader (Keyman, 2014).

Secondly, insofar as the party aspect is concerned, in Turkey an oligarchic party style has been a historic trend, since both the political culture and the institutional context have encouraged the implantation of authoritarian structures.

The dominant political culture of authoritarian leadership has been the general norm, with little intra-party democracy, since the founding of the People's Republican Party (CHP). The AKP has continued to display this characteristic, although in its origins it tried to follow a more European and democratic style in the organization of the party. However, as the AKP's power increased, disputes over internal leadership and the stagnation in negotiations with the EU began to erode intra-party democracy, until currently it can be described as close to a type of hegemonic authoritarianism in its internal organization, in which the majority of the members consent to domination by party cadres (Lancaster, 2041: 1679-1680). This means that local party activists remain indifferent to the authoritarian structure, because they receive certain incentives to continue with their ideological commitment and their loyalty to the party leader. These incentives, both material and non-material, swollen by party control both at the local and central level, are sufficient to avoid any challenge from below (Ayan, 2010: 197-215).

With regard to the institutional context, the Law on Parties encourages authoritarianism within the parties because it makes the parties dependent on income from the state: it encourages exclusivity in the selection of the candidate by the Central
Committee of the Party and generates a hierarchical organizational model. Equally, the statutes were amended a few years after its creation as a party with the aim of ensuring that any intra-party opposition could not permeate the central leadership (Lancaster, 2014: 1680). This institutionalisation of organization leads to greater power for the leader of the party, together with more personalised mandates. It can be said that in Turkey the Prime Minister is the face or image of the party.

In this context, the consolidation of Erdogan's power within his party has been as strong and significant as his power within the apparatus of the State. From the beginnings of the party in 2001 Erdogan was gaining power together with Abdullah Gül. Gül was a crucial figure, but Erdogan limited his power, purging many of his supporters. In this way he assured his own role in the administration of the party and the government, contracting numerous advisors, many of them extremely powerful. The fact of also leading a new party gave Erdogan the opportunity to solidify his power. The consequence is that he managed to neutralise the internal opposition, the more centrist sector (led by Abdullah Gül), and to consolidate his control over his party. In addition, to that was added an immediate and clear victory in 2002, just one year after its foundation and the [imposition of] powerful party discipline, so that the AKP became the most disciplined party since the fifties (Taskin, 2013).

The influence of Erdogan is thus the key for the existence of the AKP; he is its real power. Even in the parliamentary elections in 2015, he failed to respect the requirement for neutrality which binds the Presidency of the Republic and campaigned for his party on the pretext of inaugurating construction projects (Esen, Gumuscu, 2016: 8).

3. Impact of presidentialization: democratic regression or authoritarian advance

The concentration of institutional power, aided by personal factors, is a danger for processes of democratization or democratic consolidation. The quality of democracy is affected because the leaders enjoy more power resources and greater autonomy when acting. In cases like Turkey it can lead to a swing towards authoritarianism. Taking political decisions in such cases becomes easier as does imposing one's will on collective actors (Poguntke, Webb, 2005). Around 2007, the AKP abandoned both its concern for intra-party democracy and for democracy in the country. Although it came to power presenting itself as a party displaying a pro-Western and liberal-democratic
discourse, nevertheless, following a legislature making significant advances, this discourse ceased to be prevalent (Sommer, 2014: 245).

The first legislature (2002-2007) was a period in which several significant steps were taken towards democratisation. Discourse was based on becoming a member of the EU, multi-culturalism, westernisation, secularism, religious tolerance, diversity and liberal democracy. The State Security Tribunals were abolished together with the death penalty, and minority rights were recognised, in particular certain rights of the Kurdish minority such as the ability to broadcast in its own language. The National Security Council was re-organised and the influence of the military in politics was reduced by means of important legal reforms, restricting the authority of military tribunals, and by other initiatives which diminished their institutional power and their virtual power of veto (Esen, Gumuscu, 2016: 4). A Ministry of Human Rights was set up and gender equality was emphasised. The anti-terrorist law was also softened (Özsel et al., 2013: 560).

However, with the crushing victory in the 2007 elections (46.6% of the votes) there began a period of regression. Until 2007, the AKP had governed with the help of the secular and bureaucratic elite (mainly military men and judges). But with this crushing majority and Gül appointed as President of the Republic there came drastic changes. The powers of the President were used to transfer all top personnel in the system, such as University Rectors, the High Council for Education, the General Council of Judges and Prosecutors, the Chief of Staff for Defence. Equally, the large majority enabled them to legitimate decisions without taking into account the opinion or criticisms of the opposition. The conception of politics since then has been one of majority rule without any kind of respect for the system and without adequate safeguards (Özsel et al., 2013: 560-564). In fact, the years between 2007 and 2011 are described as the stagnation years. Reforms were insubstantial and there were even some cases of backward steps. Since 2011 there has been a period of decline with ever greater power concentrated in the centre (Önis, 2015: 23-24) and an unstoppable process in the direction of autocracy, interrupted by a few reforms which might give some hope.

In this way, the legal and constitutional changes and governmental decisions supported by changes in political discourse have affected the system, obscuring achievements made in the first period between 2002 and 2007. The legal and institutional orientation and personal character of politics has had a significant impact on various key dimensions significant for the quality of democracy.
The greatest impacts can be seen on the following variables: governmental control over the judicial power, rights, public liberties in general, freedom of expression and more specifically of the press (these will be analysed one by one). In other words, the system has been damaged in terms of the functioning of government (with separation of powers and corruption) and of rights and public liberties. We can thus appreciate the tendency towards hyper-presidentialism: greater concentration of power in a single figure and other tactics for control to be found in sectors related to public liberties.

Table 2: The impacts of presidentialization

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<tr>
<th>Variable</th>
<th>Constitutional and legal factors</th>
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<td>The executive aspect</td>
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<td>Electoral and party aspects</td>
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<td>Judiciary</td>
<td>- Referendum 2010</td>
<td>AKP Draft Bill (78 deputies) for limiting HYSK powers</td>
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<td>- Law Number 6524 (2014) went into force</td>
<td>- Supervision</td>
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<td>- Control</td>
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<td>Rights and liberties</td>
<td>- Few constitutional guarantees for freedom of expression</td>
<td>- Paternalist</td>
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<td>- Conservative Moralising in public sphere</td>
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<td>- Personal involvement</td>
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<td>- Polarised discourse</td>
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<td>- Law 5651 on Internet</td>
<td>- Creation of sympathetic communication media.</td>
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<td>Supervision</td>
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<td>Personal involvement (direct and public attack on critical journalists)</td>
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With respect to the judicial power, there have been important legal and constitutional changes having significant effects. In September 2010, a constitutional referendum, which obtained 58% of the votes (but with the opposition of the CHP and MHP) gave the green light to a wide review of the judicial power. The number of the members of the Constitutional Court and the Higher Council of Judges (HSYK) was increased. In principle, these reforms were an advance in the independence of the judicial branch. However, with the crisis in December 2013, including cases of corruption detected in the AKP and which even implicated ministers, the reaction of the AKP was to amend the legislation so that it had to be informed immediately of any secret investigations. All the members of the HSYK were against this reform because it constituted a significant threat to the independence of the judiciary. Erdogan himself criticised the institution, accusing its members of breaking the laws. Erdogan also stated that "the AKP had made a mistake in 2010 by strengthening the autonomy of the HSYK and weakening the role of the Minister of Justice within the Council" (Özbudun, 2015: 46). Finally, the AKP announced a reform of the Constitution with the aim of ensuring that all the members of this body were to be elected, whether directly or indirectly. It was, however, impossible to bring it to fruition due to political opposition in Parliament. A group of 78 parliamentarians from the AKP then proposed, as a remedy for the setback, a draft bill for limiting the powers of the Plenary Session of the HSYK and for granting greater powers to the Minister of Justice and the President of the government. The draft became law in February 2014. Immediately, and before the opposition could appeal to the Constitutional Court, a large scale government operation transferred judges and prosecutors who were investigating cases of corruption to other posts, and replaced them with persons more sympathetic to the AKP (Özbudun, 2015: 45-47). This
move displays both the personalisation of politics and a disproportionate use of decrees. Where was this personalisation most evident? During the process, Erdogan made various declarations: he accused signatory members of the Higher Council of Judges and Prosecutors of "being guilty of violating the laws and stating he would have put them on trial if he had had the power to do so."

With respect to freedom of expression, conscience and association, these are guaranteed under the Constitution. Rights and public liberties were promoted in the AKP's first legislature, but in practice they have been limited at least during the IIIrd Republic and in recent legislatures. Perhaps the second paragraph of Article 26 of the Constitution, on press freedom, is the clearest expression of the dual nature [of some "guarantees"] when it limits freedom of expression for, amongst other reasons, "the protection of the basic characteristics of the Republic and the indivisible integrity of the State including its territory and nation." In this aspect, the most worrying feature for opposition sectors in Turkey is the control exercised over rights and liberties in the form of a personal and religious point of view. Questions which could be confined to the personal sphere are controlled from positions of power, but with a distinct conservative-religious character. We can cite, for example, the changes made in certain educational policies such as the imposition of courses on the Koran in elementary schools, prohibitions on the consumption of and advertising of alcohol and tobacco, with public campaigns against their consumption, the opposition to the extension of rights to the LGBT, the warnings given by Erdogan to couples displaying affection in public and to those living together without marrying, as well as his recommendation that couples should have three children per woman.

His personal point of view is advanced not merely by personal declarations but also through legislation and through making public political instruments subject to security provisions. For example, in March 2015 the AKP brought the Internal Security Package before Parliament with the goal of augmenting police authority during protests to include opening of lethal fire or extending detention periods (Esen, Gumuscu, 2016: 14). Prison is also being more commonly used against some intellectuals and secularism is more under threat and restriction.

Erdogan's authoritarian style and his markedly conservative leadership together with the failure to consider the sentiments of the other 50% of the population (deification of the majority), neo-Ottoman town planning, the alleged financing of Suni extremists in the war in Syria, the human consequences of the Taksim revolts
characterised by severe repression (11 dead; 8000 wounded; 3000 detained) during which he described the demonstrators as "looters", "terrorists", "pawns of international powers" and "provokers from marginal sects of society" (May, 2013: 299), the long detention period, the breaches of the right to a fair trial, the extremely vague definition of terrorism and terrorist propaganda all mean that the positive reforms have been eclipsed\(^2\). These actions demonstrate above all the personal character of the ideas and values imposed.

With respect to the liberty of the press and freedom of expression, the most notable is the continued pressure by the AKP from 2002, both in the legal aspects and in the executive aspects of presidentialization. The arsenal of powers and the labyrinth of regulations in this field can be a challenge even for the most highly professional and experienced journalists (Durán, García-Marín, 2015). At the legal level, the complexity is so great that we shall give only a few examples. Firstly, the Press Law 2005. This Law embodied certain advances, but nevertheless it maintains certain links with the Criminal Code which has a restrictive effect in practice. Although there were some advances with the reform of April 2008 and fewer investigations relating to Article 301 of the Criminal Code, there are still some parts of the Code which have not however been reformed and which are used in a restrictive manner. Take for example Articles 125 to 131 (offences against personal dignity); Articles 214, 216, 217, 218, 220 (public order); Article 305 (State security); Articles 312 and 314 (constitutional order), Article 226 (obscenity), etc. Equally, from 2010, in the area of new communications media, Law 5651 on the Internet limits freedom of expression. In these areas, Turkey is far behind the advanced democracies. Twitter, Facebook and YouTube have been subject to powerful controls. The control over the Internet has increased gradually, reaching the point of web pages being blocked for hours without prior permission given by the courts. The Telecommunications and Communications Presidency (TIB) charged with regulation has arranged for thousands of sites to be inaccessible. Blocking occurred during the corruption scandals in 2013 and the local elections in March 2014.

But there is more than simply restrictive regulation. In the executive aspect, this pressure has been carried out in various forms: by creating communications media close to the party; by control over the High Office of Audiovisual Affairs (its members

\(^2\) Reforms relating to the Kurdish question; possibility of education in other languages; devolution of properties to Greek and Armenian non-Muslim communities; legal reform; possibility of lowering the electoral bar.
elected by the Parliament since 2005 and with an ability to impose sanctions which is very high if we compare with European standards); pressure on communications media such as Dogan Media and Gulen Movement and pressure from the government on journalists (increase in the number of journalists in prison and increase in investigations into journalists) (Boyunsz, 2016). The pressures on journalists are not confined to legal pressures, but even include personal threats from Erdogan. In this respect, it is worth pointing to the proceedings against a journalist and the director of Cumhuriyet for revealing state secrets, in particular, an illegal dispatch of arms to Syria by the Turkish secret services. Recep Tayyip Erdogan had threatened the journalists saying that they would pay "a high price" for the article they published, and the President himself made the accusation³.

4. Conclusions

The combination of constitutional and legal factors together with informal action in Turkish politics has led to a significant presidentialization of its political system and its politics in general. This presidentialization has a significant impact on the political system: it leads to democratic regression or progression in the direction of authoritarianism.

The analysis of presidentialization as an independent variable has made it possible for us to understand a number of characteristics of the system. Firstly, it has enabled us to distinguish a double presidentialization: presidentialization of the political system and presidentialization of politics. Presidentialization of the system has enabled the analysis of the prerogatives and powers granted by the Constitution to the executive, the reform of the Constitution in 2007 by which the President is directly elected and the reform proposals for a presidential system. The presidentialization of politics has enabled us to assess the actions of Erdogan in the executive electoral and party fields from the perspective of a more personal intervention in politics.

In conclusion, we may say that the greater power resources acquired with the constitutional and legal reforms, together with the presence of leaders such as Erdogan - who believe that they can influence events at a world level and that they can take a very active role in the political process - can have a powerful orientating influence on the political system. For example, Erdogan wishes to have the question of the presidential

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³ El País, 6 May 2016
http://internacional.elpais.com/internacional/2016/05/06/actualidad/1462546248_553753.html
system resolved before the end of the year, but since he does not have the necessary majority, it is possible that he may call early elections, leading to a powerful destabilisation of the system.

This general orientation in politics and in the system has had a negative influence on a series of particular variables: on the rule of law, in particular on the judicial branch, on public liberties, and liberty of expression and press freedom. Both the legal changes and the authoritarian personal postures and policies supported by a change in political discourse (Sarkissiana, Özlerb, 2013) have led to an orientation of the system such that, having been oriented towards democratization between 2002 and 2007, today there are writers who claim that Turkey is now closer to competitive authoritarianism.

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