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Presidential Decree Authority in Turkey

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Controversial constitutional amendments, which foresee changes mainly on the governmental system, were approved by referendum in Turkey last year. As the amendments were made under the state of emergency, a lot of criticism has been made regarding the timing and other issues concerning the form. Furthermore, many scholars decry the amendments in context since they mean a radical shift from the long established parliamentary system to the “non-descript” Turkish presidential system.

In this regard, broadening the powers of the president was targeted heavily in particular. One of the reasons, which induces such critiques, was granting wide decree powers to the president: With the amendments, the president has gained the power to issue decree-laws alone on the matters necessitated by the state of emergency, as well as to issue presidential decrees on matters related to executive powers in ordinary times. As the amendments are not in force yet, there are a lot of rumors regarding the use and prospective effects of such powers in the Turkish constitutional order.



Volkan Aslan is a Ph.D. candidate at Istanbul University, where he also works as a research assistant in the constitutional law department since 2011 (currently on leave for a research stay at the Max Planck Institute for Comparative Public and International Law). His Ph.D research examines presidential decree authority in comparative law. His research interests focus on constitutional law, comparative law and political science. He holds a bachelor’s degree in Law and a master’s degree in Public Law.

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