11th INTERNATIONAL CONFERENCE ON FORENSIC SCIENCE AND LAW

October 02-04 2026 / Ankara – TÜRKİYE

THE PROCEEDINGS BOOK

EDITOR

Prof. Dr. Aylin YALÇIN SARIBEY

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Head of the Session: Müge VATANSEVER ÖZTÜRK

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Ömer SARIASLAN	*Kafkas University, Türkiye*	JUDICIAL BEHAVIOUR in CONSTITUTIONAL COURT DECISIONS: A COMPARATIVE EVALUATION of FAMILY NAME and POPULATION REGISTRY JURISPRUDENCE
Dilan MIZRAK	*Atılım University, Türkiye*	A CRITICAL APPROACH TO THE TURKISH HUMAN RIGHTS AND EQUALITY INSTITUTION'S POWER TO EXAMINE APPLICATIONS EX OFFICIO
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PARLAMENTER HÜKÜMET SİSTEMİ İLE CUMHURBAŞKANLIĞI HÜKÜMET SİSTEMİNİN DENGE VE DENETLEME ARAÇLARININ MUKAYESESİ

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ÖZET

Bu çalışma, 2017 Anayasa değişiklikleriyle hayata geçirilen Cumhurbaşkanlığı Hükümet Sistemi ekseninde, Türkiye Büyük Millet Meclisi'nin yürütme organını denetleme yetkisinde yaşanan normatif ve ampirik dönüşümü incelemektedir. Araştırmanın temel amacı, mülga parlamenter sistemin denetim araçları ile yeni sistemin kurumsal mekanizmalarını denge-denetleme (checks and balances) teorisi çerçevesinde dönemsel bir analize tabi tutmaktır.

Çalışmada ilk olarak, mülga sistemdeki katı parti disiplininin yasama ve yürütmeyi tek bir blokta birleştirerek "parlamenter monizme" yol açtığı; Gensoru ve Güvenoyu gibi araçların istikrarsızlık üreten siyasi enstrümanlara dönüştüğü tespit edilmiştir. Normatif düzeyde sert bir kuvvetler ayrılığı vaadiyle yapılandırılan Cumhurbaşkanlığı Hükümet Sistemi'nin, bu kronik krizleri tasfiye etme rasyoneli taşıdığı savunulmuştur. Ancak ampirik bulgular (TBMM verileri ve istatistikleri), "Partili Cumhurbaşkanlığı" müessesesi ve disiplinli meclis çoğunluğu birleştiğinde, sistemin de facto düzeyde "asimetrik bir yürütme üstünlüğüne" evrildiğini göstermektedir.

Bakanların Meclis dışından atanması parlamentoya karşı siyasi sorumluluk ilişkisini zayıflatırken; Meclis Soruşturması mekanizmasında aranan nitelikli karar nisaplarının (360 ve 400 kabul oyu) yüksekliği yürütmenin cezai sorumluluğunun işletilmesini güçleştirmiştir. Ayrıca, Cumhurbaşkanlığı Kararnameleri yoluyla yürütmenin asli bir yasama aktörüne dönüşmesi, Meclisin kanun yapma ve bütçe denetimi üzerindeki tarihsel tekelini sınırlandırmıştır.

Sonuç olarak çalışma; sistemin demokratik meşruiyetini ve sürdürülebilirliğini korumak adına Cumhurbaşkanının parti genel başkanlığı sıfatının sonlandırılması, cezai sorumluluk nisaplarının parlamento sosyolojisine uygun olarak rasyonelleştirilmesi ve meclis denetim enstrümanlarının (Yazılı Soru, Meclis Araştırması) içtüzük hükümleriyle etkinleştirilmesi gerektiği yönünde somut reform önerileri sunmaktadır.

Anahtar Kelimeler: Cumhurbaşkanlığı Hükümet Sistemi, Denetim Yetkisi, Kuvvetler Ayrılığı, Meclis Soruşturması, Partili Cumhurbaşkanlığı, Türkiye Büyük Millet Meclisi, Yürütmenin Üstünlüğü.

COMPARISON OF CHECKS AND BALANCES IN THE PARLIAMENTARY SYSTEM AND THE PRESIDENTIAL SYSTEM OF GOVERNMENT

ABSTRACT

This study examines the normative and empirical transformation of the auditing power of the Grand National Assembly of Türkiye (GNAT) over the executive branch within the framework of the Presidential Government System introduced by the 2017 Constitutional Amendments. The primary objective of the research is to conduct a period-based comparative analysis of the oversight mechanisms of the abolished parliamentary system and the institutional framework of the new system through the lens of checks and balances theory.

The study first identifies that strong party discipline under the abolished system merged the legislature and the executive into a single bloc, resulting in "parliamentary monism," wherein instruments such as votes of no confidence and censure degenerated into political mechanisms generating instability. The Presidential Government System, structured around a normative promise of strict separation of powers, was argued to rationale the elimination of these chronic crises. However, empirical findings based on parliamentary statistics demonstrate that the combination of the "President with Party Affiliation" model and a disciplined parliamentary majority has led to a de facto "executive dominance" in practice.

Furthermore, the appointment of ministers from outside the parliament weakens the relationship of political accountability toward the legislature, while the high qualified majority thresholds required for Parliamentary Investigation (360 and 400 votes) complicate the execution of the executive's criminal liability. Additionally, the executive's transformation into a primary legislative actor through Presidential Decrees has limited the parliament's historical monopoly over lawmaking and budgetary oversight.

Consequently, to safeguard the democratic legitimacy and sustainability of the system, this study offers concrete reform proposals, including the termination of the President's political party leadership, the rationalization of criminal liability thresholds in line with parliamentary dynamics, and the enhancement of legislative oversight tools (such as Written Questions and Parliamentary Inquiries) through procedural rules of the house.

Keywords: Executive Dominance, Grand National Assembly of Türkiye, Legislative Oversight, Parliamentary Investigation, President with Party Affiliation, Presidential Government System, Separation of Powers.

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İLGİLİ MAKAMA

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