

EXCEPTIONAL LEGISLATION IN THE TURKISH PARLIAMENT:
EXPLAINING TEMPORAL PATTERNS OF LAW-MAKING (1991-2015)



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Explaining Temporal Patterns of Law-Making (1991-2015)

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ABSTRACT

Exceptional Legislation in the Turkish Parliament: Explaining Temporal Patterns of Law-Making (1991-2015)

This dissertation investigates the normalization of exceptional legislative procedures and law types in the Turkish Grand National Assembly (TGNA) between 1991 and 2015. These are mainly omnibus legislation, expedited procedure, and decree-law—initially designed as extraordinary measures— apart from ordinary law-making. Drawing on two original datasets and a multi-level institutionalist framework, the study combines qualitative and quantitative methods to explain why and how these non-standard tools became embedded in parliamentary practice. Contrary to expectations that such instruments are primarily used by weak or minority governments or in extraordinary periods, findings reveal their extensive deployment by strong single-party governments in ordinary times. The analysis identifies temporal control, rather than legislative necessity, as a central motivation: exceptional procedures offer ruling parties the ability to accelerate law-making, bypass opposition, and manage political timing, especially during election periods and recesses. External pressures—such as EU harmonization and economic crises—contributed to initial procedural innovations, but their persistence is best explained by actors’ strategic use of time. The study also documents the formal and informal institutional changes that enabled the routinization of exceptional legislation. It contributes to broader debates on legislative rationalization, democratic backsliding, and the strategic manipulation of parliamentary time, offering both empirical insight and conceptual innovation in the study of legislative politics.

ÖZET

Türk Parlamentosunda İstisnai Yasama:

Kanun Yapımının Zamansal Örüntülerini Açıklamak (1991-2015)

Bu tez, 1991-2015 yılları arasında Türkiye Büyük Millet Meclisi'nde (TBMM) istisnai yasama yöntemleri ve kanun türlerinin normalleşmesini incelemektedir. Bunlar, olağan kanun yapımının yanı sıra, esasen yalnızca belli koşullarda kullanılabilecek istisnai araçlar olarak tasarlanan torba kanun, hızlandırılmış prosedür ve kanun hükmünde kararnamelerdir. İki orijinal veri setinden ve çok düzeyli kurumsalcı bir çerçeveden yararlanan çalışma, bu standart dışı araçların parlamento pratiğine neden ve nasıl yerleştiğini açıklamak için nitel ve nicel yöntemleri birleştirmektedir. Bu tür araçların öncelikle zayıf veya azınlık hükümetleri tarafından veya çoğunlukla olağanüstü dönemlerde kullanıldığına dair beklentilerin aksine, bulgular bunların olağan dönemlerde güçlü tek parti hükümetleri tarafından yaygın bir şekilde kullanıldığını ortaya koymaktadır. Analiz, yasama gerekliliğinden ziyade zamansal kontrolü merkezi bir motivasyon olarak tanımlamaktadır: istisnai prosedürler iktidar partilerine yasa yapımını hızlandırma, muhalefeti bypass etme ve özellikle seçim dönemleri siyasi zamanlamayı yönetme kabiliyeti sunmaktadır. AB'ye uyum ve ekonomik krizler gibi dışsal baskılar prosedürel dönüşümlerin itici gücü olmuştur, ancak bunların kalıcılığı en iyi aktörlerin zamanı stratejik olarak kullanmasıyla açıklanmaktadır. Bu çalışma aynı zamanda istisnai mevzuatın rutinleşmesini sağlayan resmi ve gayri resmi kurumsal değişiklikleri de belgelemektedir. Aynı zamanda, yasama rasyonalizasyonu, demokratik gerileme ve parlamentonun stratejik manipülasyonu üzerine daha geniş tartışmalara katkıda bulunmaktadır.

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*dedicated to the memory of
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ABBREVIATIONS

AA	Anadolu Agency (<i>Anadolu Ajansı</i>)
AKP	Justice and Development Party (<i>Adalet ve Kalkınma Partisi</i>)
ANAP	Motherland Party (<i>Anavatan Partisi</i>)
CHP	Republican People's Party (<i>Cumhuriyet Halk Partisi</i>)
DSP	Democratic Left Party (<i>Demokratik Sol Parti</i>)
DYP	True Path Party (<i>Doğru Yol Partisi</i>)
EC	European Commission
EEC	European Economic Community
EU	European Union
FP	Virtue Party (<i>Fazilet Partisi</i>)
HDP	People's Democratic Party (<i>Halkların Demokratik Partisi</i>)
IMF	International Monetary Fund
MHP	Nationalist Action Party (<i>Milliyetçi Hareket Partisi</i>)
MP	Member of parliament
OECD	Organisation for Economic Co-operation and Development
RoP	Rules of Procedure
RP	Welfare Party (<i>Refah Partisi</i>)
SHP	Social Democratic People's Party (<i>Sosyal Demokrat Halkçı Parti</i>)
SIGMA	Support for Improvement in Governance and Management
SP	Felicity Party (<i>Saadet Partisi</i>)
TGNA	Turkish Grand National Assembly (<i>Türkiye Büyük Millet Meclisi</i>)
TİP	Workers' Party of Turkey (<i>Türkiye İşçi Partisi</i>)

TRT	Turkish Radio and Television Cooperation (<i>Türk Radyo ve Televizyon Kurumu</i>)
TÜSİAD	Turkish Industry and Business Association (<i>Türk Sanayicileri ve İşinsanları Derneği</i>)



CHAPTER 1

INTRODUCTION

Modern parliaments perform a variety of functions, yet their most essential role remains law-making. Laws constitute the most fundamental policy instruments of states, and in today's world, whether democratic or authoritarian, governments predominantly seek to formalize their policies through legislative acts. This study focuses not on the content of laws, but rather on the procedures of law-making and the types of laws enacted. In Turkey, the vast majority of laws passed in recent years by the Turkish Grand National Assembly (TGNA) consist of comprehensive legislative packages, often including provisions unrelated to each other. These are frequently amended at the last minute through motions that receive minimal scrutiny and are enacted so swiftly that many members of parliament (MPs) may not fully grasp their implications. Opposition parties not aligned with the ruling party are largely ineffective in the legislative process. Their legislative proposals are rarely brought to the agenda, and their motions are systematically rejected (Aktaş, 2020; Bakırcı, 2018; Ergül, 2013; Üzeltürk, 2016).

Turkey experienced significant turmoil between 2015 and 2016, including widespread terrorist attacks, a coup attempt in 2016, the declaration of a prolonged state of emergency, and a subsequent transition to a presidential system. During this period and in the years leading up to it, which are often characterized as part of the Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP)'s era of democratic backsliding, exceptional legislative procedures were used extensively. Studies focusing primarily on the late AKP period (e.g., Hazama & İba, 2017; Özcan & Kimya, 2024) may unintentionally reinforce this misunderstanding, linking

exceptional legislative methods exclusively to authoritarian drift. To critically assess this narrative, one must examine not only the exceptional circumstances but also the institutional rules and long-term patterns of legislative behavior that preceded them.

Based on my original dataset, I find that 43% of all laws enacted between the 2007 and 2015 elections—and 82% of all legislation in terms of volume—were enacted through non-standard legislative instruments. Although these procedures were initially designed or legitimized as exceptional, they have come to be used extensively—not only during the AKP period, when their use peaked, but also in preceding periods. I argue that to understand the institutionalization of non-standard legislation, it is essential to examine a longer historical trajectory. Looking at this broader period reveals a paradox: the roots of certain exceptional legislative methods can be traced to the so-called democratization period. Between 1999 and 2002, in the legislative term immediately preceding the AKP's rise to power, the share of exceptional legislation already stood at approximately 40%.

It is evident that exceptional legislative methods are not exclusive to times of emergency. On the contrary, extraordinary measures are a regular feature of political systems and serve as important tools for responding to economic, political, and social crises that demand swift action (Arslanalp & Erkmen, 2020; Loevy, 2016). Exceptional law-making procedures are not merely temporary deviations to be corrected once the emergency passes (Agamben, 2005; Manin, 2008; Neocleous, 2006).

1.1 The research puzzle in comparative context

The problematic legislative processes and exceptional laws discussed above are neither unique to specific periods nor exclusive to Turkey. Although often criticized

from the standpoint of legislative democracy, different types of exceptional legislation are widely employed in many democratic countries, even during ordinary periods (see Bar-Siman-Tov, 2021; Calin & Alexe, 2020; Chaqués-Bonafont et al., 2015; Cellar, 2022; Krutz, 2001; Lupo & Piccirilli, 2021; Pokornyi & Saghyi, 2021; Siavelis, 2002). Despite contextual differences and certain procedural nuances, the same institutional instruments—such as omnibus legislation, expedited procedures, restrictive rules, and decree-laws—are commonly used across different systems, as they are in Turkey.

Restrictive rules are institutional tools designed to limit the scope of amendments or the time allocated for deliberating certain bills—often setting deadlines or time caps. Similarly, expedited procedures aim to accelerate the legislative process and may include provisions to limit debate or amendments. Decree-laws, on the other hand, are typically reserved for situations of urgency, allowing the executive to legislate within a defined policy framework delegated by the legislature. Omnibus bills differ in that they are a type of legislation rather than a procedural rule—defined as "multiple-subject bills containing unrelated measures" (Oliver-Lalana, 2021). They are often processed through restrictive and expedited procedures, especially if they are lengthy and complex, to ensure their timely adoption.

Why do legislatures or executives resort to such extraordinary legislative instruments? Scholars have suggested multiple explanations. Huber (1996) argues that restrictive procedures facilitate intra-coalition bargaining by protecting coalition agreements from the disruptions caused by individual MPs. Unlimited amendment rights could significantly prolong the legislative process, especially for complex or controversial bills. In similar vein, Meßerschmidt (2021) and Krutz (2001, 2021)

show that divided or coalition governments are more likely to rely on omnibus legislation and restrictive rules to navigate internal disagreements and opposition obstruction. Lupo and Piccirilli (2021) claim that Italy's fragmented party system as a key driver behind the proliferation of exceptional legislation. In Spain, Palau et al. (2014) find that the government often uses decree-laws to bypass obstruction when it lacks a parliamentary majority. Kreppel (2009) notes that such instruments also serve as effective agenda-setting tools for the executive, especially against opposition delay tactics.

According to Huber (1992, 1996) and Döring (2003), the non-standard procedures are more likely to be applied if the government is weak because weak governments depend more on institutional advantages. Single-party minority governments are more likely to impose restrictive rules because otherwise, the parliament will not approve their policy proposals.

The Turkish case, however, poses a puzzle for these prevalent arguments. In Turkish Parliament, the use of exceptional procedures has actually been significantly lower under weak coalition or minority governments and more frequent under strong, single-party governments. One explanation may be that consensus thresholds or supermajority requirements for non-standard procedures inherently constrain the ability of weak governments to employ exceptional tools in some countries (Koß, 2019). Still, a fundamental question remains: Why are exceptional laws so commonly used by governments that already have a secure parliamentary majority? Why would a party that can pass any legislation it desires through ordinary procedures turn to non-standard ones?

To address this, we must disaggregate the dimensions of agenda control. One dimension concerns the substantive content of legislation—what proposals are

introduced, accepted, amended, or blocked. Another crucial dimension is timetable control—determining when and for how long a bill is debated, which procedures are applied, and how speaking time is allocated (Proksch & Slapin, 2015; Rasch, 2014). Timetable control enables the agenda-setter to accelerate the passage of legislation in parliament, countering any attempts by the opposition to delay proceedings (Döring, 2003). Timetable control allows governing parties to fast-track legislation and preempt opposition tactics aimed at delaying or derailing the process (Döring, 2003). Exceptional procedures are therefore not only about overcoming majorities or bypassing amendments or passing a bill but to pass it at the right time.

1.2 Exceptional legislation as a time-saving tool

Time is of central importance to the functioning of parliaments. Consequently, parliaments are structured around numerous rules governing how time is allocated and used. Since time is a scarce resource, how much time is assigned to each task—and how it is distributed among parliamentary actors and bodies—lies at the heart of parliamentary politics (Palonen, 2008). Even in the most democratic systems, time allocation rules are not neutral. Access to parliamentary time—especially in the plenary—is asymmetrical, shaped by both formal rules and political hierarchies (Cox, 2006).

Law-making, by its nature, is time-consuming. Bills must be drafted, deliberated, debated, and amended across several procedural stages. The role of the opposition in this process is also time-sensitive. While ruling parties, particularly those with legislative majorities, often favor swift passage of bills already placed on the agenda, opposition parties tend to slow down legislation they oppose—either to bargain, to amend, to influence public opinion, to form alliances or to signal

resistance. Delay tactics, including long speeches or extensive motions, provide the opposition with leverage and strategic value, particularly when legislative outcomes are otherwise predetermined.

One of the key trade-offs in parliamentary rule-making lies between decision-making efficiency and the inclusion of diverse actors in policy formation (Huber, 1996). Time rules that enable opportunities for some actors, they simultaneously constrain others. As structural or strategic time pressures increase—either through institutional norms or deliberate manipulation by political actors—legislative processes tend to undergo rationalization (Goetz, 2014).

One institutional response to time pressure is the strengthening of legislative committees (Koß, 2018). Koß (2019) and Borghetto and Giuliani (2008) argue that as parliamentary workload and time constraints grow, the plenary's influence tends to decline while the role of specialized committees increases. A key indicator of committee influence is the time spent discussing bills (Martin & Vanberg, 2011). Thus, rather than reducing scrutiny, lawmaking has shifted from the plenary to committees—making it essential to consider both stages together.

The other common way is centralizing agenda power in the hands of the majority is one of the simplest and most effective ways to save time and to overcome these temporal bottlenecks, albeit at the cost of marginalizing minority voices (Koß, 2019). Control over the legislative agenda also means control over the speed, order, and duration of debates. Within this context, exceptional laws function as time-saving devices—tools of procedural rationalization aimed at increasing legislative efficiency. When delays become costly, when a policy change is framed as urgent, the preferred extraordinary decision-making often requires bypassing ordinary, time-

consuming, deliberative procedures (Opitz & Tellmann, 2015; Schedler & Santiso, 1998).

On the other hand, Giannetti et al. (2016) argue that complex laws—such as omnibus bills— require more time for preparation and debate. It is naturally expected that longer and more wide-ranging laws will take more time to process. However, it is essential to assess the duration of the legislative process in relation to the volume and type of each law. Without accounting for law length, longer deliberation times may simply reflect legislative complexity rather than procedural inefficiency.

Alexopoulos (2013) suggests that when the ordinary law-making procedure becomes sufficiently efficient, the reliance on non-standard procedures should decline. However, what qualifies as "sufficient" rationalization is debatable. In Turkey, despite numerous constitutional amendments and revisions to the Rules of Procedure (RoP) since 1971—many aimed at increasing legislative efficiency—exceptional legislative practices have not diminished. On the contrary, their prevalence has increased, especially in the 2000s.

Again, this leads to the central question of this study: Why do certain non-standard, exceptional types of law-making procedures, conventions, and bill types become prevalent? In other words, how and why does exceptional legislation—initially conceived as a rare solution for urgent moments—become normalized and routinized within the broader legislative process?

1.3 Research design, data and methods

To contribute to the broader literature addressing this overarching question, this study develops a set of specific main research questions based on the Turkish case:

Why, when, and how were exceptional types of laws—now widely used in Turkey—first introduced into the legislative system, and how did they become institutionalized? Under what conditions did exceptional legislation emerge and/or proliferate? What were the main motivations of actors driving this development, and what strategic or political advantages did exceptional legislation offer to them?

Despite being governed for more than two decades by a relatively stable, disciplined, single-party majority, Turkey has seen a significant rise in the use of the expedited procedure and omnibus legislation. Why has the ruling party, which consistently held enough parliamentary seats to pass bills through standard procedures, continued to rely on these exceptional mechanisms?

To address these questions and establish a comprehensive understanding of how and why legislative patterns evolved, I offer a mixed-method analysis that draws on extensive qualitative data—tracing developments as far back as 1971—and original quantitative data covering the period between 1991 and 2015. This analysis is situated within a broader institutional context, accounting for long-term trends, exogenous shocks, changes in formal rules and informal conventions, as well as the struggles of political actors over legislative control that have collectively shaped the evolution of law-making during this period.

Parliamentary procedures are central to legislative politics. They shape the rules of the game and influence actors' strategies, capacities, and constraints (Sieberer et al., 2016). The three exceptional types of legislation in Turkey—omnibus laws, the expedited procedure, and decree-laws—have all been enabled or constrained by amendments to the Constitution and the TGNA's RoP. These changes shaped how, when, and under what conditions such laws were used. The original version of the RoP, which are still used in the TGNA, was adopted in 1973, and these

RoP were seriously affected by the extensive constitutional amendments following the military memorandum in 1971. I therefore examine all constitutional and procedural rule changes between 1971 and 2015, placing particular emphasis on the rationale and debates surrounding each amendment. This includes a qualitative analysis of plenary and committee minutes to understand how political actors justified or contested these changes.

However, procedural changes alone do not explain practice. Unwritten conventions and informal norms often shape how rules are interpreted and applied. To capture these dynamics, I reviewed speeches, commentaries, and writings by MPs, legislative bureaucrats, and senior officials—particularly those from the TGNA’s Directorate of Laws and Decisions. Their interpretations of legislative practices and internal guidelines provide critical insights into how exceptional legislation became normalized over time.

This analysis is situated within broader economic, political, and international developments. I supplemented parliamentary sources with external reports, including EU Progress Reports, IMF and World Bank assessments, and scholarly work on Turkey’s political economy. These documents help contextualize the timing of procedural reforms and moments of legislative intensification.

Because exceptional legislative instruments have repeatedly been challenged at the Constitutional Court—both on procedural and substantive grounds—I also analyzed all relevant the Constitutional Court decisions, including applications, rulings, and dissents. These rulings help explain periods when certain instruments were rarely used or abruptly withdrawn from practice.

Importantly, this study does not assume a deterministic relationship between rules and behavior. Rules do not automatically lead to changes in practice. Some

procedures remain dormant for years before being revived or reinterpreted; others may become widely used even in the absence of formal rule changes. In some cases, conventions evolve into codified rules; in others, rules are crafted to restrict or institutionalize informal practices. Therefore, I focus not on rules per se, but on patterns of lawmaking and the political and institutional conditions that enable or constrain them.

1.3.1 Building datasets and operationalization

To explore these legislative patterns, I developed two original datasets that track both legislative production and the law-making process. These datasets cover the period from 1991 to 2015, which includes six legislative terms, 14 different governments (five single-party majority, nine coalition or minority), five presidents, and multiple configurations of the Constitutional Court, providing ample variation for institutional and actor-centered analysis.

The first dataset includes all laws enacted between 1991 and 2015, excluding ratifications of international treaties. It captures the full legislative corpus in order to compare ordinary and exceptional laws, calculate their relative proportions, and evaluate trends over time. Laws were coded by legislative term, legislative year, and quarter of the year, as well as by the ruling government that passed them.

To normalize comparisons across periods of different lengths and activity levels, I calculated per-day averages for both the number of laws and their word counts, based on the number of days Parliament was actually in session. Each law's word count was manually calculated to assess the volume of legislation passed—not just its frequency. I applied the same methodology to decree-laws, excluding those

issued under states of emergency or martial law, and included only those based on empowering laws enacted by the Parliament.

To classify laws procedurally, I reviewed parliamentary minutes to determine whether each law was debated using the ordinary or expedited procedure. The latter always requires a formal plenary decision and is thus clearly identifiable. Because “omnibus law” is not an official category in Turkey, I adopted an inclusive operational definition: any law that amends more than one law and addresses multiple unrelated issues. Each law was categorized as ordinary or omnibus, and whether it was debated through ordinary or expedited procedure. This yielded a robust dataset of exceptional laws that can be compared over time and with ordinary laws.

The second dataset focuses on the duration and pace of lawmaking process for exceptional laws. For each exceptional law, I calculated the total number of days from the bill’s submission to final enactment. I excluded outliers where bills may have been delayed for non-substantive reasons. I then calculated debate intensity by dividing each law’s word count by the number of days it spent in Parliament, yielding a standardized law-making process speed. To explore the link between exceptional law use and speed, I specifically examined how quickly these laws moved through Parliament. I identified laws that were adopted particularly quickly (in 21 days or fewer), then calculated average deliberation speed across all four legislative terms.

While committee discussions are an essential part of lawmaking—especially under time pressure—the core focus of this dataset is on the plenary stage. I coded the number of sessions each exceptional law was discussed in, and more importantly, the number of *pages* devoted to its debate in the official minutes. From this, I created

a "deliberation speed " indicator that measures the number of words debated per minute-page. This allowed me to assess how much actual scrutiny each law received, beyond formal procedure.

1.4 Main law-making patterns in Turkey: an overview

The descriptive analysis of the two datasets—presented through tables, graphs, and charts—revealed the following key findings: Following a relatively productive early 1990s, legislative productivity in Turkey declined significantly between 1995 and 1999. However, starting in 1999, the overall volume of legislation—measured by word count—began to rise sharply, signaling a notable increase in the legislative workload. This trend reached its peak between 2002 and 2007. Although the number of laws declined in subsequent years, the total legislative volume remained consistently higher than in pre-2002 periods. The average length of individual laws also increased steadily across all legislative terms from 1999 onward.

A key finding is that a higher volume of legislation does not always correlate with the dominance of exceptional laws. For example, although the 22nd legislative term had the highest number of laws, it was not the term with the highest proportion of exceptional legislation. Thus, while legislative workload explains some of the trends, it does not fully account for the growing reliance on exceptional procedures.

The use of decree-laws was extensive before 1993 but diminished significantly afterward. While they reappeared briefly between 1999 and 2000, and again in 2011, they were not used at all from 2000 to 2015—except in that brief 2011 episode, during which decree-laws were far more voluminous than in earlier periods. Meanwhile, omnibus legislation—rare in earlier decades—became significantly more common after 2000 and remained high throughout the AKP period. The

expedited procedure, introduced in 1999, saw limited use in its early years but gained widespread adoption after 2006. From this point onward, omnibus bills were frequently processed using the expedited procedure.

The lowest legislative and exceptional law output occurred under minority governments. However, during the 1995–1999 term, the only majority government within that period produced the highest volume of exceptional legislation, including decree-laws. Peaks in exceptional lawmaking coincided with crisis periods—for instance, following the 1994 economic crisis, and again during the aftermath of the 1999 earthquake and the 2000–2001 financial crises.

When decree-laws are included, exceptional legislation accounted for more than 30% of total legislative output in every term analyzed. After 2007, this share rose dramatically, surpassing 90%, making ordinary legislation the exception rather than the norm.

Across all legislative terms, the fourth quarter of the legislative year consistently saw the highest concentration of legislative activity, especially for exceptional laws. Under the AKP, this trend intensified—particularly for omnibus bills. Unlike the pre-AKP era, in which legislative productivity declined during the final years of each term, AKP legislative terms saw heightened activity toward the end of the term and in the lead-up to elections.

A notable procedural pattern also emerged: over half of the exceptional laws passed between 1999 and 2007 were adopted in a single plenary session. This marks a sharp contrast with pre-1999 periods, during which legislative processes were significantly slower. The 2002–2007 term stands out as the period with the shortest average deliberation time per bill, marking the fastest legislative pace during the timeframe studied.

1.5 Institutional continuity and change: Exceptional legislation in Turkey

This study adopts a multi-level institutionalist approach to explain the underlying causes and dynamics of law-making patterns in Turkey between 1991 and 2015. It explores both exogenous and endogenous sources of change. Since institutions are not automatically self-perpetuating or self-reinforcing (Mahoney & Thelen, 2010), it analyzes the role of the parliamentary and extra-parliamentary main actors, influencing lawmaking processes in different constellations of actors covering the period 1991-2015.

Institutional change may result from sudden external shocks, such as economic crises or political upheavals. However, it can also occur gradually through rule displacement, incremental modifications, reinterpretations of existing rules, or evolving informal conventions. As Capoccia (2016) and Mahoney and Thelen (2010) argue, these gradual transformations can have long-term consequences that are just as significant as abrupt, sweeping reforms.

In line with this framework, this study examines changes and continuities in Turkish legislative patterns by analyzing them across three interrelated levels: 1- exogenous factors, 2- formal and informal rules; institutional setting, 3- strategic behavior of actors competing within a network of institutions.

1.5.1 Exogenous factors: Acceleration, crises, and international organizations

In recent decades, the increasing complexity of socio-economic life, rapid technological change, globalization, rising electoral demands, and expanding regulatory domains have intensified time pressure on parliaments. These

developments have pushed legislatures to work more frequently, legislate faster, and process greater volumes of legislation (Prandini, 2013; Rosa, 2005).

Turkey, as a dynamic society, particularly since the 1980s, has experienced these transformations and increase in legislative production. However, the effect of these transformations on Parliament is not clearly detectable and not linear. The level of legislative production has fluctuated across different periods. Two specific exogenous factors, however, stand out for their significant and clear impact on both the general workload of the TGNA and the frequent recourse to exceptional legislative tools: economic crises and the European Union harmonization process.

Throughout the 1990s and the early 2000s, Turkey was marked by recurring economic crises. These periods brought not only political instability but also an urgent need for rapid, complex, and wide-ranging legislative responses. Economic stabilization programs, structural adjustment policies, and agreements with international organizations—particularly the International Monetary Fund (IMF)—required swift enactment of detailed policy reforms. Such reforms were often tied to specific timelines and conditionalities. The standard pace of parliamentary procedure was increasingly framed as incompatible with the urgency of economic needs, as delays were seen to undermine potential gains (Borghetto & Giuliani, 2012).

Similarly, the EU accession process, which gained momentum following Turkey's candidacy recognition in 1999, imposed a heavy legal burden on the TGNA. The harmonization of domestic laws with the *acquis communautaire* required the adoption of numerous technical and comprehensive legislative packages within tight deadlines. As observed in many Central and Eastern European countries, the Europeanization process placed considerable strain on national legislatures, leading to institutional changes aimed at coping with the legislative overload

(Dimitrakopoulos, 2001; Ladrech, 2010). Turkey, like these new candidate countries, was expected to transpose within a few years a vast body of EU law that had evolved over decades (Bostan, 2014; Kopecky, 2004).

Many of the legislative reforms demanded by the IMF, World Bank, and the EU were supported by a relatively broad political consensus. There was a shared perception among key actors that reforms needed to be enacted quickly. This external pressure prompted a search for procedural innovations to speed up parliamentary operations. It is no coincidence that this era witnessed both a peak in legislative output and the emergence of expedited procedures and omnibus legislation as prominent law-making tools.

According to Sieberer et al. (2011), such “efficient changes” are often designed to improve legislative throughput without significantly altering the internal power dynamics among parliamentary actors. Because they do not appear to threaten existing balances, they tend to enjoy broad support—even from opposition parties and veto players—particularly in contexts such as the EU accession process, where political consensus is easier to achieve. However, even though the content of these provisions may enjoy broad support, the procedures that the provisions were enacted may be criticized. Besides, the “efficient changes” may still carry redistributive consequences, subtly shifting influence toward the parliamentary majority.

Indeed, while all modern parliaments have rationalized their internal processes in response to increasing workload and complexity, they have done so in different ways. Some systems have adopted egalitarian approaches to time allocation, while others have reinforced executive or majority dominance (Koß, 2015). In Turkey, procedural reforms and the rising use of exceptional legislative tools often

served to strengthen the hand of the ruling majority. This tendency is linked not only to immediate pressures but also to long-standing institutional legacies.

1.5.2 Institutional dynamics of change and legacies

In Turkey, efforts to increase the efficiency of the legislative process have historically prioritized executive dominance and majority control over inclusiveness and deliberation. Following the 1971 military intervention, the 1973 RoP were introduced as part of a broader rationalization effort, and decree-laws began to be used as instruments of rapid lawmaking, particularly in economic affairs. This trajectory intensified with the 1980 military coup and the 1982 Constitution, both of which further entrenched executive power and sought to minimize opposition influence. The 1996 amendments to the RoP, introduced in response to low legislative productivity, continued this majoritarian rationalization by, among other things, establishing the expedited procedure. Institutional reforms from the 1970s onward—from the electoral threshold to stricter criteria for forming parliamentary groups—consistently enhanced the agenda-setting power of parliamentary majorities while limiting the capacity of the opposition to intervene, particularly under time pressure.

The political and electoral system also shaped these dynamics. Since time allocation and amendment rights in parliament are largely determined by party group status, parliaments with many fragmented parties—often during coalition periods—experienced lower legislative productivity and longer lawmaking durations. In contrast, during stable single-party majority governments, legislative processes were more centralized and efficient. However, non-standard legislative tools such as omnibus laws, decree-laws, and expedited procedures were used more frequently not

under weak coalition or minority governments, but under strong majority governments, which had the parliamentary strength to implement them without requiring broad consensus. This finding challenges conventional assumptions that such exceptional instruments are mainly tools of weak governments under institutional constraint. In Turkey, they were preferred by governments that already possessed strong agenda control.

Institutional change in parliaments often occurs in response to changes in the actor constellation, particularly shifts in cabinet composition (Sieberer et al., 2011). According to Döring and Huber (1996), when a single party holds a parliamentary majority, the need for restrictive rules decreases because the government can pass legislation without procedural shortcuts. Yet, the Turkish case reveals the opposite: majority governments with strong agenda control used exceptional procedures more frequently—suggesting that their motivation was not merely overcoming legislative hurdles but maximizing control over timing and content.

Agenda control in Turkey also interacted with external veto players. The case of President Ahmet Necdet Sezer, who frequently returned bills and challenged them before the Constitutional Court, shows how extra-parliamentary actors can slow down or obstruct legislation. This changed dramatically after 2007, when presidents affiliated with the ruling party ceased to use these veto powers, coinciding with a significant increase in non-standard legislation. Similarly, the Constitutional Court played a crucial role by annulling amendments to the expedited procedure three times. Once the current version was upheld in 2005—and no longer challenged after 2007—exceptional legislation rapidly became the dominant form.

The 2010 constitutional referendum further consolidated executive influence over the Constitutional Court. With institutional advantages, governments could

respond swiftly to judicial pushback by passing new laws in a short time. The ability to pass voluminous and detailed legislation not only reduced reliance on administrative regulations but also circumvented judicial oversight by elevating executive decisions to the level of law. Consequently, many checks on executive power—within and outside Parliament—were weakened.

In sum, transformations in Turkey's legislative procedures and patterns cannot be understood apart from broader struggles among political actors and their pursuit of strategic advantages. Exceptional laws became widespread not because of institutional weakness or necessity alone, but because they offered dominant actors a powerful tool to control time, bypass opposition, and expand their influence within a shifting institutional environment.

1.5.3 Actors' strategic use of time and exceptional legislation

Controlling the parliamentary agenda means determining the timing, sequence, speed, and duration of legislative processes. As Goetz and Meyer-Sahling (2009) and Schedler and Santiso (1998) argue, time in legislative politics is a contested resource. In Turkish case, as agenda power increases, the non-standard methods are frequently applied as needed and as long as there is no obstacle. While increased legislative workload and inefficiency of ordinary legislative procedures, initially justified the emergence and legitimization of exceptional procedures, these mechanisms have since evolved into routine instruments of governance. Therefore, actors' political preferences are inevitable in explaining procedural changes (Koß, 2019). Even in periods of lower workload, their continued use is attributed to the distinct strategic advantages they offer to the parliamentary majority. Time constraints used to justify

these procedures are not always objectively determined but discursively constructed. Pseudo-urgency narratives can serve as legitimizing tools for circumventing standard deliberative processes.

In times of various external political, social and economic crises, when the government needs to intervene, non-standard procedures increase the ruling majority's ability to respond quickly, thus ensuring an effective party rule. In addition to being productive and efficient in the eyes of the electorate, it is also a useful method often used during election periods. Making laws is a tool for getting public attention, and laws are considered signs of the capability of the government. Exceptional legislation gives an effective tool to the government to achieve that.

Institutional cycles also generate time pressures that incentivize and enable political actors to rely on exceptional legislative procedures at certain timings. A notable example is the cycle of the legislative year. As the parliamentary recess period approaches, there is a pronounced tendency to accelerate the legislative process by bundling multiple, often unrelated, proposals into a single omnibus bill. This practice has become a recurring custom, serving several strategic purposes: it facilitates an earlier and longer recess, provides a functional justification for the use of exceptional legislative tools, and creates a temporal opportunity to bypass opposition scrutiny and reduce public attention. In this context, the manipulation of institutional time constraints not only legitimizes non-standard procedures but also enhances the governing party's control over the legislative agenda.

Electoral cycles are also particularly significant in understanding the strategic deployment of exceptional legislative tools. As elections approach, there is a marked uptick in the number, scope, and speed of legislative initiatives aimed at voters (Becker & Saalfeld, 2004; Goetz, 2014). In Turkey, omnibus laws become more

frequent during these periods, consolidating multiple pending regulations into single legislative acts to avoid post-election uncertainty (İba, 2011). These packages are often used to deliver populist benefits or fulfill diverse promises to various constituencies, strengthening bonds within the ruling party and between the party and its electorate. Besides, with the risk of losing power, governments often aim to enact as many of their policies as possible to institutionalize their agenda before a potential change in leadership.

However, the actor constellation and the government structure further conditions these dynamics. During coalition periods, inter-party competition, especially when the elections approach, within the government limits the use and effectiveness of non-standard procedures. Legislative productivity tends to be lower, and fewer omnibus laws are enacted. By contrast, in stable single-party governments, such as under the AKP, the prevalence of exceptional legislative practices increases, especially during electoral campaigns.

Fewer amendments succeed in the legislative stage, while the government's capacity for agenda control is higher (Tsebelis & Rasch, 2011). Even for complex bills, centralized agenda control reduces the risk of MPs log-rolling (Döring, 2004). But it can also be a bypass tactic. Especially omnibus bills provide ample opportunity for this. Last-minute amendment both in committee and plenary phases by the government or ruling party members should be treated differently. The ministers, the bureaucracy, and the individual MPs know that the opportunities to have an opportunity for the provisions in their mind in a busy agenda of plenary are minimal. There may be competition within the governing bloc and bureaucracy to access the plenary. Once an opportunity appears for the actors such as ministers and bureaucrats, they want to add as many provisions as possible instead of delaying the

policies in their mind, regardless of whether they are unrelated or not, to a next opportunity that may not even appear within their mandate. As noted by Rozenberg (2021), the pre-parliamentary and amendment phases of omnibus bills provide openings for actors who can garner sufficient majority support, enabling the advancement of diverse, sometimes unrelated, provisions under a single legislative umbrella.

Since it can include very unrelated laws, it opens up more opportunities for last-minute motions, leading to the adoption of many articles almost without any discussion. It allows the parliamentary majority to bypass the opposition, to catch it unprepared, to leave it not knowing where to focus, to prevent the time needed for the formation of a public opinion outside of the Parliament, to overlook some articles, and to push them to a *fait accompli*, especially if there is a single party government (İba, 2013; SIGMA, 2010). This situation neutralizes the opposition and puts it at a disadvantage, just as it gives the government an advantage during election periods.

In electoral cycles of democratic systems, the government faces a limited time budget to implement its legislative program. In contrast, the opposition—unable to shape the substance of legislation—often resorts to obstruction or delay. In such a context, non-standard legislative procedures, such as omnibus bills and last-minute amendments, become tools for the majority to neutralize opposition tactics and bypass deliberative hurdles. Such tactics are most potent under single-party governments with strong internal discipline. Considering the capability of exceptional legislation to increase legislative productivity and fast responses to changing conditions, veto players such as the judiciary or opposition parties are less capable of reversing or halting legislative actions.

Ultimately, the use of exceptional legislative procedures reflects a broader pattern of actor-driven institutional evolution. These methods are not simply responses to workload or crisis—they are strategic tools used to shape political outcomes. Designed originally for exceptional circumstances, non-standard procedures have become normalized as they enhance the agenda power of ruling parties and offer temporal benefits. Once institutionalized, these tools persist, employed whenever politically expedient and unchallenged by institutional constraints.

1.6 Chapter outline

This dissertation is composed of eight chapters that build a comprehensive analysis of the normalization of exceptional law-making practices in Turkey between 1991 and 2015. Following the introductory chapter, which lays out the background, motivation, research questions, theoretical orientation, and methodology of the study, the dissertation proceeds through a logical sequence of conceptual development, empirical investigation, and analytical synthesis.

The second and third chapters serve as the literature review and establish the theoretical framework of the study. It brings together three main bodies of scholarly work: studies on the role of time in parliamentary processes, analyses of non-standard legislative procedures, and research on changes in institutional rules and patterns of law-making. The first section explores the temporal logic of parliamentary activity and provides a rich conceptual framework for understanding how time structures legislative behavior, shapes procedural rules, and contributes to the strategic conduct of political actors. The second section delves into the concept of non-standard legislation, such as omnibus laws, expedited procedures, and decree-

laws, assessing their prevalence, functions, and implications for legislative democracy across various democratic systems. The third section investigates broader institutional transformations in law-making, situating Turkey's legislative developments within a global context of procedural adaptation, growing executive power, and shifting conventions. It also introduces the analytical categories and examples from case studies necessary to understand how exceptional procedures operate and under what conditions they become normalized. This chapter establishes the analytical lens through which exceptional legislation in Turkey will be examined.

The fourth chapter presents the research design, detailing the methodological choices and case study strategy. It justifies the 1991–2015 timeframe, and outlines the key data sources and methods used in both qualitative and quantitative components of the research. It classifies different types of legislation and procedural mechanisms, differentiating between standard and exceptional forms of law-making. To operationalize the research questions, the chapter introduces a mixed-methods approach that integrates both qualitative and quantitative strategies. It outlines the development of two original datasets that form the empirical backbone of the dissertation. It discusses the challenges in data procedure. It outlines the strategies used to ensure reliability in data coding and engaging with official sources, including parliamentary minutes, legal texts, international reports. In sum, this chapter provides a robust methodological foundation for the dissertation's empirical chapters, equipping the reader with a clear understanding of how the study measures change and continuities in legislative patterns.

Chapter five turns to the descriptive and quantitative account of temporal patterns in law-making in Turkey. Drawing on two original longitudinal datasets, covering the period between 1991 and 2015, it charts shifts in legislative output,

frequency and distribution of exceptional bills across legislative terms, years, and further temporal units. It reveals how certain governments, especially those enjoying stable parliamentary majorities, have consistently resorted to exceptional tools despite having the numerical strength to legislate through ordinary procedure. It examines fluctuations in legislative output over time, showing how changes in government composition, proximity to elections, long-term trends and external shocks influence the tempo and style of legislation. This chapter also identifies trends in both the production and processing of legislation, showing how timing has increasingly been shaped by strategic considerations.

The sixth chapter investigates the formal and informal transformations that contributed to the normalization of exceptional law-making tools in overall legislative patterns. It traces the evolution of procedural rules from the early 1970s to 2015. It explores constitutional provisions, amendments to the RoP, and the evolving jurisprudence of the Constitutional Court blocking or enabling exceptional procedures. In parallel, it examines the gradual erosion of certain parliamentary conventions that previously circumscribed the use of exceptional legislation. Focusing three key legislative tools -decree-laws, the expedited procedure, and omnibus legislation— the chapter reveals how these mechanisms, originally framed as temporary or exceptional, have become regular features of legislative practice. It traces the ways in which legal ambiguity, discretionary interpretations, and strategic adaptations by ruling parties have redefined the boundaries of acceptable parliamentary conduct.

Chapter seven addresses the external conditions that have contributed to increased time pressure and a rising workload in the TGNA. It considers a range of contextual factors, including long-term global socio-economic trends, economic

crises, and international mandates from institutions like the European Union and the IMF. These external pressures and binding policy challenges, the chapter argues, often demand rapid and voluminous legal reforms, generating incentives for procedural acceleration. The analysis demonstrates how legislative urgency in the TGNA is often constructed in response to such pressures, resulting in the compression of debate, the streamlining of decision-making, and the sidelining of opposition actors.

The eighth chapter focuses on the interplay between institutional configurations and actor strategies. First, it analyzes the influence of government types, veto points in challenging or legitimizing procedural choices and legislative output. Secondly, it pays particular attention to strategic behavior, such as last-minute amendments, obstruction tactics, and clientelist incentives, which have become increasingly prevalent in the Turkish legislative process. Through this actor-centered analysis, the chapter illuminates how procedural tools are wielded to gain electoral advantage, neutralize dissent, and consolidate power within legislative institutions.

The final chapter concludes the dissertation by synthesizing the main findings and reflecting on their broader implications. It argues that exceptional law-making has become normalized not solely due to crises or an authoritarian threshold, but through a cumulative process of institutional adaptation, procedural rationalization, and strategic manipulation. The conclusion situates the Turkish case within global debates about legislative democracy, parliamentary decline, and executive aggrandizement. The chapter ends with suggestions for future research, and deeper engagement with the normative dimensions of parliamentary procedure.

CHAPTER 2

TIME IN LEGISLATURES: KEY CONCEPTS, FORMS, AND PRACTICES

Time is an often-overlooked yet fundamental dimension of democratic governance. Far from being merely a technical consideration, the management of time shapes the very quality of democratic processes, particularly in legislative institutions. Time is the main regulator of parliamentary procedures, agenda-setting, distribution of items in the agenda, the duration of discussions, and the scheduling of votes (Palonen, 2008). Legislative politics “lies in the competence and willingness to play with time” (Palonen 2008, p. 247).

Parliaments perform many functions, but this research is about their legislative and deliberative roles. Legislatures are elected bodies whose approval is necessary to turn bills into laws (Kreppel, 2014). For legislatures, not only the content of decisions and laws, but also parliamentary processes are important. Legislation is organized by certain procedures that establish the framework for discussion, debate, amendment, and voting process of the proposed bills. Once the bill is enacted, the executive branch is assigned to implement the provisions specified in the law. Parliamentary decisions are inherently tied to the debate processes and procedures preceding resolutions (Palonen, 2018). Time lies at the core of parliamentary procedures and legislative processes. This chapter begins by introducing the key concepts and scholarly debates surrounding the institutionalization and management of time within legislatures, highlighting the struggles and tensions that arise in this context. It then examines the most common forms and procedures of non-standard legislation, with particular emphasis on the temporal advantages they offer.

2.1 Time in parliament

Drawing inspiration from social contract theorists who sought to understand the emergence and evolution of the modern state, Cox (2008) begins his analysis of parliamentary time with a concept of quasi-fictional “legislative state of nature”. In this hypothetical legislative state of nature, where time is abundant, parliamentarians are equal and every bill is subject to unrestricted debate, where each member has the right to speak and amend without limitation, and the process continues until every member agrees on passing the bill or does not oppose (Cox, 2008).

Under the conditions of the “legislative state of nature”, it would be quite easy to delay or obstruct decision-making simply by engaging prolonged debate. Such internal organization can lead to the plenary becoming a bottleneck, particularly when there is a surge in demand for plenary time. This could result in unproductivity and crisis of management (Cox, 2006). To avoid plenary bottlenecks or legislative gridlock and to ensure efficient decision-making, various rationalization designs have been implemented since the emergence of modern parliaments. Rationalization of parliament encompasses a broad set of measures codified in RoP, Constitution and parliamentary conventions. These measures aim to make parliamentary processes more efficient and productive by limiting opportunities for obstruction, reducing delays and ensuring that debates are concluded within a reasonable timeframe (Huber, 1996).

In this section, I will introduce key time-related concepts frequently used in this study and briefly discuss the following topics: the tension between deliberation and time pressure; the role of institutionalized time regulating parliamentary business

while perpetuating inequalities in the pursuit of efficiency and productivity; how the political actors deal with time rules, how limited time turns into a resource or constraint depending on an actor's position in parliament. Additionally, I theoretically examine the distribution of limited time among parliamentary actors and bodies, allocation of time to different tasks of parliament and phases of law-making, the mechanisms for setting parliamentary agenda, the organization of time to process a bill, actors and institutional bodies capable of affecting the agenda, timing and content of bills. These discussions will be contextualized considering how they differ in different legislative designs and configurations of political actors.

2.1.1 “Deliberation” and time pressure in legislature

The rule of law requires both substantive content and procedural form, with the latter being embedded in processes, including legislative procedures (Francot-Timmermans & de Vries, 2013), which are fundamental to legislative democracy.

Legislative democracy, at its core, rests on two basic principles: first, that those who create the laws must be democratically elected; and second, that laws must be adopted by a majority of these elected representatives through established deliberative procedures. While the importance of democratic election is widely acknowledged, the procedural requirement—ensuring that laws are enacted following thorough deliberation—tends to be overlooked in favor of focusing primarily on the substantive content of legislation. Legislative democracy fundamentally involves procedures enabling deliberation, which refers to the exchange of arguments among participants who engage as equals and remain open to revising their opinions based on reasoned discussion (Cohen, 1997).

Deliberation is a form of discussion in which individuals critically examine and when persuaded, modify their ideas and preferences (Dryzek & List, 2003). It necessitates open access to the floor and a willingness to listen to others (Rasch, 2011). Furthermore, it involves collective reasoning to reach, to some extent, a decision grounded in shared rationality (Rasch, 2011). In principle, a party's numerical majority does not guarantee predetermined outcomes; debate would be redundant if it did. Opinions and votes can shift through deliberation, leading to amendments, removals, or additions to a bill. Moreover, parliamentary speeches may influence public opinion, which can, in turn, pressure parliament and shape legislation. Parliamentary debates also serve as a platform for opposition parties and individual MPs to articulate their views, express their political evaluations and propose. They are important even when their efforts fail to alter the provisions desired by the majority (Palonen, 2018).

Parliamentary democracy assumes that decision-making should allow for deliberation, dissent, and the careful weighing of alternatives. Yet in a world increasingly dominated by demands for speed these temporal expectations come under strain. Parliaments are supposed to require procedures that foster debate, negotiation, and revision. The friction between the rhythms of legislative deliberation and the accelerating pace of contemporary politics creates a tension, one that tests the resilience of democratic ideals against the pressures for immediate action and efficiency.

Chesneaux and Wolin conceptualize democracy as a maturation process in which the "sovereign people" gradually develop their capacity to express themselves through qualified public debate and shape their collective future. From this perspective, democracy inherently requires time. Its key components—political

parties, the media, intellectual and expert communities, and civic groups—need time to gather information, organize ideas, weigh pros and cons, build alliances, and formulate strategies. In democratic governance, therefore, speed cannot be the overriding priority (Chesneaux, 2000; Wolin, 2005). In modern democracies, parliaments are supposed to be the institutions that embody popular sovereignty through open deliberation among elected representatives. However, the process is often neither fair nor truly deliberative. Time pressure, among other factors, frequently undermines the ideal democratic decision-making and creates a tension between deliberation and urgency.

Meaningful debate at the parliament requires adequate time. Getting familiar with the bill, setting strategies, preparing amendments, developing and responding to arguments from multiple perspectives, asking for clarifications, revising positions, and finding a common ground acceptable to actors from different standpoints take time (Palonen 2008). While lengthy discussion durations cannot guarantee deliberation, certain conditions such as considerable time to speak, listen, reflect, compare ideas and debate are necessary conditions for legislative democracy. Besides, legal provisions should be consistent with other related rules and the legal system in general (Cellar, 2022).

However, parliamentary time is limited or perceived as limited by political actors. In actual politics "time is scarce, delays are costly, and decisions have to be taken. Politics, after all, does not only mean to talk, speak, argue, and negotiate, but also to act, to decide" (Schedler & Santiso, 1998, p. 9). Therefore, procedural mechanisms framing and restricting discussions are necessary to conclude

discussions and enact bills (Rasch, 2011).¹ Even if the hours and days of parliamentary operation could be extended, they remained constrained by the calendar and electoral cycles. By contrast, the issues a parliament is expected to deal with or wants to deal with are potentially unlimited. Moreover, certain issues can require urgent attention and resolutions (Palonen 2008). Thus, political actors must eventually conclude the discussion and reach a decision. Ideal consensus, among others, has temporal obstacles (Schedler & Santiso, 1998).

The legislative time is divided into many temporal layers and units institutionalized with rules and conventions to overcome these obstacles (Palonen, 2008). These rules define the temporal structures of legislative politics: its points of initiation and termination, pace, sequences, and cycles. Within this general framework, various lower-level rules further delineate schedules, allocate time slots, distribute speaking and waiting time, impose deadlines, and set other temporal parameters of political decision-making (Schedler & Santiso, 1998). These temporal units are not neutral, and they frequently turn into tools of political strategy and tactics (Palonen, 2008). Beyond institutionalized temporal rules, politicians often manipulate time by accelerating, staggering, wasting, prolonging, or imposing deadlines to influence legislative outcomes (Schedler & Santiso, 1998).

However, institutionalized time rules should not be considered solely restrictive and negative. They also play a crucial role in overcoming the “legislative state of nature” and sustaining predictability, an important dimension of the rule of law. They coordinate collective action, align objectives, and manage actors’ expectations (Dyson, 2009). For instance, regular elections, which provide a fair

¹ Even the basic rule of majority decision-making instead of unanimity on the floor is related to the fact that time is finite for parliaments (Rasch, 2011).

opportunity to replace ruling actors, are the core principle of democratic politics. Elections create a defined “time budget” for ruling parties limited by the duration until the next election.² When the parliamentary procedures are protected from discretionary changes by powerful actors, they can even protect minority rights, enabling debate, amendment and obstruction of majority initiatives by giving fair opportunity, space and time for opposition actors at every stage of the parliamentary process (Binder, 1997; Palonen, 2008). As such, time rules, time budgets and time horizons constitute some basic elements of institutional policymaking (Howlett & Goetz, 2014).

While deliberation is essential to representative democratic systems, it hardly provides an analytical framework for analyzing legislative behavior and outcomes. In practice, rather than deliberation, political struggle and rivalry are primary determinants of legislative politics (Rasch, 2011). This situation has to do with the formation of the parliament as well as legislators' parliamentary actions and inactions. Firstly, many modern parliaments are not necessarily designed to encourage deliberation. While examples of genuine deliberation do exist, they are often exceptions rather than the norm in many parliaments (Rasch, 2011). Secondly, party positions and preferences on bills are mostly determined before the bills reach the plenary and party group MPs are expected to act cohesively (Martin & Vanberg, 2008; Rasch, 2013). In most cases, the outcomes of parliamentary debates are predetermined and few legislators are persuaded to change the positions they had at the beginning. Even if some MPs change their minds, these changes typically result in minor revisions rather than substantial changes. For the most part, parliamentary

² It also creates a tension between the long-term plans and short-term strategies to be re-elected, which is conceptualized as conflicting time horizons (Howlett & Goetz, 2014).

speeches articulate the MPs' pre-established views to other MPs and the public or to undermine alternative ideas (Rasch, 2011). Opposition party members, through their speeches on the floor, mainly aim to delay proceedings or influence the electorate rather than persuade governing parties (Pedrazzani, 2017). Thus, rather than encouraging mutual reasoning, parliaments often function as arenas of strategic communication and partisan contestation.

2.1.2 Time as a resource and constraint in parliament

The time rules and the use of time in parliament have contradictory features in the rivalry among political actors. Time has an ambivalent character. Time rules help to order and stabilize power struggles but the contest over the appropriate use of time has never ended (Adam, 2004) throughout the history of parliaments. In power relations within the political arena, the ability to affect the time rules and use of time can provide opportunities for some while constraining others. This double-faced character of time refers to being a resource for some political actors while being a waste of time for others (Borghetto & Giuliani, 2012; Goetz & Meyer-Sahling, 2009). As time becomes scarce, regulating parliamentary time becomes increasingly crucial, shaping and reflecting power relations within the parliament. Therefore, political elites devote significant attention and energy to contesting parliamentary rules (Huber, 1996).

Legislatures are busy institutions since they are the bodies responsible for adopting the regulations on every topic concerning the citizens of the state. The amount of time is restricted both by the length of the electoral term and the plenary time (Giannetti et al., 2016). Therefore, many parliaments try to speed up their way of functioning. However, the balance between overcoming the legislative state of

nature and having legislative democratic deliberation is never easy and always an issue of contestation. The speeding up of parliament, the elimination of rules that cause delays, and thus the establishment of an efficient parliament have mostly been portrayed as a positive step by those in power. The obstructionists who cause delay are even blamed as spies and traitors (Dion, 2001). However, the reform in parliamentary procedures is not only about eliminating inefficiency but also a change in the rights of the opposition challenging the actions of the majority in parliament. The rights to obstruct, amend, demand a quorum, and be represented in the effective bodies of parliament are also necessary elements for legislative democracy (Dion, 2001).

How legislative time is used depends on the position of the parties. The main line of division about the time-use preferences in parliament is being in government or opposition. It is incorrect to assume that every party strives to speak as much as possible in every situation (Pedrazzani, 2017). Some parties consider it a waste of time to allocate time for debates and motions on certain issues. Therefore, they try to shorten the legislative proceedings as much as possible. On the other hand, parties opposing bills try to use as much legislative time as possible because they want to obstruct and delay the majority party and influence public opinion (Pedrazzani, 2017). It may not be the same for every bill. In some circumstances the majority party may also need to justify their policy changes on the bills to their constituencies or to the other parties in parliament to get support (Giannetti et al., 2016).

Nevertheless, as a rule, parliamentary majorities tend to keep debates short, to speak as little as possible except to influence public opinion, and to let the opposition speak as little as possible when it is thought that a sufficient majority has been reached to pass bills.

The contradiction between the procedural time that should be spent discussing a bill and the urgency of decisions is at the center of parliamentary struggle among parties (Palonen, 2008). In everyday political struggle, tempo represents an important resource. By accelerating things political groups may confuse their opponents, cause *fait accompli*, attract attention, overcome time shortages, redefine political agenda, or show their political creativity. On the other side of the same coin, by decelerating certain things, they may gain time, make others' decisions postponed, permit conflicts to be reconsidered the alternatives, build up support for their own politics and so on (Schedler & Santiso, 1998). The limited time can turn into a resource for certain actors (Palonen, 2008). For instance, the opposition may use it to cause the majority delay even if they cannot persuade the majority to change the content of a bill (Dion, 2001).

The journey of a bill within parliament is generally not a smooth process as it can be interrupted in several ways, such as amendments, procedural debates, questions, or adjournments (Palonen, 2018). When the minority rights are potentially effective enough to delay, they can persuade the majority for certain concessions even before the law-making process starts (Dion, 2001). Even though the obstruction of parliament is not enough to prevent the bill completely, the majority may have to propose a less controversial bill or add some articles to meet the opposition's demands to get rid of obstruction (Fong & Krehbiel, 2018). The extent to which the government and the opposition participate in the debates around legislative proposals is related to how much advantage they gain from these debates.

Parliaments with lower levels of polarization and ideological division tend to pass laws more quickly and with shorter debates (Giannetti & Pedrazzani, 2016). In cases where all parties support a bill, swift passage does not necessarily undermine

opposition rights. Therefore, not every bill that is quickly passed is problematic. However, limited deliberation becomes concerning when opposition parties disagree with the government.

Although commonly assumed otherwise, governments do not always seek to speed up law-making, especially when pressure for change comes from the opposition or public outrage, which may threaten the majority's interests. For instance, if severe accidents occur and cause many deaths because of the wrong policies of the government, public emotion can be directed against the government. In some periods of social crisis and resentment against the government, it can also serve the function of delaying the response and shift attention. The majority parties can try to decelerate the flux of law-making by using the already-established agenda power. Contrary to what it usually does, the opposition can try to speed up the legislative process and push for legislation as soon as possible because the bills passed when the public emotion is very high would be very different from the bills adopted after certain months. Even though the government had to propose a bill just after the incident, after the public emotion decreased or after it was distracted by other topics, it can be revised to a great extent with amendments by the majority in favor of the government (Rozenberg, 2021). In short, the ability of parties to realize their goals is directly related to how legislative time is managed in different situations (Pedrazzani, 2017).

2.1.3 Plenary and legislative committees as temporal arenas

The plenary is the main arena for the struggle between the government and opposition parties (Cox, 2008). Speaking in plenary allows the government to explain its policies not only to the parliament but also to communicate with the

electorate through the media. This platform allows the government to persuade voters, convey political messages, and promote its party, even when the passage of the bill is assured (Slapin & Proksch, 2010). On the other hand, for opposition parties, plenary speeches are often more about revealing their preferences, policy stance, vote, and the reasons behind these. Parliamentary speeches, proposing bills and amendments are also important for individual members of the parliament to come to the fore and gain popularity (Maltzman & Sigelman, 1996; Proksch & Slapin, 2012). Legislative debates, especially the ones in the plenary are considered to be an arena where the electorate is targeted. Therefore, who speaks, when they speak and how much they speak impacts parties and their relations with the electorate.³

The organization of plenary time, its distribution and the struggle to have a share from plenary time it is not only electorate-oriented (Giannetti & Pedrazzani, 2016). They also play a crucial role in the legislative process itself. As every bill must pass to be enacted, the plenary stage represents a critical bottleneck that parties compete (Cox, 2008). Given the limited time, “the ability to gain or prevent access to plenary time is the central source of power in democratic legislatures” (Cox & McCubbins, 2011, p. 451). Allowing a large number of MPs to speak in plenary and failing to control the content of these speeches risks prolonging debates by introducing new issues to discuss. In order to prevent delays in decision-making, all busy legislatures implement measures that create inequalities among the parliamentary members and restrict the ordinary members’ rights (Cox, 2006). For instance, the party leaders or the group chairpersons regulate the speaking

³ One reason these speeches are primarily directed at the media and the public is that opposition actors often recognize their limited power to effect significant changes to the bill under consideration (Rasch, 2011).

opportunities of their MPs and the content of their speeches (Giannetti & Pedrazzani, 2016).

Plenary debates give opposition parties the opportunity to criticize government proposals and offer alternative policies. Opposition parties are generally more active in debates and presenting motions. They tend to engage more extensively in plenary speeches, especially when they consider legislation particularly important. In contrast, even while governing parties may deliver speeches on significant legislation, they generally prioritize saving legislative time and ensuring swift approval of key bills. Governing parties, especially the ones characterized by higher cohesion or ideological unity, are typically less involved in floor debates (Pedrazzani, 2017).

While one of the aspects of the law-making process is allocating time for discussion and speeches, the other one is amending bills. Amending is a significant tool, especially for opposition parties, to influence a bill's content.⁴ They can also be employed to obstruct government bills (Borghetto & Giuliani, 2008). Amendments are not exclusively the domain of opposition parties. Members of governing parties also have opportunities to propose amendments during both the committee and plenary stages (Borghetto & Giuliani, 2008), even though some motions merely correct some technical details or linguistic inaccuracies (Heller, 2001).⁵

The right to propose amendments goes hand in hand with a certain amount of time to explain the amendments on the floor. Who can give motions, when and how much they can give and whose motions presented are likely to be accepted are

⁴ However, knowing that they will not be adopted, the majority of opposition motions are simply about drawing public attention and indirectly expressing opinions on legislative content (Heller, 2001).

⁵ However, interestingly amending can also function as a time-saving device especially when presented by the majority parties' members at later stages of the legislative process on purpose, to expedite decision-making or adjust the bill's content efficiently.

related to the rules of plenary time distribution. Who can talk, when can talk, how long can they talk, who can amend, and to what extent they can amend are central questions to answer while designing the procedures of legislature (Cox, 2006). In many countries, as a rule, to deal with time pressure, presenting motions from the floor is either highly restricted or the motions are very likely to be rejected (Rasch, 2011).

The time in legislative processes is distributed not only among individual actors and parties but also among certain bodies of parliament. Law-making is not merely the straightforward act of amending and voting on a bill in the plenary. Instead, it is a multi-stage process that unfolds over time due to the specific durations allocated to each phase (Borghetto, 2014). Legislators have designed various institutional mechanisms and enhanced parliamentary capacity through specialization to overcome the legislative state of nature and the plenary bottleneck that may occur due to insufficient time to deal with numerous bills, extensive amendments, and prolonged debates (Cox, 2008; Diermeier et al., 2015).

Whether real or imagined, persistent conditions of time pressure tend to favor institutions that can act faster over slower ones (Goetz, 2014). This dynamic can also shift power distribution among different organs of the same institution. Setting up permanent legislative committees tasked with conducting the first reading of bills before they advance to the plenary stage is one of such responses to time pressure. Parliaments lack specialised committees in the “legislative state of nature”; all business is handled in the plenary (Cox, 2006, p. 141). The creation of powerful committees is a rationalization mechanism to enhance parliamentary efficiency (Köß, 2019). Legislative committees function to mitigate time pressure by enabling

parliament to examine multiple bills simultaneously. Otherwise, the plenary would have to examine all proposals individually and be overburdened.

Committees are powerful when they are permanent and have the ability to rewrite bills (Koß, 2019). They can have the possibility to remove some articles, amend them, and introduce new articles. In some countries, committees can even propose bills. The committee stage, thereby the debate time in the committees, is also important. Besides, the committee and plenary stages are interrelated. According to Martin and Vanberg (2011), in countries where committees are powerful, the committee scrutiny process is expected to be longer and amendments to the original bill are expected to be higher. However, this also means that the plenary stage becomes relatively less important. When committees are strong, the plenary becomes a ratification body (Koß, 2018). Extensive elaborations and achieved consensus in the committees can render the need for lengthy plenary discussions. Conversely, a lack of consensus at the committee stage may trigger longer discussions in plenary, as Borghetto (2014) argues. In brief, one of the reasons behind strengthening committees is to relieve time pressure in the plenary.

In the last decades, legislative committees composed of few MPs with expertise in specific policy fields have gained importance, often surpassing the importance of plenary in practice (Borghetto & Giuliani, 2008; Döring, 1995). Political parties are expected to select committee members based on their expertise, ensuring a higher level of scrutiny and potentially higher influence over the content of bills (Koß, 2019). Under time pressure, this expertise is expected to be more efficient. Due to their smaller size and expertise, committees can prepare, examine, debate and process bills faster, especially when there is broad consensus among deputies and across parties in parliament (Borghetto & Giuliani, 2008).

Committee seats are generally distributed according to party strength in the plenary to ensure that government bills are not killed or radically altered in the committee phase (Palonen, 2018). In majoritarian systems, parties with agenda control and timetable control power in the plenary usually maintain similar control in the legislative committees because of the similar proportional distribution of seats in these two bodies. There is no sharp divergence between agenda control in the plenary and in the legislative committees (Döring 1995). Therefore, decentralised agenda control in parliament is the prerequisite for the emergence of powerful committees. Without decentralized agenda control, the majority in the plenary can override any amendments introduced at the committee phase (Koß, 2019). In the following section, I will present the concept of agenda control and its critical relationship with time in legislative politics.

2.1.4 Parliamentary agenda control and temporal power

Legislative agenda setting refers to the processes shaped by various rules, procedural instruments and practices that influence the legislative workflow (Zucchini, 2005). It includes decisions such as which bills are chosen for discussion in plenary, the durations of these discussions, the number and timing of amendments, and the voting rules (Cox & McCubbins, 2005; Müller & Sieberer, 2014). While agenda setting is an inevitable function in any legislative, it does not necessarily refer to the control of the agenda by certain actors. In contrast, agenda control refers to the dominance of certain bodies (e.g., the majority party, the government, or others) over others in shaping the legislative agenda. This control allows the agenda setter to block certain bills from advancing and eliminate specific policy proposals at an early stage. It saves the legislature's time since it is not possible or preferred to consider all bills in

the committees or the plenary (Rasch, 2011). However, this is not neutral either, especially when the seats of agenda-setting bodies are not equally distributed.

Agenda power refers to a set of abilities to determine which bills are considered, when, under what order and under which procedures (Cox & McCubbins, 2004; Döring, 1995). Agenda power has two components: positive agenda control and negative agenda control (Cox, 2006; Romer & Rosenthal, 1978). Positive agenda power refers to the capability of proposing bills, and amendments and ensuring they are considered in the plenary, preferably as early as possible, so that it also includes hastening the consideration process of bills in the parliament until its approval (Cox, 2008). Negative agenda power refers to veto power, the capability of blocking the changes to the status quo, and gatekeeping power.

Gatekeeping can be a way to prevent certain proposals from entering into the agenda or a weak form of it can be in the form of delaying the proposals' consideration in the plenary (Brouard, 2013; Cox, 2008; Rasch, 2011). I think it should also include the power of deceleration or delay of the parliamentary process of the bills, even if the bills were proposed by them, to gain time especially when the ruling party is under serious pressure to enact certain bills supported by the opposition parties in parliament and the public under certain conditions. The majority does not necessarily prefer acceleration of the law-making process. Besides, negative agenda control and restricting amendments are not necessarily what the agenda control powers prefer, as they may even promote amendments in the committee and plenary phase, not by opposition parties but by the majority party members. Therefore, it would be more accurate to associate the agenda power of the majority with the capacity to accelerate it and slow it down, to restrict it and promote it at its own will.

Executives in different parliamentary democracies enjoy their advantage in the law-making process through different combinations of agenda-setting components (Zucchini, 2005). When a certain actor (such as the executive or majority party), or a body dominated by the majority, captures control over different types of agenda power, this is referred to as centralized agenda power (Cox, 2008), which constitutes a “procedural cartel” (Cox & McCubbins, 2005, p. 9). Agenda control is centralized when the government or the parliamentary majority that forms the government has significant privileges in agenda-setting, and decentralized agenda control when the opposition parties have significant, if not equal, influence on agenda-setting (Cox & McCubbins, 2011). Centralized agenda control is the domination of agenda by the government or/and by the majority in parliament. Decentralized agenda control provides inclusive access for all parliamentary access (Koß, 2015).

Agenda control comprises two key elements: amendment control and timetable control. The former involves prescribing the voting order and limiting amendments, while the latter safeguards control over the legislative timetable. Timetable control enables the agenda-setter to accelerate the passage of legislation in parliament, countering any attempts by the opposition to delay proceedings (Döring, 2003). Timetable control refers to the power of determining which proposals are debated, when they are scheduled, how long the debates last, how speaking time is distributed, and which legislative procedures are used (Proksch & Slapin, 2015; Rasch, 2014). The timetable control capacity of the government or parliamentary majority involves authority over scheduling plenary sessions, assigning and reassigning bills to legislative committees to accelerate the committee stage, and restricting the duration of debates (Döring, 2003).

Most modern parliaments delegate the responsibility of arranging the plenary agenda to designated actors or committees (Carroll et al., 2006). In many Western European countries, the agenda is officially determined by a bureau led by the speaker, but other bodies, such as a committee composed of representatives from parliamentary groups, also play a key role in the agenda-setting process (Giannetti et al., 2016).⁶ While these bodies help cope with the scarcity of time and provide order and stability to legislative processes, they also can exercise discretion in deciding which bills are included on the agenda, their timing, the duration of discussions and the voting procedures (Ajenjo & Molina, 2013; Giannetti et al., 2016). These agenda-setting bodies perform as gatekeepers, filtering bills to ensure that some do not even reach the plenary. This filtering disproportionately restricts the bills presented by the opposition (Ajenjo & Molina, 2013).⁷

The configuration of agenda-setting bodies and their voting rules provides insight into the relative power of the government, the majority, and opposition parties over the agenda, which affects the strategies of parliamentary actors (Cox & McCubbins, 2011; Döring, 1995). In some cases, the agenda-setting bodies are structured to favor efficiency and centralized agenda control by granting the government a higher share than its proportional share of seats in the plenary (Döring, 1995). Alternatively, in other cases, opposition parties can be granted increased representation, or the composition of the committee can precisely reflect the seat distribution in the plenary (Cox & McCubbins, 2011).

⁶ In Italy, this role is performed by the Conference of Group Chairpersons (Giannetti et al., 2016). In some legislatures, if an agreement cannot be reached in this body, the majority in the plenary has the final authority to make the decision.

⁷ These bodies, in some cases, can determine not only the plenary agenda but also the agenda of legislative committees (Ajenjo & Molina, 2013).

A clear distinction exists between the government bills and those presented by other actors. Government bills, as expected, generally take precedence, thanks to the majority of governing parties in the agenda-setting bodies, especially where the agenda power is centralized (Ajenjo & Molina, 2013). Once a bill secures a spot on the agenda, the next step is whether it will be approved. When the government has a stable majority in the parliament, the approval of government bills is almost guaranteed.⁸ In parliamentary systems, generally, more than 90 percent of the approved bills are drafted by the government (Tsebelis, 2002, p. 93).⁹ For instance, between 1974 and 2005, more than 99% of the adopted bills in Greece were government bills (Alexopoulos, 2013, p. 145).

Every government possesses a certain level of agenda power over parliament, but this does not imply that legislatures are passive and ineffective in shaping legislative processes and outcomes (Giannetti et al., 2016). Even in cases where the opposition's influence on selecting the bills for debate and amending their content is limited, it may have more influence over the timing and duration of debates to push the government to compromise. Even in systems where the government predominantly controls the agenda, the allocation of time for parliamentary debates can still be set through agreements between parties (Giannetti et al., 2016).¹⁰ In

⁸ The highest passage rate of bills is those presented by single-party majority governments in Westminster type of parliaments. In Westminster type of parliaments, the passage rates of government bills are higher than the other types of parliaments such as semi-parliamentary regimes or presidential systems (Saeigh, 2010).

⁹ Not surprisingly, majority party members' bills are more advantageous among the non-government bills. Bills proposed by opposition parties are often not even taken into agenda or when they are accepted they can be revised significantly by the majority. However, it is also possible to observe bills jointly proposed by the opposition and the majority.

¹⁰ Setting the terms of agenda also determines what the opposition parties will discuss. Even if the opposition parties have enough floor time to express their opinions in plenary, it cannot be completely considered as opposition parties' time especially in the parliaments where all the bills for discussion were fully determined by the majority. To overcome this inequality, some legislatures determine a minimum percentage for opposition parties' bills or certain days allocated to discuss only their bills.

democratic countries, it is relatively rare for the government or the majority to exercise unilateral agenda control without any input from opposition parties.¹¹

Governments can exercise control over the legislative timetable by determining how legislative time is used, constraining time to block others' initiatives and extending legislative time when needed, such as by calling extraordinary sessions and shortening recess periods (Brouard, 2013). Besides, the agenda setters may create artificial time pressure to expedite the approval of certain proposals (Goetz, 2009). Government bills are rarely rejected and are less delayed in the plenary and treated fast in the legislative committees (Ajenjo & Molina, 2013). Centralized agenda control of the government sustains faster adoption of bills in parliament (Becker & Saalfeld, 2004; Huber, 1996). How is the faster adoption of bills achieved? Beyond the agenda power within the ordinary legislative process, non-standard types of legislation—generally designed for exceptional situations—offer additional tools for governments to further control the agenda. In the next section, I will introduce the main non-standard procedures and bill types that directly or indirectly facilitate time-saving and enhance control over the legislative timetable in parliament. In the next section, I will present the main non-standard procedures and bill types in relation to agenda power and time struggles in parliament.

¹¹ In consensual systems such as Germany, Austria and the Netherlands, the executive cannot overlook the standpoint of different parties within parliament to promote its agenda. These parliaments usually have strong committees that allow the minority to have a considerable role in legislation. The bills may be considerably amended in the process to secure the support of opposition parties, coalition partners or even the dissenting members within ruling parties. However, the executive tends to dominate the legislative process in majoritarian systems (Ladrech, 2010). For example, in the UK and Ireland the agenda is exclusively set by the government (Döring, 1995). Yet, majoritarian parliaments can incorporate conventions for the balance between the executive and legislative or between the majority and opposition. In the UK and Ireland, there are 20 designated "opposition days" during which the parliamentary opposition decides the topics for debate in addition to extra 20 days allocated for discussions initiated by the private members of the parliament. Similar rules and conventions also exist in Greece, Ireland and Portugal (Ladrech, 2010).

2.2 Non-standard legislation: Forms and functions

Democratic parliamentary politics incorporates checks and balances to prevent hasty and discretionary decision-making. These precautions include a mandatory waiting period after the bills are distributed to MPs, time intervals between the committee and plenary phases for bill discussion, and deadlines for responding to parliamentary questions (Palonen, 2008). However, extraordinary circumstances may highlight the limitation of parliamentary safeguards in responding to urgent crises. When the conditions demand immediate action, ordinary parliamentary procedures can be insufficient to apply urgent measures.

When legislature struggles to keep pace with rapid changes in social and political life and cannot regulate certain fields, the discretionary authority of the executive tends to expand (White, 2014). Politics does not only involve debate and negotiation but also decision-making and action. In certain conditions where time is limited and the cost of delays is high, making urgent decisions may require skipping proper deliberation stages (Schedler & Santiso, 1998). However, determining what constitutes urgency, how tasks and items are ordered in the agenda, and which issues are prioritized when time is scarce is always a matter of contestation among political actors (Palonen, 2008).

Due to the limited time budget, the more time spent on each bill, the fewer bills in total can be processed by parliament in a legislative session (Pedrazzani, 2013). Allocating more time for a certain bill often comes at the expense of subsequent bills in the legislative session (Giannetti et al., 2016). When the government faces certain policy challenges to overcome quickly and seizes an upcoming effective obstruction, it can resort to non-standard procedures (Dion, 2001).

When important, urgent or controversial bills are on the agenda, the officeholders often seek privileged access to the agenda and concurrently try to constrain plenary time for ordinary members and limit the opposition parties' obstruction opportunities. For this sake, many countries implement special agenda tools primarily designed to enhance the agenda power of officeholders (Cox, 2008). Since 1958, France has become a model of executive dominance for many countries because of several mechanisms that allow the government to control parliamentary agenda (Brouard, 2013). Even though these mechanisms were introduced to promote political stability and efficiency, they have also been for being anti-democratic and undermining parliamentary impotence (Huber, 1996).

Discretionary and expedited decision-making poses major challenges to the procedural democracy framework, regardless of whether such measures are pursued in good or bad faith (White, 2014). When non-standard procedures are used excessively, the temporal rhythms of legislative democracy become irregular and unpredictable. While these rhythms do not vanish entirely, they are disrupted, compressed, and sidelined. In moments where speed is prioritized, liberal democratic principles—such as open debate, thorough deliberation, effective accountability, public scrutiny, and inclusive participation—are often sacrificed. Moreover, the legitimacy of parliamentary dissent is weakened under the guise of urgency and emergency rhetoric (White, 2014).

Whether emergencies are objectively real, or the result of political manipulation by actors, non-standard procedures are frequently used. In numerous countries, non-standard procedures mainly aim to expedite parliamentary processes and/or restrict amendments. Many governments possess the authority to limit the overall time allotted for discussing a bill and can impose restrictions or even outright

prohibitions on amendments proposed by parliamentary members (Brouard, 2013).

The abstract power of parliament to reject government bills is often ineffective without the ability to amend bills. In the absence of amendment opportunities (closed rules), enough chances for amendments (restrictive rules) or necessary time for meaningful discussion (expedited procedure), parliament may struggle to assert its authority effectively (Tsebelis & Rasch, 2013, p. 6).

Although non-standard bills and procedures are widely used, they are relatively unknown to the public and even many scholars (Brouard, 2013).¹² Before delving into the factors behind their growing prevalence, I will outline four prominent forms of non-standard legislation—whether procedural mechanisms or bill types—that are widely employed across various countries under ordinary constitutional order. I will primarily analyze all four as institutional tools designed to save time, while also serving broader purposes related to agenda control and the strategic interactions among political actors within specific institutional contexts. These are restrictive rules, expedited procedures, omnibus bills, and decree-laws. The first two will be examined together, as restriction often facilitates expedition, and vice versa.

2.2.1 Restrictive rules and expedited procedures

Restrictive rules limit the ability to amend government bills, often allowing few or no changes.¹³ The closed rule is an extreme version of restrictive rules, which completely prohibits amendments. Another version is the closure procedure, which

¹² This is particularly true in Turkey, where procedures are often perceived as secondary to the content of bills.

¹³ When amendments are exclusively permitted for the government but prohibited for the others, this is referred to an expansive rule favoring the government.

terminates debate time in plenary even if some articles are still not reviewed (Rasch, 2014).¹⁴ A notable example of a closed rule is the package vote, “vote bloqué” in the French Parliament. This “take-it-or-leave-it” vote suppresses any possibility of proposing a motion. Under this procedure, only amendments proposed or accepted by the government can revise the original bill. It restricts the MPs’ rights to discuss, amend and vote on individual articles of a bill separately. Even though it does not entirely prevent the MPs from discussing the bill’s provisions, it indirectly saves time, particularly during the voting. This procedure consolidates all decisions into one single vote for the whole bill, instead of voting on each article one by one (Brouard, 2013, p. 47; Döring, 2004; Huber, 1992). Due to this procedure, the government has the discretion to group articles and amendments as a package at any stage of the parliamentary process, compelling the parliament to either approve or reject the whole policy package without any opportunity to amend it (Huber, 1996).

Even though the primary purpose of restrictive rules is not necessarily to expedite proceedings, they often include specific time limits for debating amendments (Brouard, 2013). Even though many studies focus solely on the amendment-control dimension, allowing the agenda setter to adopt a bill closest to its original version, restrictive rules also have a timetable control dimension (Döring, 2003). For actors who consider the amendment process a waste of time, restrictive rules serve as an effective means to eliminate it (Huber, 1996). Different types of restrictive rules highlight their dual purposes. Even though the same term is used, the French-type “guillotine” is mainly designed to keep the bill closest to the original version (amendment control). In contrast to the French-type, the British-type focuses

¹⁴ For instance, in Brazil, Uruguay and Colombia, presidents can impose a deadline compelling Congress to act within a certain time frame (Saiegh, 2010: 55).

on saving time, but it also indirectly preserves the bill by limiting the time available for amendments (timetable control).¹⁵

For direct timetable control, many legislatures have designed expedited procedures.¹⁶ The hallmark of expedited procedures is their capacity to accelerate the legislative process, minimizing debate time and opportunities for the opposition to political contestation (Maatsch, 2021). By declaring executive bills as urgent, the government can minimize the duration of the legislative process and enhance the productivity, and efficiency of parliaments (Cellar, 2022). This temporal advantage has led to the overuse of expedited procedures in several Latin American countries with presidential systems. The presidents of these countries sustain their agenda power through urgency procedures (Figueiredo & Limongi, 1999; Siavelis, 2002).

Under ordinary procedures, certain waiting periods are often required between different stages of law-making. For instance, in Slovakia, a bill must be submitted to MPs at least fifteen days before the legislative committee reviews it, and it cannot be debated in the plenary until 48 hours after the committee report is issued. Moreover, legislative committees are prohibited from approving a bill within thirty days of its introduction. The entire bill enactment process takes up to three months. However, under the fast-track procedure of this Parliament, these waiting periods are not obligatory and the whole process can be completed in as little as one day (Cellar, 2022).

¹⁵ In the UK Parliament, plenary majority sets a maximum debate time for specific sections of a bill. Once that time expires, the speaker immediately calls a vote. British restrictive rule helps counteract opposition's delaying tactics by setting a strict deadline for completing discussions and amendments, moving directly to the voting stage, regardless of how many clauses have been discussed until the deadline (Döring, 2003).

¹⁶ Across different countries, such mechanisms may be called as fast-track procedures, urgency procedures or expedited procedures. In this study, I prefer the term expedited procedure, as it aligns with the term used in the TGNA's Rules of Procedure.

In Greece, the urgency procedure was rarely used, as the government already exercised substantial control over the agenda. Bills processed through the ordinary procedure could be enacted even within a week. Most bills were passed within 15 days of being introduced to Parliament, following a maximum of five committee meetings and five meetings in the plenary phases (Alexopoulos, 2013, p.152). One reason is that a simple majority in the Greek Parliament can designate a bill as having “special importance,” requiring its debate to be completed within a limited number of sessions, not exceeding five days (Koß, 2015). Despite these rationalization efforts, when the urgency procedure is still needed a government bill can be voted on in a single session (Alexopoulos, 2013).

The majorities necessary to apply restrictive rules or expedited procedures play a critical role in their implementation. In many countries, implementing these procedures requires more than a simple majority—often an absolute or two-thirds majority (Koß, 2018). This form of negative agenda control is more effective when a simple majority suffices; supermajority thresholds are generally challenging to achieve, thereby limiting the application of non-standard procedures (Koß, 2019). Beyond majority requirements, expedited law-making procedures can be subject to further conditions. In some cases, expedited procedures are explicitly prohibited for certain subjects or types of legislation. For instance, in Slovakia, the expedited procedure can be employed only under specific circumstances, such as when national security or economic threats posing significant loss to the state appear or fundamental human rights and freedoms are at stake. In such cases, the expedited procedure can be applied with the approval of the responsible institutional body upon the government’s request (Cellar, 2022).

As such, both material and formal conditions must be met for non-standard procedures, but these are often subject to interpretation. Their application typically requires committee or majority approval and a judgment that the criteria are fulfilled, which is an assessment that may not always be entirely objective. This assessment may get more complicated when the bills are complex. Restrictive procedures are typically expected to apply to jurisdictionally complex and conflictual bills rather than simple ones (Huber, 1996; Döring, 2003).¹⁷ This framework fits especially with omnibus bills, though not all complex and conflictual bills are necessarily omnibus. In the following, I will present omnibus legislation, not as a procedure per se but as a non-standard bill type.

2.2.2 Omnibus bills

There is no single universal definition of omnibus legislation that can be applied across all countries without any modification for the specific legal and institutional context in question (Bar-Siman-Tov, 2021).¹⁸ Still, comprehensive definitions of omnibus bills exist in the literature on omnibus bills. Sinclair (1997) describes them as legislative proposals that encompass a wide range of topics, issues, and programs—not necessarily related to one another—which tend to be lengthy and complex due to their expansive scope. Omnibus bills, in several legislatures, are generally adopted with expedited procedures in plenary. In many cases, the ability of MPs to revise such bills is curtailed through restrictive procedures and voted in a “take-it-or-leave-it” manner (Bar-Siman-Tov, 2021; Krutz, 2001).

¹⁷ Jurisdictionally complex bills are those with provisions affecting multiple policy fields (Huber, 1996).

¹⁸ The term is often used arbitrarily. Since omnibus legislation is not necessarily a law-making a procedure per se but rather a type of bill based on its content. In the methodology section of this study, I broadly discuss the definition I adopt, along with the justifications for this choice.

Oliver-Lalana (2021) similarly defines omnibus bills as legislative proposals that bring together provisions on multiple, unrelated subjects. His emphasis, however, is based on their content rather than the length or procedure by which they are passed. Omnibus bills can either be designed as omnibus from the outset when they are initially introduced, or they can evolve into omnibus bills during the parliamentary process through logrolling or adding riders. While “logrolling” refers to combining two or more separate bills into a single bill, “rider” refers to provisions which can be problematic to pass on their own for several reasons and are therefore attached to a popularly supported bill to “ride” on it (Briffault, 2021). While the inclusion of “numerous unrelated subjects” is a necessary condition, the length of the bill is not, even though it is a frequent characteristic. Determining whether a bill possesses an omnibus character can be challenging because the boundaries between policy fields and subfields are often unclear, making it difficult to objectively clarify what related and non-related content is (Krutz, 2000, p. 539). Similarly, drawing the line between homogenous and heterogenous, jurisdictionally complex and simple bills also cause significant difficulties (Oliver-Lalana, 2021).

Despite the confusion in definitions, the rise of omnibus legislation has been one of the most important legislative changes of the last decades in the United States (Krutz, 2001). It is also widespread in Italy, where it appears in the forms of omnibus budget legislation and omnibus decree-laws (Lupo & Piccirilli, 2021). Omnibus legislation has been criticized for undermining legislative democracy and the rule of law, particularly by concentrating power in the executive. In Canada, all major opposition parties promised to abolish the practice during the 2015 election campaign. Although Trudeau’s Liberal Party echoed this promise and he personally denounced omnibus legislation in his inaugural speech, the new government

continued to use it. While new procedural rules were introduced to prevent its abuse, omnibus legislation has persisted (Bar-Siman-Tov, 2021).

In Belgium, although political actors are aware of the harmful effects, majority parties overuse and exploit the accustomed permanency of omnibus legislation (Popelier, 2021). Despite its problematic situation, many countries lack explicit and steady constitutional or legal restrictions regarding the preparation processes of omnibus bills (Bar-Siman-Tov, 2021). Even where legal prohibitions exist, they often fail to prevent the enactment of such bills. For example, in Greece, since 1973, governments have routinely incorporated provisions into bills that are unrelated to their stated objectives. Although the 2001 constitutional amendments led the Constitutional Court to ban this practice, such bills have remained common. Excluding laws ratifying international agreements, 65 percent of the bills enacted by the Greek Parliament contain disparate provisions (Alexopoulos, 2013, p. 153). Despite its strong criticisms, the widespread use of omnibus legislation can be understood in terms of the advantages it provides to certain political actors. Some actors and scholars present it as a necessary and desirable device to overcome the contemporary problems of legislation. Some proponents of omnibus legislation in the USA claim that responding to complex external conditions and multifaceted public problems requires complex legislation (Krutz, 2021). While omnibus bills are widely regarded as a time-saving tool in many countries, their application purposes, the conditions under which they operate, the outcomes they produce vary across countries (Bar-Siman-Tov, 2021).

In presidential systems, Krutz (2021) discusses that omnibus legislation favors the legislative vis-a-vis the executive, effectively undermining the president's veto power. Conversely, in parliamentary systems, omnibus legislation enhances the

executive's role in the legislative process, as seen in Italy (Lupo & Piccirilli, 2021). Krutz (2021) also highlights that, despite empowering the legislative in presidential systems, omnibus legislation still undermines minority rights in parliament. MPs can debate and amend minimally, since such bills are usually fast-tracked and processed under closed rule procedures, leaving most MPs unfamiliar with the details of these extensive and complex bills. It creates informational asymmetries, favoring majority party leaders who often have prior and detailed knowledge of the prepared bills. It increases the power of party leaders and mega-seat holders, particularly those involved in assembling provisions in an omnibus bill (Krutz, 2021).

As Krutz (2021) underlined, packaging diverse and unrelated topics within a single bill constitutes a form of agenda manipulation. He observes that omnibus bills are generally less scrutinized in committees and plenary since they are generally fast-tracked. However, pre-parliamentary preparation of omnibus bills, and the parliamentary phase that permits amendments and new provisions, create opportunities for actors who can have enough support from the majority (Rozenberg, 2021). It enables the majority to rearrange the parliamentary agenda by adding certain bills, which might otherwise be suspended, to an omnibus bill. Additionally, bundling regulations from unrelated policy fields into one legislative package makes many unrelated amendments also possible (Cellar, 2022).¹⁹

Although the debate procedure is not a defining or obligatory feature of omnibus bills, a significant portion of them is debated using restrictive and/or expedited procedures. Besides, the proliferation of omnibus legislation in Turkey coincided with a decline in the use of decree-laws, another prominent form of non-standard lawmaking. This raises a key question: is this simply a coincidence, or does

¹⁹ These unrelated provisions added to the core of a bill are called riders.

the availability—or unavailability—of certain non-standard legislative instruments affect the use of others? These overlaps highlight the need to analyze non-standard legislative methods in an interconnected manner. In what follows, I briefly present the decree-law mechanism, including its variations and examples from different countries.

2.2.3 Decree-laws

Even though legislature is traditionally the primary actor in law-making, it may delegate law-making powers to the executive through several means and for diverse reasons. Decrees vary significantly in type and terminology across countries is one such mechanism. Some decrees (framework legislation or secondary legislation) are designed to facilitate the implementation of laws more effectively (Francot-Timmermans & de Vries, 2013).²⁰ In practice, the scope of decree-laws does not differ from that of ordinary legislation, despite several formal criteria, such as necessity and urgency, that are theoretically required for their use (Giannetti & Pedrazzani, 2016; Zucchini, 2005). For this reason, decree-laws are integral components of law-making (Döring, 1995).

Decree-laws can either be issued based on prior empowering law or subjected to parliamentary scrutiny shortly after they are issued. The practice varies based on the context. For example, in Spain, both types of decrees exist. One of them, *decreto legislativo*, is issued through direct delegation by the legislative, specifying the subject matter, purpose, scope and validity duration of the delegation. This

²⁰ However, in this study, I specifically focus on decrees which have the same status as laws, commonly referred to as decree-laws (decrees having the force of law). Delegated decree authority is different from the ordinary ‘executive decisions governing the administration of broad laws passed by assemblies’ (Carey & Shugart, 1998, p. 13). Delegated decrees are not subordinate to laws. However, decree-laws can be restricted from regulating certain fields, such as fundamental rights and freedoms (Giannetti and Pedrazzani, 2016; Zucchini, 2005).

mechanism allows for the adoption of technical and detailed legislation without extensive parliamentary debates. The second type, *decreto-ley*, requires legislative oversight within a month and can be adopted as a government bill under the urgency procedure (Ajenjo & Molina, 2013: 169).

In Romania, similar to decree-laws, there are two mechanisms: simple ordinances and emergency ordinances. The former allows the government to amend, suspend, or repeal ordinary laws. The latter, on the other hand, can be used to amend or suspend almost all laws, except the fields outlined in the Romanian Constitution (Dumunica & Tabacu, 2014). Despite this Constitutional limitation, the use of emergency ordinances has increased significantly in the last decades. On average, one emergency ordinance was adopted every three days in Romania, leading some scholars to argue that the country has been in a “permanent state of emergency” since 1991 (Antonovici, 2018).²¹ Although the Romanian Constitution designates the Parliament as the sole legislative authority, the increasing reliance on emergency ordinances has, de facto, transformed the government into the primary legislator, relegating Parliament to an exceptional role (Calin & Alexe, 2020; Dumunica & Tabacu, 2014).

Similarly, decrees have consistently played an essential role in the political arena in Hungary. The subsequent governments since 1990 used them frequently (Pokorny & Saghy, 2021).²² Although the decree-law mechanism has been a part of

²¹ Between 1990 and November 2018, the Romanian Parliament adopted a total of 8,952 laws, while the government issued 4,668 ordinances—accounting for 34% of all legislative acts during this period (Dumunica & Tabacu, 2014). Between 1992 and 1996, there were 652 laws, 214 simple ordinances, and 20 emergency ordinances. By 1997 the legislative capacity of the government was enhanced, leading to a notable surge in ordinances, especially emergency ordinances, with the peak occurring in 2000. In 2000, the government issued 138 ordinances and 300 emergency ordinances, surpassing the 233 laws adopted by the Parliament (Dumunica & Tabacu, 2014).

²² Throughout the entire period between 1990 and 2020, generally, it is expected that the number of decrees and laws will have an opposite trend. When the number of laws increases, decrees drop in a

the Spanish Constitution since 1978, the last two decades marked a notable surge in the use of decree-laws to expedite decision-making, even in matters not deemed urgent (Chaqués-Bonafont et al., 2015, p. 246).²³ Likewise, in Italy, executives have increasingly pushed the legislature to acquire further delegated authority for law-making (Borghetto & Giuliani, 2012). Even though exercising executive discretion does not necessarily equate to unlimited executive power, it has become an increasingly prominent feature of contemporary politics (McIvor, 2011; White, 2014).²⁴

Decrees grant the executive a certain degree of discretion, even if the legislature defines its limitations. One key advantage of decrees lies in their capacity for speedy action. In Italy, the executives have taken the slow and overburdened legislation as the reason and/or pretext to govern through non-standard legislative procedures (Capano & Giuliani, 2001). Designed for emergency situations, decrees take immediate effect once they are issued. They are typically valid for a specific period (such as 7, 30, or 60 days) without parliamentary approval, but must be scrutinized in the plenary within this time frame. The legislature can either convert the decrees into permanent laws or annul them, either through letting their validity expire or through explicit disapproval (Zucchini, 2005). In Romania, for instance, emergency ordinances take immediate effect following a specialized process in the relevant parliamentary chamber and their promulgation in the Official Gazette of

legislative period. However, while the adopted laws fluctuated between 400 and 600, more or less stable, the decrees continuously increased (Pokorny & Saghy, 2021).

²³ Their usage spiked notably in the past two decades, particularly from December 2011 to September 2014, when over half of all laws enacted were decree-laws. Moreover, a significant portion of these decree-laws did not address urgent matters, as only a small fraction dealt with issues like environmental disasters or unforeseen events (Chaqués-Bonafont et al., 2015).

²⁴ Unless the executive exceeds the scope or the time limit and takes the risk of decrees overturned by the Constitutional Court, it can act as the legislator and change the legislative status quo thanks to the delegation of power from the legislature (Borghetto, 2018; Zucchini, 2005).

Romania. This entire process can sometimes be completed in just a few hours (Antonovici, 2018).²⁵

Decree-laws serve as effective tools to overcome legislative gridlock, at least temporarily, without the necessity to seek a majority to approve the bill (Palau et al., 2014).²⁶ Governments can propose and enact them quickly, bypassing the lengthy waiting times and stages typical of ordinary legislative procedures. Additionally, decree-laws got top priority in crowded legislative agendas. This makes them an effective agenda control instrument, affecting the timing of legislation (Zucchini, 2005). While considerations of decrees cover a considerable portion of plenary debates (Pedrazzani, 2017), they still take less time compared to the amount of time it would take if the provisions were adopted through ordinary procedures. Decrees can become an efficient agenda control mechanism for the executive, countering obstructionism and delaying effort by the opposition (Kreppel, 2009), especially when the governing party lacks a parliamentary majority (Palau et al., 2014) or when reforming the RoP to centralize agenda control is unfeasible (Zucchini, 2011).

Having explored the conceptual foundations and cross-national functions of non-standard legislative tools in Chapter 2.2, the next section turns to the Turkish case as a particularly fertile ground for examining these instruments in practice. While many parliaments make occasional use of expedited procedures, decree-laws, or omnibus bills, the Turkish legislature stands out for the frequency, breadth, and institutional embedding of such practices. Chapter 2.3 builds on the comparative

²⁵ In contrast, the standard legislative process for a bill can extend up to a year, involving multiple stages such as committee debates, input from necessary councils, plenary discussions, amendments, public deliberation (Antonovici, 2018).

²⁶ As the governing Fidesz Party maintained a majority in Hungarian Parliament, it did not need to resort to decrees as frequently as in the liberal period of Hungary. The ratio of decrees to laws was lower (4.9) during the Orban governments in this period compared to the ratio in the liberal era (6.4) (Pokornyi & Saghy, 2021).

insights of the previous section by contextualizing how these tools have been adapted, expanded, and routinized in Turkey, offering a detailed case through which arguments about exceptional legislation can be tested and refined.

2.3 Turkish legislature as a generous case of non-standard legislation

This chapter has explored the foundational concepts and theoretical debates that underpin the dissertation's analysis of exceptional legislation. Central to this discussion is the role of time as a contested political resource—not merely a neutral framework, but an institutionalized structure through which legislative power is exercised. In parliaments, time allocation reflects and reinforces asymmetries between government and opposition, majority and minority, central actors and peripheral ones. Rather than being universally distributed, parliamentary time is shaped by procedural rules and political hierarchies, becoming a key mechanism of agenda control.

The second sub-chapter has shown how legislatures develop mechanisms to overcome what Cox (2008) describes as the “legislative state of nature.” These include restrictive rules, expedited procedures, and omnibus legislation, all of which aim to rationalize law-making by centralizing control over timing and amending powers. Yet these tools do not operate in a vacuum. Their adoption and use are inherently political, reflecting the interests and strategies of dominant actors within particular institutional settings and historical contexts.

A shift “from proceduralised processes to discretionary decision” (Honig, 2009, p. 67) is clearly observable in many legislatures, where institutional rules and democratic conventions are increasingly undermined in the face of time pressure. The TGNA presents a particularly revealing case. Turkey has adopted all prominent

types of non-standard legislation discussed in the literature—including decree-laws, expedited procedures, and omnibus bills—and has done so not only in moments of crisis, but as part of a broader procedural transformation.

Since 1971, decree-laws have been a prominent feature of Turkey's institutional design, though their use has varied considerably over time. While present in the system since the 1970s, decree-laws were used most extensively in the 1980s and continued to be prominent into the early 1990s, before gradually declining from the mid-1990s onward. A resurgence occurred between 1999 and 2001, followed by a complete hiatus from 2002 to 2011. In 2011, a significant number of decree-laws were suddenly enacted, after which their use again ceased between 2012 and 2015.

Unlike state of emergency decrees, ordinary decree-laws must be based on an empowering law approved by a majority in the plenary. These empowering laws must specify the scope, duration, and limits of the executive's delegated authority. In practice, however, the scope is frequently overstepped. Moreover, although decree-laws are constitutionally required to be debated in Parliament within 30 days of issuance, many remain off the parliamentary agenda for years—or even decades.

By 1996, the legitimacy of frequent decree-law use had eroded, and alternative rationalization measures began to emerge. The expedited procedure was introduced into the RoP in 1996 as part of these reforms. Despite expectations (e.g., Alexopoulos, 2013) that rationalization would reduce the need for exceptional procedures, the use of the expedited procedure increased, particularly after further amendments in 2001. Although the Constitutional Court annulled several provisions, the procedure became institutionalized by 2005.

The Turkish expedited procedure illustrates how time-saving mechanisms in legislatures often combine timetable control with amendment restrictions. In its final form, this procedure allows the parliamentary majority to bundle up to 30 articles for joint consideration and restricts the number of proposed amendments—effectively limiting debate. Article 91 of the TGNA’s RoP governs the use of the expedited procedure, outlining the required majority and specifying the types of bills eligible for its use.

Another form of exceptional legislation in Turkey is the *omnibus law*, which became widespread in the 2000s. Unlike expedited procedures, omnibus bills are not governed by a specific legal provision. They are formally treated as ordinary laws, but are identifiable by the bundling of unrelated policy areas within a single legislative package—thereby violating the principle of single-subject legislation. In Turkey, omnibus bills increasingly overlapped with expedited procedures, despite Article 91’s content-based restrictions. Many omnibus bills that arguably did not satisfy the eligibility criteria were nonetheless fast-tracked through this procedure.

Thus, the proliferation of exceptional legislation in Turkey cannot be explained solely by formal rule changes. In both emerging and established democracies (see Bien-Kacala, 2021; Maatsch, 2021; Pokorny & Saghyi, 2021; Tutunaru, 2020; Pedrazzani, 2017; Popelier, 2021), the application of exceptional procedures often hinges on how much power dominant actors wield to manipulate or reinterpret existing rules.

Krutz (2001) and Lupo and Piccirilli (2021) suggest that cohesive majorities with minimal opposition have little incentive to rely on exceptional legislation, preferring standard legislative processes. Similarly, Tsebelis and Rasch (2011) contend that greater agenda control correlates with fewer amendments. Yet, the

TGNA diverges from these patterns. Even government-sponsored bills frequently undergo substantial changes during the legislative process—often through motions submitted by majority-party MPs or the government itself. In some cases, these amendments result in legislation that bears little resemblance to the original bill. This seemingly paradoxical flexibility facilitates the swift passage of high-volume legislation, enabled by the simultaneous use of omnibus and expedited procedures.

If omnibus legislation is an instrument for coalition building and political compromise to secure the necessary majority for passing a bill (Meßerschmidt, 2021), why did exceptional legislation gain traction under a stable coalition government (1999–2002), yet remain rare under previous, less stable governments—despite their potentially greater need for cross-party support? Why did single-party governments, starting in 2002, excessively use such bills in a parliamentary system in Turkey before 2017?

The case of Turkey—discussed in depth in the final part of this chapter—illustrates the complexity and paradoxes of the increasing use of exceptional legislation. This raises important questions that resonate beyond the Turkish context: Why do actors with ample formal power continue to pursue procedural shortcuts? Under what conditions and institutional configurations does exceptional legislation become normalized?

These are not questions limited to a single country, even though the outcomes vary. Therefore, to situate the Turkish case within a broader analytical framework, the next chapter moves beyond the specific empirical focus and develops a comparative and theoretical understanding of how procedural change occurs in legislatures. Chapter 3 will examine the causes, pathways, and consequences of

institutional adaptation and procedural innovation in law-making, setting the stage for a historically grounded analysis of changing legislative practices and patterns.



CHAPTER 3

MECHANISMS OF CHANGE IN LEGISLATURES

Parliamentary procedures largely shape the rules of the game, affecting actors' strategies and their abilities to achieve their goals (Sieberer et al., 2016). Parliamentary procedures are generally well-established rules, enduring for decades and even centuries in some countries like the UK (Norton, 2001). However, they do change over time in every country, including the UK. Sieberer et al. (2016) and Tsebelis (1990) divide the procedural changes into two categories based on the actors who get incentives from these changes. The first category is efficient reforms, which are broadly supported by all parties for conducting their parliamentary business in an efficient manner, provided the changes do not alter the balance of power between the actors (Sieberer et al., 2011). These types of reforms are generally responses to changes in external conditions.

The second category, distributive reforms, enhances the power of certain parliamentary actors at the expense of others. These reforms are generally driven by shifts in the actor constellation, especially affecting the balance of power through new cabinet compositions such as transitions between coalition, single-party, and minority or majority cabinets (Sieberer et al., 2011). The distinction between efficient and distributive reforms is not always clear-cut. Institutional changes categorized under these two categories may not arise from completely distinct causal dynamics. Besides, the long-term effects of reforms may be difficult to distinguish. Efficient reforms are also likely to have distributive effects over time. Even when procedural changes are approved by all actors, their incentives are rarely distributed equally among all actors.

Besides, even though rules are supposed to be the main determinants of institutional practices in countries governed by the rule of law principle, as I discussed in the previous section, analyzing rule changes is not enough to explain the changes in parliamentary practices and law-making patterns. The mere existence of a rule, custom or jurisprudence does not necessarily lead to its implementation. For example, in a legislature where exceptional procedures are present as a written rule and there is no contradictory jurisprudence or custom, it cannot be assumed that exceptional procedures will necessarily be applied excessively. Certain conditions must be met for such patterns to emerge.

Changes in parliamentary procedures, customs and patterns can be comprehended within the terms of changes in political relationship to time (Palonen 2008), which has structural, institutional, and actor-based dimensions. The increasing emergencies and/or the emergency imaginary of the future by the actors tend to invert the established temporal structures of law-making. As urgency becomes a dominant consideration, extraordinary procedures tend to replace the slower routines and procedures of law-making (Opitz & Tellmann, 2015). When legal provisions must adapt to fast-changing circumstances, the legislative apparatus accelerates its tempo to a great extent (Schmitt, 2009).

The legislatures accelerate their tempo also to deal with the growing parliamentary workload and lessen the backlogs accumulated on the parliamentary agenda. According to Döring (1996), one of the main sources of time pressure in parliament is the increasing number and complexity of policy areas requiring regulations. This raises several critical questions: Why does the parliamentary workload or the complexity of bills intensify? What drives legislatures to enact more laws and make faster and more frequent changes in legislation? Why do urgent

decisions become necessary more often? Why do the legislatures apply non-standard procedures and practices to deal with workload, complexity and urgency? What factors contribute to the heightened prevalence of non-standard legislation in some contexts?

The increase in workload, complexity and urgency has always been used as a justification for procedural changes in modern parliaments and should not be overlooked. However, it is not a sufficient explanation on its own. The underlying reasons for these increases also need to be examined as challenges that political actors must address. Shifts in the content and scope of the legislative agenda are widely affected by the challenges governments face (Jones & Whyman, 2014). However, it is not easy to “measure” the effects of changes in the external world accurately. Besides, political agendas are not simply the reflection of "real-world problems" (Green-Pedersen & Walgrave, 2014, p. 224). The political actors are not passive subjects who uniformly react to particular problems. Their approaches to dealing with problems may vary, and some actors may disregard certain conditions as problematic while others consider them as the most critical issues.

In some cases and periods, external factors can be more dominant, while in others, political actors' preferences and strategies take precedence. In either case, the interaction between actors and external conditions is always mediated through institutional frameworks. The institutions do not only restrict and shape but they also provide the tools actors need. All these processes are not completed in an instant from scratch, and it does not necessarily follow a predetermined line, despite the power of institutional legacies. This interplay highlights the dynamic nature of legislative behavior, where actors shape and are shaped by the institutional framework. In this chapter, I analytically divide and discuss the prominent reasons

behind the prevalence of non-standard legislation. First, I will examine the external conditions and policy challenges affecting law-making, with a particular focus on factors such as social acceleration, crises and the EU harmonization process.

3.1 Growing workloads and exogenous pressures to accelerate

New institutional arrangements, such as procedural changes in parliament, can emerge in response to shifts in external environments, which may take the form of exogenous shocks or/and long-term trends. According to Sieberer et al. (2011), changes in the external environment generally affect all parliamentary actors and, in some cases, push them all to act similarly. Therefore, the necessary adjustments related to certain external conditions tend to gain broad support across the spectrum of actors. For the authors, two of these long-term trends are European integration and the increasing workload and complexity faced by parliaments (Sieberer et al., 2011).

Similar to law-making procedures, the agenda-setting activity or decisions to regulate certain fields instead of others do not emerge out of thin air. As Pedersen and Walgrave (2014) argue, “the moving target of politics is real-world problems” (p. 228). For instance, migration cannot become a top-priority issue without a substantial influx of migrants or, at the very least, a perceived “threat” of migration in the near future. The agenda topics are not simply products of political actors' imaginations; they are also shaped by specific social, economic, and political conditions, such as financial crises, wars, critical environmental problems, and political uprisings (Green-Pedersen & Walgrave, 2014, p. 7). Political actors must respond to many changes in the external world, as failure to do so may result in electoral consequences, such as voter backlash in the case of failure to respond to economic crises. They also try to take advantage of external changes by transforming

them into policy issues for their own and their electorate's benefit (Green-Pedersen & Walgrave, 2014). Besides, new, unexpected, newly framed problems can emerge within a short timeframe, a phenomenon conceptualized as "issue intrusion" by Jones and Baumgartner (2005).

Why have the workload and complexity of policies increased? This question remains unclear in many studies on parliaments. What are the drivers of this increase and what are its peculiar characteristics? Theoretically, I will begin with Hartmut Rosa's concepts of social acceleration and dynamic stabilization to understand the contemporary increase in workload and the challenges of synchronization between legislative activities and the pace in other fields of life. Then, as an aspect of social acceleration, I will discuss the role of economic acceleration under the contemporary neoliberal economy and the impact of various crises, not exclusively economic, as moments shaping legislative patterns. Lastly, I will evaluate the impact of the European integration process, considering it both a long-term trend and a critical juncture that has profoundly affected law-making patterns in certain countries.

3.1.1 Social acceleration

For centuries, increasing workload and complexity have long been drivers of reform in parliamentary procedures. Key figures in nineteenth-century parliamentary reform in the UK (John Stuart Mill, Walter Bagehot and Erskine May), developed their ideas largely in response to the growing workload resulting from the rapid increase in the scale and complexity of human affairs (Koß, 2019; Palonen, 2008). This increase during that period was primarily a consequence of the transition to industrial society (Döring, 1996). Additionally, the expansion of suffrage created greater demands from the electorate and responsibilities on parliament. The growing complexity of

life and the developing democracy led to the emergence of competing political parties and more organized opposition (Döring, 1996). As a result of the procedural changes in the UK in the nineteenth century, the legislature became more government-oriented. The introduction of closure and guillotine motions diminished the influence of individual members and smaller groups (Norton, 2001).

According to Rosenthal and Forth (1978), there is a strong positive correlation between the increase in law production and factors such as population growth, urbanization, industrialization, and the emergence of metropolitan cities in the United States. The expanding economic and social activities of the state, the proliferation of interest groups, scientific progress, and the state's growing capacity to provide social security and intervene in the economy were some main factors driving the trend in the twentieth century. This pattern continued, with the number of bills increasing and the bills becoming longer and more complex (Norton, 2001). Contemporary developments, including globalization and Europeanization, have further amplified this trend, particularly in the last decades of the twentieth century (Döring, 1996). While tensions between branches of government and the use of non-standard procedures are not new (Scheuerman, 1999). Such practices have become more widespread in some countries. To explore why this is the case today, I turn to Rosa's theory of social acceleration and dynamic stabilization, which interprets modernity as an ongoing process of acceleration rooted in historical continuities.²⁷

Rosa (2009, 2013) introduces the concept of social acceleration to analyze the main dynamics of contemporary society. One of the most evident and indisputable dimensions of this phenomenon is technological acceleration, which denotes the

²⁷ It is beyond the scope of this paper to discuss Rosa's extensive work in detail. Therefore, I will briefly introduce some points and focus on the discussion on the impact of social acceleration on lawmaking processes.

increasing speed of human mobility, message transmission, and the circulation of goods and services—driven by advancements in production, transportation, and information and communication technologies. (Rosa, 2009, 2013). The second dimension, the acceleration of the pace of life, refers to the increasing number of experiences and activities individuals are expected to engage in within a limited timeframe, characteristic of contemporary societies that present both an abundance of choices and a multitude of obligations. Further acceleration diversifies and multiplies them (Rosa, 2009, 2017). This is marked by shorter episodes of actions, reduced transition times between tasks, increased time pressure and multitasking. As time resources diminish, the demand for acceleration technologies grows and actors experience the anxiety of falling behind in the rapid pace of life (Rosa, 2013). And lastly, the third category, known as the acceleration of social change, refers to the increasingly rapid obsolescence of the experiences and expectations that guide action (Rosa, 2013). This continual erosion of stability diminishes the reliability of the present and makes the future more uncertain, requiring individuals and institutions to frequently revise their anticipations and reconsider which courses of action are appropriate within constantly evolving contexts. Anticipating the future and arranging the expectations according to it becomes more difficult in late modernity (Rosa, 2013).

For Rosa (2005), institutional patterns also change at an increasing pace in the contemporary world. Modern society is based on functional differentiation. Due to functional differentiation, changes in one sub-system affect others and force them to adapt. This interdependence drives further acceleration, as systems must constantly adjust to stay synchronized (Rosa, 2013). Unless the other accelerates enough, it becomes an impediment for the one that accelerated more. The social

system does not turn into a stable equilibrium after absorbing new phenomena or disturbances. Its stability must be dynamic, requiring the incessant renewal of the system's components (Rosa, 2010). Under these conditions, contemporary societies can maintain stability only through constant dynamization (Rosa, 2013). According to Rosa et al. (2017), modern societies must rely on continuous material growth, technological advancement, and rapid cultural innovation not merely to progress, but to maintain their structural integrity and uphold existing socio-economic and political arrangements, including foundational institutional and distributive frameworks.

Law functions as a stability provider in the dynamic world, constituting both a prerequisite and safeguard of this dynamism. Even though modern law cannot annihilate contingency, it can ensure that the necessary changes follow predictable pathways, which are relatively slower. Given the varying rates of change across different spheres of life and social subsystems, the law also tries to bridge the temporal gaps between them (Rosa, 2018). However, legal regulations must also adapt to external changes. This includes the emergence of new policy fields that were not regulated before and the external pressure to enact new laws and frequently amend existing ones constantly. The central challenge facing law in an era of social acceleration lies in a fundamental dilemma: it must either remain unchanged and risk becoming irrelevant, or attempt to keep pace with rapidly evolving social dynamics and, in doing so, risk losing its authority as a stable normative framework. (Prandini, 2013). Contemporary trends suggest that the latter approach is predominantly preferred.²⁸

²⁸ Despite the argument that globalization and acceleration conditions might diminish the authority of the state, the intensification and acceleration of activities within a given timeframe tend to generate increased potential for conflicts, accordingly necessitating the regulatory interventions by the state to frame these conflicts within a legal frame. Moreover, globalization and acceleration processes themselves were introduced and facilitated by states through extensive and substantial legal changes.

New laws and amendments increasingly and constantly replace the older ones. Therefore, the laws become more arbitrary and temporary, providing a temporary legal basis for actions (Prandini, 2013). The complexity of contemporary society, the increased rate of change, and the acceleration in almost every sphere of social life challenge the meaningful stabilization of the relationship between law and social life (Prandini, 2013). Many laws quickly become outdated; enacting stable and binding norms that adequately address present realities while guiding social and political life into the future becomes more difficult (Scheuerman, 2004).

The social acceleration process poses significant challenges to the procedures and principles of liberal democracy, particularly due to the temporal incompatibility between the speed of socio-economic life and the time-demanding democratic processes that must be sufficiently slow to ensure deliberation and prospective democratic will-formation (Rosa, 2005). As societal contingencies multiply, the number of decisions requiring political regulation increases, yet the time available to make each of these decisions correspondingly diminishes (Rosa, 2009). In parliamentary practice, this results in more legislative proposals being introduced, while the time available for thorough debate in the plenary diminishes (Döring, 1996).

In these conditions, some components of liberal democracies' existing institutional structure seem inadequate for effectively managing rapidly changing circumstances. Since the legislatures typically operate at a slower pace than executives, the latter, with their capacity for swift and efficient decision-making, have become more influential in the law-making process (Borghetto & Giuliani, 2012; McIvor, 2011; Scheuerman, 1999). Therefore, executive discretion and

acceleration of legislation, at the expense of legislative democracy, have become an increasingly prominent feature of contemporary politics.

However, acceleration is not essentially positive or negative, nor is there a normative reason to assume that slow is inherently better than fast or vice versa (Fawcett, 2018; Glezos, 2011). Thus, it is important to avoid deterministic interpretations of social acceleration phenomena, whether optimistic or pessimistic. Tomba (2014) argues that the real problem is neither accelerating nor decelerating political life but rather the synchronization of different temporalities, which can generate different forms of social relations despite the evident crisis of democracy. While social acceleration is a general trend, this acceleration or its reflections on legislation are not linear. The social acceleration framework alone is not enough to explain the relatively shorter-term changes, such as ups and downs in general legislative trends. It is not acceleration as such that undermines liberal democracy but “the clash of political, economic and juridical temporalities in the globalized world” (Tomba, 2014, p. 354). Such clashes tend to intensify during crisis, and produce the patterns in which non-standard procedures are applied more frequently.

3.1.2 Economic neo-liberalization and crises

The global neoliberal economy is one of the basic drivers of social acceleration in the contemporary world. Global finance and instantaneous communication devices have further interconnected markets, and it has become increasingly difficult to keep up with the pace of the economy and regulate it with stable, enduring laws (Hope, 2009). Santiso (2000), in his more complex analysis, argues that privatization and deregulation processes are common efforts to accelerate the economy in the

neoliberal era. The neoliberal market, which focuses on immediate income and short-term profit, dominates the temporality. He considers the short-termism of the accelerated economy as one of the major challenges for politics. According to Santiso (2000), the state has delegated its capacity to ensure its citizens' long-term welfare to the market, thereby allowing the market to become the "master of the clocks". However, the state re-emerges rapidly during economic crises, when losses accumulate, to limit capital transfers, slow down capital flight and exert control over the market flux by possible means. The state and the market can be seen as two forces competing for control over societal time. Although the state no longer fully secures the future prospects of its citizens, it continues to assert its right to intervene, despite not entirely determining the pace of change independently. Rather than acting as the primary "master" of time, the state has shifted into the role of a "guardian of the clocks," tasked with introducing necessary moments of deceleration to counteract the accelerating pressures generated by market dynamics (Santiso, 2000, p. 235-247).

These scholars presuppose that the state operates on a different temporality than the global economy. Globalization intensifies the unequal temporal struggle between state and capital and erodes state authority. However, this view wrongly assumes a previously stable state-economy relationship. These temporal shifts do not necessarily weaken the state (or its nation-state form)²⁹ As Jessop (2003) states, the relationship between the state and the market is not zero-sum in nature. It should not be ignored how states actively contribute to constituting the regulations for the

29 That means, the state does not lose its temporal authority, rather it transforms itself. States do not operate with a singular, fixed temporality. Instead, their temporal dynamics are adaptable and multifaceted. It can even be argued that the state strengthens itself with this new temporal framework as long as it can respond effectively and fast enough to the economy through legislation and executive action.

economy and how economic acceleration depends on political decisions. In fact, the urgencies in the economy could be the outcomes of aggregated political decisions. Legislation is one of the state's fundamental tools for intervening in the economy, not merely as a passive responder to market dynamics but also as an active architect of a country's economic conditions. Therefore, instead of taking the dichotomy of market and state as given, it is more constructive to specify it as a tension between the accelerated crisis-prone economy and the time-demanding legislative democracy.

The slow procedures of legislative processes are often blamed for clashing with the intended economic benefits that might be gained through faster decision-making (Borghetto & Giuliani, 2012; Kervin & Furlong, 1992). For instance, in France, that is why restrictive procedures were more likely to be used on economically distributive bills (Huber, 1996). In Italy, the decree-laws are predominantly used in areas such as the economy, commerce, banking, and labor (Palau et al., 2014). Similarly, 52 percent of legislation directly affecting business life was adopted via emergency ordinances in Romania (Chirita, 2017). This trend of employing expedited and exceptional procedures for economic matters is not peculiar to Western countries. For instance, in October 2020, the Indonesian Parliament passed a massive 1,187-page bill, titled Job Creation Law, which amended more than 80 existing laws and became the longest piece of legislation ever passed in the Indonesian Parliament. The Indonesian President presented the bill as part of his ambition to accelerate the country's economic growth, arguing that the existing regulations were impediments to the investment agenda. The deliberative

and participatory legislative processes were deemed to be less important than advancing the investment agenda and economic growth (Arifin, 2021, p. 386-387).³⁰

As discussed above, when time is limited and delays are costly, urgent decisions may bypass proper deliberation (Schedler & Santiso, 1998). This tendency to override legislative democracy in favor of economic necessity becomes especially prevalent during economic crises. For instance, emergency rhetoric and expanding executive discretion have unfolded even in many democratic European countries during the 2008 financial crisis (Goetz, 2014). The efforts to fix the legislative democratic deficit and strengthen the parliaments were disrupted by the Eurozone crisis. The parliaments could not get involved enough in crisis management, which was dominated by the executives under time pressure (Auel & Höing, 2017; see Sotiris, 2017).³¹

In times of crisis, the ability of the parliaments to affect economic policies and cope with fast-track policies through ordinary procedures is questionable since the urgency of the situation favors the executive and its discretionary authority (Rozenberg & Heffler, 2015). For instance, in 2008, Romania recorded the highest number of emergency ordinances in its history. In the following year, it dropped from 229 to 117 (Dumunica & Tabacu, 2014; Minea & Georoceanu, 2013). However, the reliance on emergency ordinances persisted throughout the subsequent

³⁰ The stated aim of the bill was to promote job creation, ensure stability, achieve economic justice, and attract investors. Yet, the bill faced criticism for its opaque drafting process, which lacked transparency, and for violating the "single-subject rule" since it also included a variety of subjects unrelated to jobs and employment (Arifin, 2021: 386-387).

³¹ The signing of 'Memoranda of Understanding' in 2010 between Greece and its creditors (the EU, the IMF, and the European Central Bank) led to a disciplinary mechanism over the parliament. The legislation was drafted by the directives of these creditors and then approved through parliament extremely fast by the implementation of the "urgent law" procedure. In this method, huge piles of reforms were incorporated in one single article both to accelerate the process and to eliminate the risk of rejection for some of them, which would be possible if they were separated into multiple articles. Since it was forced to be approved in the fastest possible way some of the deputies admitted that they did not even read the articles they voted for (Sotiris, 2017).

decade (2010-2019) (Calin & Alexe, 2020). The frequent use of emergency ordinances led to legislative instability as they caused multiple subsequent changes, which were also regulated by emergency ordinances, pushed the legislative inflation further, and turned the situation into a vicious circle (Chirita, 2017).

Following the 2008 crisis, parliaments introduced new procedural mechanisms to adapt to the recently implemented rules governing budgetary discipline (Deubner, 2013). These procedures and practices initiated or used to regulate economic issues tend to persist after the crisis period is over. At best, some modifications may be implemented to prevent their abuse (Hattis Rolef, 2021). For instance, the omnibus law mechanism in Israel was introduced in 1985 as an exceptional measure during an economic crisis, and gradually became a regular tool for passing laws more easily. Over time, these bills grew in number, length, and scope, increasingly including articles unrelated to budgetary or economic matters (Bar-Siman-Tov, 2021).

The concept of crisis extends beyond the economic realm, as ruling actors can frame various events as crises. Wars, military conflicts, earthquakes, and natural disasters are classical examples, while more recently, migration has also been described in crisis terms.³² Urgencies across different domains can trigger swift political and parliamentary responses. Social and economic crises lead to increased legislative regulations and frequent use of exceptional measures and procedures (see Bolleyer & Salat, 2021; Goetz & Martinsen, 2021).

Certain procedures and practices are often justified by referring to the necessity to decide and act faster in response to economic or security-related

³² Conversely, ruling actors may refuse to acknowledge certain phenomena as crises until their effects become too visible to ignore.

instabilities (Scheuerman, 1999; Schmitt, 2009). The 9/11 attacks marked an important turning point, affecting not only the United States but much of the world in this sense. A considerable number of anti-terror laws were enacted under the influence of the precautionary security approach, which normalized some means of state of emergency measures, such as the expansion of surveillance and prioritization of security imperatives permanently across different spheres of public life within the ordinary functioning of the states (Eckert, 2008; Kaygusuz, 2013). States of emergency are embedded in the liberal state rule rather than being in defiance of the liberal democratic order. As such, coercive and exceptional discretions have always been integral to the existing legal order, not only in the security field but also in other fields (Neocleous, 2008).

In addition to crises, transition periods to a new economic or political system reveal a more apparent relationship between increased workload and change in procedures. In Central and Eastern European countries, international organizations such as the World Bank, IMF, and OECD aimed at improving the executive's capacity and created external pressure in this way even though the countries' responses varied to some extent in the sense of content and procedures to deal with the transition to neoliberal economy (Goetz & Wollmann, 2001). The new procedures and patterns applied during these transition periods will likely create path dependency, wherein the actors can be dependent on or prefer to continue the existing agreements and frameworks. Similar patterns emerged in many countries when they were confronted with deadlines to comply with criteria set by international or supranational organizations they aspired to join (see Dyson, 2009). In what follows, I will examine the most prominent example of this dynamic: the European harmonization process.

3.1.3 European harmonization

One of the apparent impacts of the EU integration on the national parliaments is the increasing workload, especially since the early 1990s.³³ The existing rules, bodies and conventions were not enough for the national parliaments to deal with the volume and the pace of legislation emerging from the Europeanization process (Ladrech, 2010). The EU member or candidate states must frequently adopt huge piles of regulations to implement EU Directives, as they mostly touch upon many national-level laws. The high degree of legal “connectivity”, especially in the Continental European legal system, inevitably leads to adopting certain changes in a specific law to other various bills (Meßerschmidt, 2021). The increasing effect of EU affairs on domestic politics and the necessity to catch up with the pace of European integration were among the primary drivers of institutional change in parliaments both for member and candidate countries (Dimitrakopoulos, 2001). Despite its democratizing effect in general, an unintended consequence of European integration was the tendency of de-parliamentarization, which was always a component of “democratic deficit” debates within the EU (Dimitrakopoulos, 2001; Ladrech, 2010). The de-parliamentarization thesis claims that the deepening of European integration led to an erosion of control on the executive power by the legislative (O’Brennan & Raunio, 2007). All the elements of the de-parliamentarization thesis is beyond the

³³ Between 1986 and 2011, 36% of the legislation passed in the Spanish Parliament had EU origins. This proportion has steadily risen, particularly after the establishment of the Economic and Monetary Union. This trend is most pronounced in specific policy areas, such as the single market and the environment, where over 60% of the legislation is EU-related (Palau & Chaques-Bonafont, 2012).

scope of this study.³⁴ I discuss the de-parliamentarization thesis within the context of law-making.

European integration gave the central role to the executives by keeping them at the center of the decision-making process of the EU (Kassim & Wright, 1991). The executive represents the country in EU issues, and the legislative does not have much effect in amending, rejecting, or proposing new bills regarding the EU (Alexopoulos, 2013). In many countries, parliamentary scrutiny over the EU-related bills presented by the executive was quite limited, and the involvement of the MPs and opposition parties was possible only towards the final stages.³⁵ The capability of presenting amendments was not likely (Ladrech, 2010). Especially after the Maastricht Treaty in 1992, the European integration process deepened and triggered the further involvement of the executives in European member states both in EU and domestic affairs (Borghetto, 2018; Fabbrini & Dona, 2003). During this period, the dynamics between the executive and legislative branches were significantly shifted towards consolidating and sustaining the executive's dominance (Borghetto, 2018).

The law-making practice has increasingly been delegated to the executives by the parliaments in the EU member states and it has altered the executive-legislative relationship significantly. For instance, in Italy, the 1990s became the decade of an increasing delegation from the legislative to the executive. Although the Italian Constitution of 1948 initially delegated decree authority, its excessive utilization began in the early 1990s, primarily to implement structural reforms (Borghetto,

³⁴ De-parliamentarization is a complex phenomenon and it consists of different dimensions, such as the representation capacity of the national executives in the EU bodies compared to the national parliaments and the privileged role of executives to be the intermediary between the domestic interests and EU decision making process (Moravcsik, 1994).

³⁵ The Spanish Parliament and regional governments have limited input in EU decision-making. Most directives are incorporated through secondary legislation, such as decrees, bypassing significant involvement from the Parliament. This trend has persisted since 1986 (Chaques-Bonafont et al., 2015).

2018).³⁶ Most of these delegations were EU-related. In some of them, these delegations provided the power, to the extent that it had never had in the previous decades, to the executives to regulate broader fields of economy and social life (Borghetto, 2018; Fabbrini & Dona, 2003).

While some of the reasons that these EU-related regulations were implemented through non-standard procedures were the time pressure, complexity and length of these regulations, another reason is that there used to be a great consensus over the EU-related issues granted the government greater flexibility in EU-related legislation (Kölling & Molina, 2015). Besides, since they do not have much room for manoeuvring on EU issues, parliamentarians remain focused mainly on domestic issues (Rozenberg & Hefftlar, 2015). The developments in the EU did not get much attention from the domestic political actors. They mainly were considered neutral and beneficial for the majority. The ratification of EU treaties rarely caused parliamentary or public dissent (Sotiropoulos, 2015).

The EU integration process was quite unknown and technical for most MPs, and it was even unimportant for the actors' domestic politics strategies in parliament (Ladrech, 2010). The EU regulations were considered technical issues. Italy's 'de-parliamentarisation' in the 1990s stemmed from rapid 'technicalisation,' especially in ministries managing EU financial convergence and Single Market directives. Economists and technocrats took leading roles in the executive by using their expertise, efficiency, and access to information to meet EU demands and capacity for swift decision-making. This trend was used to legitimize their request for expanded

³⁶ It was opening a discretionary power field for the executive, where certain advantaged actors such as the executives tried to shape the process for their own prerogatives. Between 1996 and 2001, almost 40 percent of approved laws were conferred by delegated normative power to the executive. Additionally, there was a notable upswing in the number of laws directly introduced by the government in the 1990s (Fabbrini & Dona, 2003).

normative authority, both for themselves and the executive as a whole (Borghetto, 2018, p. 183; Fabbrini & Dona, 2003, p. 36-37).

De-parliamentarization was not a linear process, and some researchers argue that the legislative tries to fight back (Raunio & Hix, 2000). For instance, in Italy, the annual statute known as the 'legge comunitaria' was introduced to enable the legislative branch to scrutinize the executive's decisions regarding EU adjustment policies in 1989. However, it failed to counterbalance the executive's escalating influence in policymaking. It was predominantly approved by the Parliament in the form presented by the government, underscoring the 'de-parliamentarisation' of the Italian political system (Fabbrini & Dona, 2003, p. 32, 45). The Amsterdam Treaty in 1997 and the Lisbon Treaty in 2007 pushed the parliaments of member countries to make several institutional adaptations (Sieberer et al., 2011).

The Amsterdam Treaty was helpful in increasing the scrutiny power of the parliaments over the executives. It granted sufficient time for scrutiny in national parliaments, but it did not end the de-parliamentarization debates. Despite the Lisbon Treaty, which aimed to strengthen the parliaments by directly involving them in EU affairs, the executive dominance over the legislation remained similar. Decisions were taken mainly by the governments; the parliaments were rarely consulted or had a considerable influence (Rozenberg & Heffler, 2015).

Undoubtedly, the level of de-parliamentarization varies among countries, which leads us to think more about country-specific conditions, institutional designs, actors and, in the context of this study, timing and tempo of reforms as well. The timing and pace of reforms can play a critical role in determining the success or failure of democratization processes. (Schmitter & Santiso, 1998). In the EU harmonization context, the timing of parliamentary rule changes or the changes in the

application patterns are also related to the timing of the accession or the acceleration of the candidacy process of countries (Sieberer et al., 2011). Core democratic countries of the EU have evolved the system and harmonized their legislation with the EU as a supranational organization in the long run since they were already involved in the EU process from the beginning. Countries that underwent democratization earlier often benefited from greater temporal stability, more deliberate sequencing of reforms, and a slower, more manageable pace of political change (Schmitter & Santiso, 1998).

However, in many countries which became EU members at a later stage, especially during their harmonization process as a candidate country, comprehensive transformations and significant changes happened in a shorter time (Schmitter Santiso, 1998). Because of the international circumstances and economic conditions, for the new democracies the options are limited, there was not much opportunity to set the steps of gradual evolution towards mature democracy therefore the rhythms of change were quite faster (Schmitter & Santiso, 1998). For instance, Central Eastern European countries experienced enormous comprehensive transformations made in a very short time.³⁷ A vast pile of regulations must have been absorbed and adjusted to the national legislation (Bostan, 2014).

One reason is that external organizations, such as the EU and the IMF, determine the conditions and the deadlines for regulations to enact for candidacy or economic credits. Central Eastern European countries, dependent on the EU fundings

³⁷ For these countries, it was not only an accession to the EU but also a regime transition. It went hand in hand with liberalization, privatization, and internationalization of financial markets. It was clearly a faster process compared to the harmonization of the *Acquis* in the other countries (Ladrech, 2010). The EU accession process for Central and Eastern European countries required extensive regulatory alignment, prompting the adoption of expedited legislative procedures. Parliaments in the region either amended their rules or exploited existing non-standard procedures to manage this influx of regulations (Kopecky, 2004).

for economic development, are good examples of this asymmetric relationship (Ladrech, 2010). Even though the parliaments were effective during the regime transition from communism in Central Eastern European countries (Ilonszki, 2007), the relative power of the parliament started to decline when the system change was accomplished (Ilonszki & Jager, 2011). When these countries were endowed with candidate status, the executive was aggrandized, increasing its capacity and the ability to act swiftly (Ladrech, 2010).

The integration process favored the governments over the parliaments and concentrates responsibility within the core executive, particularly prime ministers, enabling more effective handling of coordination challenges during the accession process (Goetz & Wollmann, 2001). Membership negotiations and the accession process led by the central executives in all these countries perpetuated the strength of national executives and procedures favoring them. The parliaments lost power during the accession process, where special expedited procedures favoring the executive were frequently used and undermined the role of parliament only to ratify the chapters of the Acquis (Chiva, 2007; Kopecky, 2004).

The need to adopt huge piles of legislation in a short time during the transition period to post-communism after December 1989, the European integration and adapting the legislation to the EU Acquis created or legitimized the tool of emergency ordinances for the government (Antonovici, 2018). Comprehensive democratic reforms were enacted by democratically problematic procedures and led to their excessive use.³⁸ Since there was a considerable consensus among parties in

³⁸ In Hungary, while the adopted laws fluctuated between 400 and 600, more or less stable, the decrees continuously increased. It started with less than 250 promulgated decrees in 1990 and reached its peak between 2004 and 2008, the first period of the EU accession of Hungary, with an average of 1200 decrees a year (Pokornyi & Saghy, 2021).

parliament on EU membership, it was easy to legitimize the use of non-standard procedures and might not be considered a violation of minority rights.³⁹ However, the expedited procedures and overuse of urgency rhetoric, violating the rules to bypass time-consuming routines of ordinary law-making and parliamentary debate, contributed to the diminishment of legislative deliberation in Hungary (Ilonszki, 2015).

The pre-accession process may have initiated or reinforced a path-dependent institutional dynamic that is difficult to change. The consistent problems regarding democracy might be related to the tempo of reforms, and the hastiness might have been interpreted as harmful to legislative democracy and the prevalence of non-standard procedures (Ladrech, 2010). Postponement of certain reforms for democratization and application of them gradually instead of in an immediate package could help democratic consolidation (Schmitter & Santiso, 1998).

On the other hand, the domestic actors may not have much time to hesitate, deeply deliberate, delay, and make gradual concessions because of international circumstances and economic conditions. They need to catch up to the pace of the rhythms determined by the external organizations (Schmitter & Santiso, 1998). However, the EU process cannot be handled as a completely external factor that the EU puts pressure on candidate countries to make them respond in a certain way and time. The EU integration process also provided an opportunity structure to certain domestic political actors (Ladrech, 2010). They may not have the chance of a better

³⁹ In Hungary, for instance, the ratification of the Lisbon Treaty, which was supposed to alter the de-parliamentarisation process, in 2008 was completed with a suppressive majority of yes votes, under the "urgency" period, even before the deputies got the text of the Treaty through the official function of the parliamentary channels. The parliament ratified the Treaty with a great majority of yes votes (only 5 votes against) only in a half day through urgency procedure even before the MPs officially got the text of the Treaty. Even though some opposition party members were complaining that it was approved fast-track, the ratification was almost unanimously approved (Ilonszki, 2015).

moment and are unwilling to risk the advantages they wish to get (Schmitter & Santiso, 1998).

The target of EU membership was used as a justification for legislative inflation in Romania, driven by the need to fulfill responsibilities stemming from the international treaties to which the country was a party (Antonovici, 2018). However, the EU itself is not directly the responsible actor. The EU does not necessarily change the formal rules, such as by imposing changes in the Constitution or RoPs to weaken the legislative and strengthen the executive. The effects of EU integration are often indirect and sometimes unintended. Notably, the EU has tried to incorporate national parliaments into supranational decision-making processes and their scrutiny functions. Moreover, the EU and Venice Commission have criticized the overuse of emergency ordinances in some countries, highlighting democratic deficiencies in such legislative practices (see Venice Commission, 2019), especially for non-EU-related purposes.

Then, can the impact of the EU integration process alone account for the observed shift in domestic executive-legislative relations and the transformation of law-making patterns and procedures? Addressing this question requires a careful differentiation of the European integration process from other contributing factors (Ladrech, 2010). Neither European harmonization nor other exogenous influences alone sufficiently explain the widespread use of non-standard legislative procedures at the national level. The following section therefore turns to domestic dynamics, with a particular focus on the national legislatures, extra-parliamentary institutions affecting legislative processes and the political struggles among actors engaged in parliamentary law-making within existing institutional frameworks.

3.2 Actors' struggles within institutional framework

The dominance of the executive over the legislative predates European integration process. In Spain, for instance, centralized agenda control stems not only from the government's lead role in EU affairs but also from institutional features like the prime minister's constitutional powers, which aim at ensuring stability (Kölling & Molina, 2015). If executive dominance existed before neoliberalism, social acceleration, and EU integration, a broader lens is needed to assess de-parliamentarization.

Even though the relationship between crises and changes in rules and patterns is apparent, it is challenging to prove the direct link between social acceleration and the increase in legislative workload or procedural reforms (Koß, 2019). The challenge of increasing workload facing legislatures has persisted for approximately two centuries, albeit to differing extents. There is no consistent linear trend of a continual increase in legislative output (Koß, 2024). Social and economic developments do not necessarily result in further legislation (Dion, 2001). Acceleration is not universally experienced in the same way and should not be comprehended deterministically. Legislative workload is not external to the political actors. Even though further legislation is needed, effective disagreements over the content of proposed or outright rejection of bills may block any increase in legislative output.

The "increase in workload" argument is insufficient to explain the changes in legislative procedures (Dion, 2001), especially unless we explain the reasons behind that workload. Parliamentary workload does not emerge independently of the actors; rather, it arises from the ambitious policy programs of ruling majorities (Koß, 2024). Even though external environmental changes and shocks certainly play a role in its

emergence, time pressure is not only a constraint imposed by external conditions but an opportunity that actors use for their political struggle within parliament (Goetz, 2012). The workload in parliament is not only an external factor but is endogenous to parliamentary politics and legislative processes. Even under long-term structural conditions, policy challenges and institutional structures, all changes are ultimately made by political actors. Below, I will examine the main institutional dynamics that affect the use of non-standard legislation. Then, I will evaluate key factors related to political struggles among actors that directly affect law-making processes and patterns within these institutional frameworks.

3.2.1 Government types

As discussed earlier, the push for rationalization did not begin with European integration. In France, for instance, it emerged earlier in response to the instability of the Fourth Republic, where weak executive power led to 29 short-lived governments between 1946 and 1958. This instability hindered crisis management and decision-making, which resulted in institutional reforms to strengthen the executive. These reforms were called rationalization and became a central focus during the establishment of the Fifth Republic, reflecting a deliberate move toward greater executive strength and institutional coherence (Huber, 1996, p. 1–2). Under the framework of a rationalized parliamentary system, particularly within majoritarian models, it is notable that ministries increasingly present legislative proposals in a finalized state, significantly constraining opportunities for individual parliamentary initiatives or amendments. This evolution underscores the growing dominance of the executive in shaping the legislative agenda (Humet et al., 1990). Empirical data further illustrate this dynamic. In Spain, for example, between 1980 and 2011, 90%

of bills proposed by parliamentary groups failed, while 92% of executive-initiated bills successfully became law (Chaqués-Bonafont et al., 2015).

Single-party majority governments exhibit a pronounced capacity to dominate legislative processes, allowing them to control the agenda and enact laws more efficiently than coalition governments. Consequently, such governments typically produce more legislation (Tsebelis, 1999). This efficiency partly stems from their ability to expedite the legislative process. In Hungary, for instance, the average time required to process a bill from introduction to the final plenary vote was 87.3 days during the coalition governments of the 1990s, compared to just 45.4 days under the single-party majoritarian governance of the 2010s (Pokornyi & Saghy, 2021).⁴⁰ Notably, during the initial term of Fidesz's administration (2010–2014), enacted laws exceeded 850 annually, exemplifying the legislative efficiency of single-party dominance (Pokornyi & Saghy, 2021).

The empowerment of the executive significantly influences law-making processes, particularly by increasing the volume of legislation and expediting the enactment process. However, the extent to which it affects the reliance on non-standard legislative procedures remains a subject of debate. According to Döring (2003) and Huber (1996), when a single party commands a parliamentary majority, the likelihood of employing restrictive or exceptional procedures diminishes. This reduction occurs because the governing party can secure legislative approval with its pre-existing majority, rendering such procedures unnecessary. In Hungary, during the tenure of the Fidesz government, which held a parliamentary majority, reliance

⁴⁰ A critical development during Viktor Orbán's tenure was the sweeping constitutional amendments enacted on April 25, 2011. These amendments were ratified using an expedited parliamentary procedure, with the entire process taking only nine calendar days. The disregard for all opposition-proposed amendments prompted opposition parties to boycott the final vote entirely (Bard & Pech, 2019).

on decrees was relatively limited compared to the preceding liberal period. The decree-to-law ratio under the first Orbán administration was 4.9, notably lower than the 6.4 ratio observed during Hungary's liberal governance (Pokornyi & Saghy, 2021).⁴¹

Conversely, coalition or minority governments, which lack sufficient agenda-setting power or require compromise to maintain political stability, are more inclined to resort to non-standard procedures. Weak governments depend more heavily on institutional mechanisms to compensate for their lack of political strength (Huber, 1992). Coalition governments, in particular, where partners must engage in ongoing bargaining and make mutual concessions, are more likely to adopt restrictive legislative procedures to manage internal complexities (Huber, 1994). Similarly, Krutz (2001, 2021) argues that in contexts of divided government, where the executive and legislative branches are controlled by different parties in presidential systems, omnibus bills are frequently used as instruments of negotiation.

While this phenomenon is characteristic of presidential and semi-presidential systems, it is less prevalent in parliamentary systems. However, applying the same reasoning, it can be inferred that minority governments in parliamentary systems might also leverage omnibus-type bills to build broader coalitions for legislative approval. Single-party minority governments, in particular, tend to adopt restrictive legislative rules to ensure the passage of their policy initiatives. Without such mechanisms, they risk legislative deadlock due to their inability to command an automatic majority in parliament (Döring, 2003; Huber, 1994).

⁴¹ In contrast, the bicameral legislative structure in Romania exerts a decelerating effect on the law-making process, which diminishes the government's control over the legislative agenda. This institutional constraint is a significant factor contributing to the frequent reliance on ordinances as a legislative tool, allowing the executive to bypass procedural delays inherent in the bicameral system.

Lupo and Piccirilli (2021) argue that the increasingly heterogeneous coalition governments in Italy over recent decades have relied more heavily on omnibus legislation as a means of maintaining unity within the parliamentary majority. By bundling various provisions into a single legislative package, omnibus bills allow different factions within the coalition to promote their respective priorities, thereby maintaining internal cohesion. Additionally, these tools help governments overcome resistance within Italy's weakly rationalized parliamentary system. Krutz (2001) highlights the role of omnibus legislation in facilitating policy bargaining by enabling the formation of distributive logrolls, where diverse interests are negotiated and consolidated into a single bill. Despite the differences in political systems under examination, scholars such as Krutz (2001), Meßerschmidt (2021), and Lupo and Piccirilli (2021) converge in presenting omnibus legislation primarily as a tool for log-rolling. This strategic bundling of policies balances competing demands within coalitions and effectively manages legislative negotiations.⁴²

Lagona and Padovano (2008) argue that if a coalition government experiences a war of attrition, logrolling may fail, potentially leading to legislative gridlock. In such cases, the likelihood of a change in the governing coalition increases. Furthermore, when ideological differences between successive governments are substantial, a corresponding rise in legislative output can often be observed (Tsebelis, 1999), especially in a new government's first term. This dynamic explains the sharp increase in law production following the rise of the Fidesz party in Hungary, representing a significant ideological departure from its predecessor.

⁴² If a legislator does not have a quorum, they may propose to include some of the provisions demanded by different parties in order to get their support. Through various negotiations the bill is finalized and restrictive rules guarantee that it will remain the same when the plenary vote is ended. Thus a coalition is formed around a bill based on political compromise. This process is called log-rolling.

During Fidesz's first term, the party enacted a substantial volume of legislation to implement its extensive reforms. However, this pace of law production decreased in its second term, as many of the foundational changes had already been achieved (Pokornyi & Saghy, 2021). Conversely, Tsebelis (1999) observes that longer-lasting governments tend to produce a higher number of significant laws, highlighting the correlation between governmental stability and increased legislative productivity and efficiency. This observation underscores that stable governments are generally more productive and efficient in legislative activity.

This body of literature needs to pay more attention to the varying necessary official legal conditions to utilize a non-standard legislative procedure. For instance, if expedited procedures require a qualified majority, their utility as a tool for minority governments to assert agenda control or for weak coalition governments to maintain internal cohesion is significantly diminished. To understand the "legislative blitzkrieg" undertaken by Fidesz upon its rise to power, it is essential to consider the role of "cardinal laws." These laws, which require a two-thirds majority in the Parliament, are ideally designed to foster broad parliamentary consensus. However, during the Fidesz Party's tenure, this mechanism became a strategic tool for consolidating power. With a parliamentary supermajority, Fidesz could enact cardinal laws unilaterally, bypassing opposition entirely and entrenching its political dominance without concessions (Bard & Pech, 2019).⁴³ However, following the 2014 elections, the pace of legislative activity considerably slowed down as Fidesz lost its supermajority. This loss curtailed its ability to leverage the cardinal law mechanism

⁴³The Orbán administration faced criticism for turning the Parliament into a "law factory," focusing on the rapid, top-down production of laws rather than fostering inclusive and deliberative dialogue with public representatives. This approach prioritized efficiency and expedience, often at the expense of thorough legislative scrutiny and democratic consultation. The pace of the legislative agenda was so rapid that even the media struggled to keep up, making it difficult to adequately address the policy implications of the newly introduced bills (Pokornyi & Saghy, 2021).

to the same extent, marking a shift in the legislative dynamics of the ruling party (Pokornyi & Saghy, 2021). This case highlights how specific procedural rules, coupled with parliamentary arithmetic, can dramatically influence legislative outcomes.

These observations and questions cannot be fully understood without considering the interplay between governments and the various actors and institutions influencing the law-making process. In addition to the government itself, there are actors or institutional bodies whose consent is essential for the approval of a bill or who have the power to block or delay legislation, both within and outside of parliament. These entities play a significant role in shaping law-making patterns and determining the use of non-standard bills or procedures.

3.2.2 Veto players and party system in parliament

According to Tsebelis (1999), a veto player is defined as an individual or collective actor whose consent is required to alter the status quo. In this framework, parties within the government are considered partisan veto players. The other parties in parliament can also turn into veto players depending on the necessary majority rules and majority a government holds. Apart from the competing parties (partisan veto players) in parliament, several other veto points may exist whose consent is necessary for the approval of a bill, or who can annul or revise it. For instance, in bicameral parliamentary systems, the second chamber can have the veto point role. Head of state may also be a veto player in certain countries, although it is relatively uncommon in West European democracies (Tsebelis, 1999).

In many countries, constitutional courts have the authority to review bills after they have entered into effect. Constitutional courts' position in veto players

theory is debatable (see Brouard & Hönnige, 2017). According to Tsebelis (2011), constitutional courts' preferences are mostly determined by the executive and legislative actors who appoint their members, making the members absorbed by these players. However, constitutional courts should not be set aside as actors affecting the law-making process and changes to RoPs, especially when the existing legislative majority differs from the majority that appointed the court's members (Saurugger et al., 2020). Tsebelis (2011) also argues that constitutional courts are veto players, as they can block laws through constitutional review. Their actions may diverge from the preferences of appointing parties, and their power and role vary by country and over time.

Even if the number of applications by the opposition parties to the court or the annulments of legislation may not be high, the court can still be an effective player. The risk of a bill or change in procedural rules being annulled can make the majority more cautious about the court's preferences and tendencies. On the other hand, constitutional courts should not only be considered as veto players blocking the executive; they can also act as protectors of the majority's agenda power against partisan veto players. The influence of veto players is shaped by institutional rules, the composition of their membership, and the broader political context of the country. For example, although the Spanish Constitutional Court has been generally proactive in overseeing parliamentary procedures and legislative processes, it has shown reluctance to impose restrictions on the use of omnibus bills. It is challenging for the courts when no explicit constitutional rule banning omnibus bills exists (Oliver-Lalana, 2021).⁴⁴

⁴⁴ The Italian Constitutional Court also refused to declare omnibus bill practices unconstitutional; instead, contributed only to prevent some of its abuses (Bar-Siman-Tov, 2021).

When veto points are ineffective, rules can be circumvented, and actors can interpret them however they want. Following criticisms of the excessive use of emergency ordinances, the relevant article was amended: “The government may issue emergency ordinances only in exceptional cases where the regulation cannot be delayed, provided that the urgency of their content is justified” (Romanian Constitution, 2003, art. 115). This revision initially led to a slight decline in the use of emergency ordinances slightly in 2003 and 2004 (Dumunica & Tabacu, 2014; Minea & Georocanu, 2013).⁴⁵ However, this trend shifted in the following years; between 2010 and 2019, 60.46% of Romania’s laws were enacted through emergency or simple ordinances (Calin & Alexe, 2020).

Tsebelis (1999) argues that the greater the ideological distance between ruling actors and veto players, the more challenging it becomes to enact changes in both legislative procedures and substantive laws. To fully comprehend these dynamics, the effects of institutional veto points on law-making should be integrated with the influence of partisan veto players and parties within parliament. These two are particularly related since the parties’ application is a necessary condition for activating constitutional court to review a newly enacted law and veto power becomes more effective when president has a different background than the governing party.

Tsebelis (1999) argues that agenda control capacity is closely related to the number of veto players, both partisan and institutional. If the number of veto players increases, agenda control capacity diminishes. Procedural change proposals aiming at enhancing agenda control cannot be approved when many veto players are present

⁴⁵ Their number surged to 209 in 2005 and peaked at 229 in 2008, influenced in part by the global economic crisis. Subsequently, it dropped to 117 the following year (Dumunica & Tabacu, 2014; Minea & Georocanu, 2013).

(Tsebelis, 1999). While the number of institutional veto players—such as second chamber, president, and constitutional court—tends to remain stable, the number of partisan veto players fluctuates more frequently. Considering the link between the number of veto players and variations in agenda-setting power, it becomes essential to examine the electoral and party systems, as they directly influence the number of parties represented in parliament and involved in government. The type of government is directly affected by a country's electoral system and political party structures, which, in turn, shape law-making procedures and patterns. In Spain, one of the basic reasons for the clear dominance of the government over the parliamentary minority is the institutional framework of its political system, which essentially favors a two-party system. This framework leads to a scarcity of coalition governments, allowing the single-party government to consistently secure a parliamentary majority to support its bills (Kölling & Molina, 2015).⁴⁶ Similarly, in Italy, the procedural changes in the 1990s for further rationalization were aligned with the reforms in the electoral system favoring a two-bloc party system (Giannetti & Pedrazzani, 2016).⁴⁷ In many Central European countries, political parties and party systems have become more stable compared to the post-communist transition period. In some cases, this transition was partly achieved through the increased electoral threshold, which has reduced the number of parties entering parliament (Kopecky, 2004).

Since parliamentary activity is largely structured around political parties, both the number of parties represented and the ideological distance between them

⁴⁶ The proportional electoral system of Greece also tends to produce stable single-party governments (Alexopoulos, 2013).

⁴⁷ These changes shifted the parliamentary system in Italy towards a more majoritarian democracy (Giannetti & Pedrazzani, 2016).

significantly influence law-making patterns and the use of non-standard legislative procedures. A high number of parties, internal fragmentation within coalitions, and polarization across parliamentary groups tend to slow down the legislative process. In the Italian context, Lupo and Piccirilli (2021) note that heterogeneous and fragmented coalitions, combined with weak parliamentary rationalization in the Constitution and RoP, have historically resulted in more decentralized agenda power. Conflicts on the allocation of time for certain parliamentary works may occur not only within the governing coalition but also between the government and the opposition (Martin & Vanberg, 2008).

Regarding polarization among parties in parliament, especially between the government and opposition, Diermeier et al. (2014) argue that highly fragmented and ideologically polarized parliaments are more likely to exhibit decentralized agenda control. Conversely, low levels of party fragmentation are positively associated with more centralized agenda control. (Zubek, 2011). The underlying assumption is that parties with less ideological divergence can be more easily convinced to support centralized agenda control, whereas a greater number of parties representing diverse ideological perspectives tends to push for decentralized agenda control (Koß, 2015). Aldrich and Rohde (2000) propose a more nuanced approach and assert that agenda power becomes more centralized when the majority is highly polarized from the minority but maintains strong internal cohesion. This cohesion is sustained by party discipline, which aligns individual members with party objectives. Under stabilized party systems in majoritarian democracies, party members in parliament primarily adhere to party decisions.⁴⁸ This dynamic is supported by the constitutional

⁴⁸ Under strong party discipline, the individual members rarely challenge their own party in the plenary. If this is the case it ends up forming a new party.

framework that bolsters political party groups over individual parliamentarians, reinforcing a collective approach to legislative activity (Humet et al., 1990).⁴⁹

Party discipline plays a crucial role for political parties in general, especially for the governing parties that seek to pass legislation swiftly and/or move on to other tasks. Maintaining a cohesive majority allows these parties to eliminate uncertainty about legislative outcomes and avoid time waste to convince each MP of the party for each bill. Coherent voting allows legislators to deal with more topics efficiently (Binder, 1997). Party discipline can be regarded as a functional equivalent of agenda control (Rasch & Tsebelis, 2011). Strong party discipline contributes to efficiency and predictability. Even without an absolute majority, governments can still control the agenda considerably through strict party discipline (Ajenjo & Molina, 2013). Agenda control and party discipline promote each other (Dewan & Spirling, 2011).⁵⁰ A lack of strong party discipline within ruling parties and fragmentation among coalition parties is considered a weakness in dealing with urgent conditions (Palonen, 2008). On the other hand, a certain level of party discipline and cohesion within opposition parties in parliament is necessary for them to delay or obstruct bills effectively (Pedrazzani, 2017). When the ruling majority maintains internal cohesion, opposition bills and amendments are also more likely to fail (Dion, 2001).

⁴⁹ The shift from the individual member based functioning to party based system, where the power is determined by the percentage of votes parties receive in general elections, is an important rationalization practice in modern parliaments. For example, for the first time in the Italian parliament, in 1990, the rules restricting the debate duration on bills were introduced together with the rule of allocating speaking time proportionally to the seat percentage of parties in parliament (Giannetti & Pedrazzani, 2016). In 1997, this restrictive rule was extended to all phases of parliamentary debates. Before these changes, it was only for the general discussion phase and the time was distributed based on individual MPs, instead of parties. These changes reinforced the dominance of party group leaders vis-a-vis the individual members and party backbenchers (Giannetti & Pedrazzani, 2016).

⁵⁰ After the post-communist transition period, in Eastern European countries, simultaneous with the increase in centralized agenda power, the party discipline became stricter, and being an individual member of a parliamentary group became less influential in politics (Kopecky, 2004).

How do party discipline, the party system and polarization affect the use of non-standard legislation? According to Döring, when the opposition systematically attempts to delay the legislative processes, restrictive procedures are more often used in a polarized majoritarian system (Döring 2003). Similarly, Palau et al. (2014) observe that the increased use of decrees correlates with growing political polarization and a lack of consensus. Lupo and Piccirilli (2021) claim that the fragmented party system of Italy is one of the key factors behind the rise of decrees, omnibus bills and expedited procedures. Non-standard legislation helps the government generate agenda power and create even temporary and artificial coalitions to pass bills within a heterogeneous parliamentary majority. How exactly do these procedures assist governments and facilitate either stable or temporary alliances? To address this, it is essential to examine the advantages that exceptional legislative tools confer on certain political actors, as well as the corresponding costs they impose on their opponents.

3.2.3 Benefits for ruling actors and costs imposed on the opposition

The changing political position of actors affects the discourses and practices regarding non-standard legislation (Massicotte, 2021). While certain parties or MPs on the ruling side can wholeheartedly support the reforms strengthening the agenda setting power of the government for the sake of efficiency, their discourses change when they are in the opposition, and they find the same reforms dangerous for legislative democracy (Zucchini, 2011).⁵¹ Even though the majority discursively frames legislative efficiency as if it is neutral and universally beneficial, in many

⁵¹ This approach should also consider the possibility of consensus on procedural changes. Even if not all provisions of a proposed reform are agreed, some of them can be supported or even proposed by different parties through negotiations.

cases, procedural changes are attempts by the majority to limit the minority rights (Dion, 2001).⁵²

Why, then, do procedures that constrain the government endure? Is it because governments already enjoy the power to enact every bill they want to or because changing highly institutional rules is time-consuming and can be politically costly? (Norton, 2001). Why does each new government refrain from changing the procedures, even when it holds a sufficient majority to change the procedures for its own sake? The decision is based on the actors' calculation of the potential benefits of new procedures vis-à-vis the political and electoral costs of the reform, in addition to considering their own uncertain position under the new rules in the future. As these calculations generally involve high uncertainty, the actors do not frequently change parliamentary procedures (Sieberer et al., 2011). Majority status is not guaranteed to be permanent, nor is opposition status. The fear of being the minority in the future is a significant factor that discourages radical changes to parliamentary procedures. Dion (2001) calls it the "reciprocity argument".

However, based on his empirical findings from the United States, Dion claims that majorities do not fear the possibility of being a minority in the future to limit minority rights with procedural changes. It is not only because they miscalculate and assume that they will retain power, but also because, even when they are aware of their defeat in the next elections, they still limit the minority rights (Dion, 2001). Interestingly he claims that not large majorities but rather small majorities, just barely over 50 percent, which are more likely to be the minority in the future than large majorities, are more likely to push procedural changes to limit

⁵² Apparently, to maintain public legitimacy and gain enough parliamentary support for the changes, the majority will present them as cures for some problems of the nation and to satisfy the demands for legislation, not directly as a desire to limit minority rights (Dion, 2001).

minority rights (Dion, 2001, p. 17). This is because they are often more cohesive, and face more substantial, more obstructive minorities. Small majorities tend to adopt non-standard procedures when obstruction is expected and compromise unlikely. Over time, this leads to rules limiting opposition power, especially in highly competitive and polarized parliaments (Dion, 2001).

As it focuses solely on rule changes, Dion's approach does not sufficiently address the application patterns of procedures limiting minority rights. Even without formal rule changes, the use of such procedures limiting minority rights can still be quite frequent. Procedural amendments require a significant amount of time to draft, negotiate, and apply them. The incentives the actors will get by them may not be worthed, especially if existing procedures are already enough to meet their political and electoral needs. Thus, analyzing the law-making patterns and the rule change provides a more accurate perspective than only analyzing the rule changes. For instance, Tony Blair's Labour Party government frequently used guillotine motions and some parliamentary conventions to expedite the passage of bills the government drafted. However, they did not push a procedural change and worked within the limitations of the existing RoP because procedural amendments could be costly, time-consuming, potentially risky and might cause legitimacy problems (Norton, 2001).⁵³

Therefore, the focus should be on the practices and, in the context of this study, more specifically, on non-standard legislation practices. Huber (1992) argues that one of the main reasons for using package votes and guillotine motions is the governments' concern over heavy criticism in parliament. Expecting effective

⁵³ Moreover, pushing for such changes can create an opportunity for the veto players to intervene in legislative procedures.

delaying attempts by the opposition makes the government more likely to apply for restrictive procedures (Döring, 2003). In response, the opposition in parliament generally criticizes the application of expedited procedure because it does not give enough time to be heard and properly satisfy its opposition role.⁵⁴ Brouard (2013) also underlines that the main purpose of using restrictive rules as a negative agenda control tool is to block opposition parties' or private members' amendments effectively.⁵⁵ Intense partisanship, past conflicts, and ongoing hostile rhetoric fuel both sides: the majority uses its power to suppress minority rights, while the minority responds by obstructing parliamentary proceedings (Dion, 2001).⁵⁶

Coordination failures of the opposition can enable the executive to process bills more efficiently, even through ordinary legislative processes (Ajenjo & Molina, 2013). However, non-standard legislation is also strategically used to catch the opposition off guard and unorganized. When party leaders anticipate that certain provisions may encounter opposition and or provoke a public backlash, they prefer adding them to an omnibus bill. According to Krutz (2021) certain level of consensus on or a focus on the core of the bill helps to keep attention away from controversial articles. For the public, such tactics create confusion and deepen informational asymmetry, making it less clear to the constituents (Krutz, 2021). Besides, when an omnibus bill contains provisions the opposition or the public opinion favor, deciding

⁵⁴ When the minority supports the majority's bills or when all parties in parliament reach a deal before a bill is presented to the plenary, the bills pass with ease.

⁵⁵ When the adoption of non-standard procedures is not sufficiently justified and the opposition was not convinced, it is considered as discretionary and a violation of constitutional rights of the parliamentary minority. The minorities in parliaments generally oppose the workload arguments of the majority and take them as pretext for the use of non-standard procedures (Dion, 2001). Within this illiberal path of democracy, participation of different social and political groups and citizen engagement can be considered an obstacle to effective governance (Arifin, 2021).

⁵⁶ When the parliamentary majority was kept by the same party for decades, the majority members forget the experience of being a minority. For the minority, vice versa. Therefore, they do not respect the parliamentary rights of each other (Dion, 2001).

whether to support or reject the bill becomes more complex, even if the bill also has other provisions they dissent.

On the other hand, restrictive rules do not necessarily bypass opposition; they can also protect the outcomes of bargaining processes among key actors, primarily among the parties in government or among the executive and legislative in presidential systems (Huber, 1996). Since amendments proposed by minority parties' members are unlikely to be accepted, restrictive rules like the guillotine act as a protective shield for the government against the MPs from their own parties (Huber, 1996). However, applying restrictive rules is not a prerequisite for all types of non-standard legislation. For instance, omnibus bills can even create opportunities for certain actors. In a busy legislative schedule, ministers, bureaucrats and individual MPs recognize that the possibilities to enact certain provisions that they prepared or suggested by assemblies is very limited because of the busy plenary agenda. Competition may even arise within the governing bloc and bureaucracy to have access to the plenary. Once an opportunity to prepare a bill arises, actors such as ministers and bureaucrats, in some cases, want to include as many provisions as possible, regardless of whether they are related, to avoid delaying their policy goals to an unclear next opportunity, which may not happen within their mandate (Rozenberg, 2021).

For ruling actors, not only securing the necessary votes to pass a bill but also avoiding delays in the legislative process is crucial. The value of a policy change may decline if it is delayed or takes excessive time to be adopted by parliament. Many policy changes, especially those with significant economic implications, provide greater economic advantages to the actors who prepare and support the bill when it is approved more rapidly than after a protracted process. It can be expressed

as “a dollar today is more valuable than a dollar tomorrow” (Huber, 1996: 97). For instance, a party aiming to privatize an institution often prefers doing it as soon as possible. The urgency felt by actors motivates the use of restrictive procedures (Huber, 1996). In the case of omnibus legislation, time-saving is achieved differently and indirectly. The provisions in omnibus bills are treated as a single unit, consisting of multiple distinct bills. Especially compared to addressing unrelated regulations individually, this type of legislation enables legislators to save a huge amount of time since the process in the committees and the plenary can be completed in fewer sittings (Krutz, 2021).

Non-standard procedures are not exclusive to majoritarian, centralized, populist or authoritarian contexts or parties. Despite being considered democratically problematic, they are also used in democratic countries for various reasons, especially when plurality and deliberation were thought to be less important than dealing with certain problems (Krutz, 2021; Palonen, 2008).

All these temporal struggles unfold in an institutional context (parliament) and were framed by parliamentary rules, conventions and calendars of that institution. Besides, since one of the main political purposes of ruling parties is to be re-elected and that of the opposition parties is to be in power, the political struggle and the tools utilized in this contest should also be evaluated in the context of institutional cycles. In competitive political systems, the electoral cycle is the most critical one that imposes critical deadlines and shapes strategic decisions.

3.2.4 Institutional rhythms and electoral cycles

In parliaments, certain tasks must be carried out in specific periods and timeframes. For example, budget laws must be enacted before the new fiscal year starts.

Similarly, the legislative year ends on a fixed date, followed by a recess for a prefixed period. The regular functioning of parliament significantly affects the change in workload in different periods of the year. For instance, at the end of the legislative year, legislative production gets more intense. As parliament approaches the recess period, restrictive rules are more often applied to relax the agenda and speed up the legislative process before the recess begins. Otherwise, the passage of bills is delayed by approximately a few months (Huber, 1996). Based on that, the majorities also create pseudo-time pressures in these periods to justify the inclusion of certain provisions in an omnibus bill or the use of restrictive procedures.

In all democratic countries, elections are compulsorily held on a regular cycle, marking the end of legislative session at certain intervals. The regular cycle of elections with reasonable frequency constitutes the basic features and rhythm of democratic politics and is the main cause of change in the actor constellation of parliaments (Linz, 1998).⁵⁷ Goetz (2014) underlines the time pressure that emerges from electoral cycles. The limited time budget based on the length of the mandate imposes constraints on the elected actors to implement, making time a scarce resource in the parliamentary context and limited until the next election. Due to this constraint, long-term potential benefits are often discouraged, as the time lag between political decisions and their outcomes can be substantial for certain policy areas. This lack of long-term perspective results from democratic responsiveness, which blocks the elected actors from fundamentally diverging from the electorates'

⁵⁷ In many democratic countries, general elections are held in regular cycles of 4 or 5 years. However, snap elections may occur under certain conditions, and it disrupts the regular electoral cycles. If the one who decides on the snap election is the ruling majority, it can take the opposition off guard. If the opposition has enough power to force the government to declare a snap election, it can disrupt the legislative plans of the government and affect the law-making patterns.

preferences and priorities. According to him, the hurriedness of the politicians is a sign of fear that the voters can punish them at the polls (Goetz, 2014).

This finding closely aligns with Becker and Saalfeld's (2004) observation, based on their survey of 17 Western European parliaments, that legislative activity tends to accelerate toward the end of a legislative term, with bills often pushed through more rapidly (p. 67). This is not an institutional necessity but mainly a strategic choice by political actors. Similarly, in a study on Italy, the pace of the legislation is relatively slow, and bills are delayed more easily at the beginning of a legislative term. However, as the term approaches its end, the legislative process is accelerated to get an electoral advantage in elections and enact bills favorable to the existing government in the limited time remaining (Borghetto & Giuliani, 2012). Consequently, incumbent governments aim to implement the legal provisions swiftly before the next term as these legal measures will remain even if the ruling actors change. Reversing such measures can be time-consuming, the exit costs may be high, and securing enough of the majority may not be easy. For all these reasons, ruling politicians prioritize enacting desired changes as soon as possible, especially when there is a risk of losing power in the next elections (Palonen, 2008).

Towards the end of the legislative term, especially if timetable restrictions are not applied, the opposition parties' delaying attempts can effectively obstruct the passage of bills. Even though the majority possesses enough vote share to dismiss any opposition motions and adopt a bill in its original form, prolonged debates and delays jeopardize the time available for subsequent bills (Döring, 2003). In some parliamentary systems, all pending bills automatically die at the end of the legislative term. Even if the same parties form the new government, the same bills have to restart their journey and go through the whole parliamentary process again, which is

time-consuming and can be challenging. Even if bills do not die automatically, time can become more precious at the end of the term as there is no guarantee that the government or at least the parliamentary composition will not change. Conflict between the majority and the opposition tends to escalate during these periods (Huber, 1996).

It becomes increasingly important for the opposition to block the majority at the end of legislative terms. Sensing the possibility of obstruction, the majority is more likely to implement restrictive rules before elections. This parallels Döring's (2003) hypothesis that restrictive rules are more likely to be implemented when the opposition's attempts to delay are already prevalent. The majority can use restrictive rules to neutralize obstruction and delay attempts of the opposition, both within parliament and within coalition, especially in the dawn of parliamentary elections (Döring, 2003). Failure to overcome legislative gridlock to enact necessary measures to meet the electorate's expectations may lead the majority to lose the elections (Lagona & Padovano, 2008).

To maximize their chances of re-election, ruling parties focus more on prioritizing voters' interests and welfare during electoral periods than at any other point in the legislative term. The legislative performance contributes to the electoral campaign to convince the electorate to prefer the ruling majority over the opposition. Therefore, an increase in the number of laws is observed, marking the final legislative years as the unofficial onset of the ruling parties' electoral campaign (Lagona & Padovano, 2008). The rise in legislative activity in this period intensifies the time pressure associated with the electoral cycle increases, and the majority tries to expedite the consideration of bills.

The scarce resource, time, is not only valued by the parliamentary majority and opposition but also by the electorate and those who will directly be affected by policies (Borghetto & Giuliani, 2012). Citizens' pessimism may also foster time pressure. Parliamentary discussions are frequently viewed with suspicion, especially in populist and authoritarian countries or in less institutionalized democracies, and labelled with unproductivity, nonsense, manipulation, and self-interest (Palonen, 2008). Law-making is a tool for getting public attention and enacting laws is often considered an indicator of governmental capability (Rozenberg, 2021). It is a performance criterion valued by the electorate. It demonstrates that the government is capable of change and signals to certain social segments that their demands are being taken seriously (Borghetto, 2018). Moreover, before elections, governments try to assemble diverse interests to appeal to a broad array of voters, regions, social groups, and international actors. This increases the heterogeneity, complexity, and length of bills and produces "catch all" legislation (Alexopoulos, 2013; Rozenberg, 2021).⁵⁸

Omnibus legislation also becomes very functional to consolidate different tendencies within the party (Alexopoulos, 2013). It serves as a window of opportunity for the members who lack the influence to initiate and rally support around specific provisions. Formulating certain provisions as a bill and pushing them to be discussed in a busy parliamentary agenda is very challenging, even for ruling party MPs. However, rather than initiating a separate bill, it becomes much more likely that individual members can convince party leaders to add their specific articles to the package, which already consists of many unrelated articles, especially

⁵⁸ The use of omnibus bills peaks in the years leading up to elections in Greece. These bills contain many specific provisions often added by ministers under pressure from deputies for pork-barrel politics (Alexopoulos, 2013).

when the elections come closer. These are generally specific local pork-barrel regulations aimed at increasing the re-election possibility of MPs by benefiting their districts. This also strengthens the likelihood of maintaining the party's majority in that district (Krutz, 2021).

3.3 Situating the Turkish case within comparative perspectives

This chapter has explored how law-making procedures and patterns evolve through a combination of external pressures, institutional legacies, and strategic behavior by political actors. It argued that institutional change in parliaments does not always follow a linear or crisis-driven path, but often unfolds gradually through processes of reinterpretation, layering, drift, or displacement. By examining how procedural rules are reshaped, bypassed, or reimagined over time, the chapter has laid the theoretical groundwork for understanding the normalization of exceptional legislative practices. Another key takeaway from this chapter is that the institutional configuration of the legislature—particularly the distribution of agenda power, the role of veto points, and the level of party system fragmentation—shapes how and when exceptional procedures are deployed

The theoretical frameworks and comparative references presented here provide a necessary foundation for analyzing concrete cases of procedural transformation. While the drivers and mechanisms of institutional change may vary across contexts, the overarching dynamic—where procedural efficiency often trades off against deliberative inclusiveness—remains widely relevant. Then the question is what are the enabling factors leading to this trade-off undermining ordinary procedures.

This dissertation seeks to understand why non-standard law-making procedures and legislative types are becoming increasingly prevalent in certain countries. To shed light on this broad question with comparative relevance, it focuses on the specific case of Turkey. While single-country studies may not be inherently comparative, they can contribute meaningfully to comparative analysis in various ways (Gerring, 2004). For instance, they may apply generalizable concepts, develop new theoretical constructs with broader applicability, or situate findings within a comparative framework (Lichbach & Zuckerman, 1997; Mackie & Marsh, 1995; Sartori, 1994).

Single-country case studies offer several advantages: they allow for detailed contextual analysis, the derivation of novel hypotheses, the testing of existing theories, and the identification of anomalies or deviations (Landman, 2002). However, failing to position such studies within a comparative context risks overstating the uniqueness of the case and its surrounding political dynamics (Lees, 2006).

A single-country study can be situated within the field of comparative politics if it engages with existing theoretical concepts, tests general hypotheses, or constructs new concepts that are transferable across cases (Mackie & Marsh, 1995). In such research, both design and findings should be framed in terms of generalizable variables and mechanisms, rather than exclusively context-specific explanations (Slater & Ziblatt, 2013). The goal should not only be to explain the focal case more effectively, but also to develop theoretical insights with potential relevance for other countries and broader scholarly debates (Mahoney & Goertz, 2006).

In this respect, situating single-country studies within a comparative framework offers a dual benefit: capitalizing on their in-depth contextual insights

while mitigating the limitations associated with methodological parochialism. This dissertation adopts such an approach. Consequently, the literature review draws from studies on a range of countries and is grounded in the broader field of comparative politics.

The diffusion of the core phenomena examined in this study—such as the strengthening of the executive, the acceleration of legislative procedures, and the increasing reliance on exceptional law-making mechanisms—has occurred over time across many different contexts, including established democracies. These developments are linked to broader global trends such as globalization, the expansion of state functions and institutional workload, intensification of international relations, and the processes of European integration. As discussed in detail in the preceding chapter, a substantial body of comparative literature has emerged on these themes. This study draws on those arguments to situate the Turkish case within a comparative framework and to formulate further research questions.

Contrary to Dion's (2001) arguments, Turkey's most extensive procedural reforms were enacted under a minority government in 1996—an interesting and somewhat counterintuitive development. Although these reforms imposed restrictions on minority rights, they were adopted with broad consensus. One such reform introduced the expedited legislative procedure (in its initial form), though it was never implemented. Another non-standard legislative mechanism, the omnibus bill, began to see frequent use. The conditions for applying expedited procedures were also made more flexible under a stable and relatively powerful coalition government. However, the use of these exceptional legislative tools peaked under stable, single-party majority governments.

Given that the agenda-setting power of majority governments in the TGNA is strong enough to pass virtually any government-sponsored bill and to block any opposition initiative, why does the executive frequently resort to non-standard legislative tools and procedures? This is particularly intriguing in the case of stable single-party governments, where the ruling party enjoys a high degree of agenda control, aligning closely with the concept of a “procedural cartel” (Cox & McCubbins, 2005). Despite this institutional strength, why has the use of exceptional procedures and legislative conventions become more common? Why would a ruling party with sufficient parliamentary power still rely on such mechanisms?

The emergence and prevalence of exceptional legislation in Turkey cannot be explained solely by institutional configurations. Instead, one must also consider the specific historical context, along with the unique characteristics and challenges of the period in question.

Turkey is a dynamic society, home to a young, multicultural population exceeding 80 million. Decades of rural-to-urban migration have concentrated a large segment of the population in a few major metropolitan areas. In recent decades, there has been significant expansion in transportation networks. The country has experienced rapid and dynamic—yet often contradictory—economic growth, alongside accelerated digitalization and technological integration, fueled by its youthful demographic. Furthermore, Turkey's political landscape is marked by intensity and volatility. The country has endured political crises, military-imposed states of emergency, coups, memorandums, internal armed conflicts, terrorist attacks, regional wars, cross-border operations, mass migration, and dramatic foreign policy shifts. These sweeping and rapid changes have resulted in unstable

institutionalization of social life, leading to frequent shifts in legal and institutional frameworks.

Beginning in 1980, Turkey initiated a transition from an import-substitution economic model to a neoliberal one. This transformation accelerated in the 1990s, leading to profound economic and social shifts. During this time, the state played an active role in economic governance, and politics functioned as a crucial instrument for wealth generation. Turkey also became an official candidate for the EU membership in 1999, alongside several Central and Eastern European countries, including Poland, Hungary, and Romania. In 2001, the Accession Partnership for Turkey was adopted (Directorate for EU Affairs, 2020). Although Turkey ultimately failed to secure membership—formal accession negotiations were suspended by the European Parliament in March 2019—the EU integration process had a significant impact on Turkey’s legislative patterns, especially during the 1990s and early 2000s.

Several critical questions arise within this context: How has socio-economic acceleration, crises and the EU harmonization process affected legislative practices in Turkey? What connections can be drawn between the prevalence of exceptional legislative tools and the country’s rapid transformation? Might these developments have contributed to an increased legislative workload? For instance, during the 1990s and 2000s, many EU-related reforms were adopted via non-standard procedures. However, the increasing empowerment of the executive over the legislature and the frequent use of non-standard legislation in Turkey did not originate with the EU accession process.

Starting in 1971, Turkish policymakers sought to design electoral and parliamentary systems that would promote strong, stable, and efficient governance. These efforts culminated in the 1982 Constitution, which institutionalized

mechanisms to support majoritarian control. Despite these majoritarian tendencies, some balancing mechanisms remained in place, albeit outside the parliamentary sphere. The President and the Constitutional Court have functioned as extra-parliamentary veto players. While their influence has varied across periods and internal disagreements have been common, they have played an indirect key role in shaping lawmaking, especially the Court. Its members serve fixed terms and are nominated by various institutions, making them difficult to remove. This institutional stability curbs a new government's ability to quickly reshape the Court and reinforces its role as a check on legislative power. Have governments increased their reliance on exceptional procedures to circumvent veto points, or have they refrained from using such procedures to reduce the risk of judicial annulment?

Tsebelis (1999) argues that procedural reform is more difficult when the number of partisan veto players increases. In Turkey, despite efforts in the 1990s to reduce party fragmentation, there were still approximately six parliamentary groups during that period. Yet, in 1996, the most comprehensive reform aimed at centralized agenda control was enacted—under a minority coalition government and during a period of heightened ideological diversity among parliamentary parties. Döring (2003) suggests that when governing coalitions consist of ideologically distant parties, restrictive procedures become less likely. However, in Turkey, omnibus legislation was normalized and the expedited procedure was facilitated by a coalition government in 2001 that included a center-left, a center-right, and a far-right nationalist party. Then, under what inter-party conditions do exceptional legislative practices emerge and become entrenched?

Becher et al. (2017) argue that accelerated legislative processes and frequent use of non-standard procedures may raise legitimacy concerns and contribute to

governmental instability. However, in Turkey, these tools not only failed to destabilize governance—they may have actually supported it. The most prolonged period of single-party rule since 1950 coincided with the frequent use of exceptional legislative procedures.

Thus, the use of exceptional legislation is not mandatory; it is a strategic choice providing certain advantages. What specific advantages do these tools offer and when? In the TGNA, how are non-standard procedures employed as instruments of inter-party competition? Why do ruling parties turn to them, and how do opposition parties respond? What role do these procedures play in parliamentary bargaining and negotiation processes? How do dynamics of consensus or conflict influence their use and proliferation?

As demonstrated, numerous questions and themes arise from the comparative literature, particularly regarding the discrepancies between theoretical expectations and the practices observed in specific country cases. To provide a comprehensive analysis of the Turkish case—and to generate insights that contribute to comparative scholarship and future research—Chapter 4 begins by outlining the core research questions. It then details the research design, methodology, and data sources that guide this dissertation's analysis of exceptional law-making. Through a mixed-method approach, it seeks to trace when, how, and under what conditions exceptional legislation became more prevalent in Turkey's legislature, connecting theory to practice and formal rules to observable patterns.

CHAPTER 4

RESEARCH DESIGN, DATA AND METHODS

This dissertation seeks to understand why non-standard law-making procedures and legislative types have become increasingly prevalent in certain countries. To illuminate this broad question with comparative relevance, it focuses on the specific case of Turkey. Examining this question in the Turkish context is particularly important because, in addition to having employed a wide array of exceptional legislative tools, Turkey also presents several empirical puzzles that challenge prevailing explanations in the comparative literature, as discussed in previous chapters.

Why and how did exceptional legislation become institutionalized within the TGNA? Under what political, institutional, or external conditions—and at what points in time—did these non-standard legislative mechanisms emerge and proliferate? Why has the ruling party, despite consistently holding sufficient parliamentary majorities to enact legislation through ordinary procedures, continued to rely on these exceptional tools? What are the strategic motivations and advantages for dominant political actors in utilizing exceptional legislative mechanisms, even when such mechanisms are not formally necessary for passing legislation?

To construct the analytical tools necessary to address these questions, this chapter outlines the research design, data sources, and methodological framework adopted in this dissertation. Building on the theoretical and conceptual foundations developed in Chapters 2 and 3, it explains how the study is operationalized empirically—detailing the units of analysis, the structure and rationale of the datasets, and the justification for employing a mixed-methods approach.

The primary objective of this research is to explain the increasing reliance on non-standard legislative procedures—such as expedited procedures, omnibus laws, and decree-laws—within the TGNA during the period from 1991 to 2015.

To pursue this objective, the study employs a combination of qualitative and descriptive quantitative methods, organized around two original longitudinal datasets. These datasets, together with parliamentary documents, legal texts, judicial decisions, and international reports facilitate both broad temporal pattern analysis and in-depth examination of strategic behavior by political actors.

By clearly defining how exceptional legislative procedures are identified, categorized, and evaluated, this chapter lays the methodological groundwork for the empirical analyses presented in subsequent chapters. It ensures transparency in case selection, timeframe delineation, variable coding, and analytical strategy, while also acknowledging the study's limitations and scope. Through this approach, the dissertation aims to offer a systematic and compelling explanation of how and why exceptional legislative procedures have become embedded in the routine operations of the TGNA.

4.1 Determining the timeframe to uncover institutional change

This study examines the functioning of the TGNA as an institution, with a focus on the changes in both the process and the output of its core function: law-making.

However, alongside these changes, the TGNA also exhibits numerous enduring features, particularly within its law-making function, which remain constant.

Institutions endure in the constant flux of political life and give it order. As March and Olsen (1989) underlined, the rules, routines and practices within institutions persist beyond the historical moments in which the institutions were originally

designed. This persistence is sustained by self-reinforcing positive feedback mechanisms within institutional structures, which discourage exploration of alternative paths for institutional change, thereby fostering path dependency (Pierson, 2004). These mechanisms consolidate the status quo by empowering beneficiaries of established arrangements, creating barriers for challengers, and constraining opportunities for innovation (Weyland, 2008). Institutions, while typically characterized by stability, are not immune to change. How, then, do they change? I will briefly evaluate how I have utilized various approaches to institutional change and how I have determined the timeframe for this study. These methodological choices aim to address the research questions and illuminate both the changes and continuities in parliamentary procedures and patterns.

4.1.1 How to comprehend change?

The default state of an institution is one of stability or constrained adaptive change. Institutions generally operate in a path-dependent manner, characterized by extended periods of stability or incremental changes that align with broader patterns (Capoccia & Kelemen, 2007). Such incremental changes tend to be small steps that fit within the existing institutional framework, reflecting a gradual adaptation rather than transformation. Even the direction of change is usually ‘path dependent’; appropriate responses to environmental changes are shaped by established rules and norms (Dimitrakopoulos, 2001). However, abrupt and radical institutional change is also possible. Such changes generally occur in response to exogenous shocks that disrupt the normal operation of an institution. These shocks create an urgent need for immediate and substantial institutional reconfiguration.

These moments of profound change, often conceptualized as critical junctures, represent rare moments when the typical constraints of institutional path dependency are temporarily relaxed, enabling significant departures from established practices and structures. As Capoccia and Kelemen (2007) observe, critical junctures are characterized by a heightened degree of agency for political actors, granting them the ability to operate with greater freedom from institutional constraints. During these periods, actors are presented with multiple meaningful alternatives and possess the capacity to make deliberate choices that can shape the trajectory of institutional development. These moments of structural indeterminism offer the potential to forge new paths, as choices made during these junctures can initiate significant and enduring shifts in institutional arrangements (Mahoney, 2002; Capoccia & Kelemen 2007). According to Capoccia (2016), small and contingent events, decisions in juncture moments may have crucial and long-lasting impacts on institutional arrangements later, they may lead to path-dependent processes.

On the other hand, Collier and Collier (1991) highlight the role of antecedent structural conditions that can shape and constrain the range of choices presumed available during a critical juncture. In some cases, outcomes and decisions made during a critical juncture are heavily influenced, if not determined, by these pre-existing structural conditions, rather than by the actors' choices or events within the critical juncture itself (Slater & Simmons, 2010). Soifer (2012) further elaborates on the role of antecedent conditions, distinguishing between "permissive" and "productive" conditions that contribute to institutional change during a critical juncture. Despite the potential for abrupt and radical change associated with critical junctures, Mahoney and Thelen (2010) stress that institutional changes are often gradual. These incremental shifts can be as politically significant as rapid

transformations, potentially leading to massive institutional reconfigurations over time. Such gradual transformations can accumulate and radically reshape institutions in the long term (Mahoney & Thelen, 2010).

As posited by the institutionalist perspective, political actors cannot be the only unit of analysis to explain political actions and decisions (Immergut, 1998). Institutions themselves play a pivotal role in shaping outcomes, but they are not inherently self-perpetuating or self-reinforcing without the active engagement of actors (Mahoney & Thelen, 2010). Actors play a crucial role in constructing the meanings of institutions, interpreting their significance, and formulating responses to critical junctures. They engage in reinterpretation, adapting institutional frameworks to align with changing circumstances or agendas, and may seek to reform, abandon, or choose alternatives to existing institutions. Through deliberation and contestation, actors can actively reshape the institutions to which they belong, challenging their constraints or leveraging them for strategic advantage (Schmidt, 2010).

Institutions are not merely constraints on actors or external structures that enforce rule-following behavior (Schmidt, 2010). They can also serve as effective tools for achieving opposing goals and providing a platform for competing groups to voice their grievances (Immergut, 1998). However, institutions are rarely neutral arbiters of different interests. Rather than functioning as independent regulators, they are often shaped by power asymmetries, which influence both their operation and their evolution. These asymmetries condition the nature of competition and the outcomes that institutions produce. Consequently, powerful political actors can leverage institutions to advance specific interests, often privileging certain groups or agendas at the expense of others (Hall & Taylor, 1996; Immergut, 1998).

This study proceeds from the assumption that parliamentary politics is shaped by the interplay of political actors, institutional frameworks, and external conditions, with political struggle occurring within and being conditioned by institutional arrangements and broader contextual forces. In this study, the political struggle between various actors has predominantly been framed as an inter-party conflict, particularly within the context of Turkey's political system. Simultaneously, attention has been given to conflicts arising between different institutions, as well as within different branches of the same institution. However, when relevant, the individual identities of key political actors, along with their ideas and discourses, have also been considered. For instance, the jurisprudence of the Constitutional Court can shift significantly when its members are replaced within a short period of time. Additionally, I take into account the possibility that political actors may be unable to anticipate the outcomes of their decisions, resulting in unintended consequences of their actions.

In this study, I introduce the institutional setting of law-making and how this setting creates path-dependent processes through its rules, bodies, conventions and practices (in Chapter 6). Additionally, I investigate the antecedent conditions that constrain the range of potential options during these junctures within the context of law-making. The study's timeframe begins in 1991; however, to understand the changes in patterns since 1991, I trace the antecedent conditions back to 1971 and aim to identify the historical continuities and institutional legacies that have endured since that period. I analyze the gradual change of this institutional setting, while considering the ruptures and critical junctures that have influenced law-making patterns, particularly the increasing reliance on non-standard legislation (in Chapter 5). Furthermore, I connect shifts in law-making patterns to significant junctures and

enduring policy challenges in Turkish political life, treating these as exogenous factors influencing legislative processes. Both exogenous factors (discussed in Chapter 7) and endogenous factors (discussed in Chapter 8) are analyzed, though the distinctions between them are not taken rigidly clear-cut.

4.1.2 The rationale to determine the timeframe of the study

The aim of this study is to reveal why certain types of legislation, initially designed or legitimized for use under exceptional circumstances, have become widespread. These “exceptional” legislation types are, in particular, the omnibus bills and the expedited procedure during the 2000s in Turkey. As will be discussed in detail in the following sections, these two types of exceptional laws became dominant after some specific turning points in the 2000s. However, to provide a comprehensive analysis, it is essential to examine not only the period these exceptional mechanisms became dominant but also the preceding periods when they were introduced into the system and even further, the antecedent conditions and dynamics that facilitated emerged to the entrenchment of these “exceptional” legislative tools. This research strategy necessitated extending the scope to earlier periods than the 2000s and considering another non-standard law-making type, decree-law, which was common in the 1980s and 1990s but almost disappeared from the system by the 2000s. Including decree-laws in the analysis allowed for a broader discussion of why certain procedures have become widespread, why others faded away and how different exceptional legislative tools relate to one another.

Since it was not tied to a specific rule change, the exact introduction date of omnibus legislation is controversial, even though there is a prevailing view that identifies 2001 as the point of its emergence. The expedited procedure dates back

even earlier, to the 1996 amendments to the RoP. The decree-law mechanism was incorporated into the Constitution in 1971. For the process tracing of rule changes, this study examines institutional legacies and ruptures as far back to 1971. For the changes in parliamentary conventions and the Constitutional Court jurisprudence, even though I mainly focused on the changes in the 1990s and 2000s, I also referred to necessary documents from the 1970s and 1980s as necessary. However, due to time constraints, a detailed analysis of law-making patterns spanning from 1971 to the present was not feasible, so pattern analysis covered a relatively short period of time.

In this study, the periodization of legislative patterns covers 1991 and 2015, encompassing a timeframe witnessed by a variety of government types.⁵⁹ In 1991, the so-called “coalition era” began in Turkey, although there were also other types of governments than coalitions. This study examines three legislative terms from 1991 to 2002 (19th, 20th and 21st legislative terms), which experienced different types of governments other than single-party majority governments and three legislative terms (22nd, 23rd and 24th legislative terms) ruled by the AKP single-party majority governments. The selection of an equal number of the pre-AKP and the post-AKP legislative terms also allowed for meaningful comparisons. Ultimately, this study spans 25 years, a period marked by very significant transformations in the country in general and in legislative practices in particular. This timeframe is meaningful and long enough to illustrate the emergence, replacement or consolidation of different

⁵⁹ Between 1983 and 1991, several ANAP governments ruled the country as single-party majority governments. The type of government is an important factor in this study. However, this type of governments is already included, since the governments between 2002 and 2015 were also single-party majority governments. Nevertheless, where necessary, I have drawn upon other studies, as well as data from the TGNA, on the patterns of law production and the use of exceptional laws in the 1980s.

non-standard procedures and their process from being exceptional to becoming the norm.

In fact, this study was originally planned to finalize its time frame in July 2016. On July 15, 2016, a military coup was attempted, leading to declaration of a nationwide state of emergency on July 21, 2016. This state of emergency was extended 7 times, each for three months and remained in effect until July 19, 2018. During this period, the primary law-making instrument became state of emergency decrees having the force of law. It was officially an “exceptional period”, using exceptional instruments, such as state of emergency decrees, for legislation would be “normal”. However, the underlying logic of this study is to examine the exceptional tools during the normal functioning of the political system and how they are utilized and normalized during non-crisis periods.

During this state of emergency period, a referendum on several Constitutional amendments held on April 16, 2017, introduced serious changes to Turkey’s political system. The parliamentary system was replaced with a system called “Turkish-type presidential system” or “presidential government system”. These reforms included the abolishment of the council of ministers and the office of prime minister. The presidency, previously envisioned as a relatively neutral and symbolic role, was transformed into a powerful executive office. Directly elected by the public, the President could also hold membership, and even leadership, in a political party. This Constitutional shift also equipped the President with substantial legislative-like authority to issue presidential decrees equivalent to laws.⁶⁰ For all these reasons, the period after 2015 was excluded from the analysis as it marked officially a distinct

⁶⁰ Although there were other amendments that considerably affected the legislative process, this study does not delve into the details.

shift in the political system.⁶¹ Besides, omnibus legislation and expedited procedure was already prevalent before 2016 and followed a similar trend after 2016.

4.2 Qualitative analysis

In the analysis section of this study, I proceed along two methodological lines, one qualitative and one quantitative, and I combine them. I present certain law-making patterns through descriptive quantitative analysis, the details of which are outlined above. Understanding changes in law-making patterns necessitates an examination of the rule changes that affected the law-making process in the TGNA and more specifically that introduced certain exceptional legislative tools or facilitated their use. To analyze the changes in lawmaking patterns, it is inevitable to examine the rule changes that introduced exceptional laws into the legislative system as an institutional design or that paved the way for and facilitated the use of exceptional laws. After presenting the exceptional law-making patterns descriptively, I illustrate and interpret the changes in rules and customs in a quantitative framework (in Chapter 6).

Since the legislative system and process are at the core of this study, the primary rules of focus are the Constitution and the RoP. In this context, I begin with the 1971 Constitutional amendments, which I consider representing an institutional continuum, and examine key amendments that may directly or indirectly influence the legislative process. However, I place greater emphasis on the RoP amendments, which have a more explicit impact on legislative processes. Given that the current RoP were originally drafted in 1973, I analyze both the original version and all

⁶¹ Therefore, it should be noted that the rules mentioned in this study are those in effect until 2016. Still, in many relevant instances, I have indicated in the footnotes where the relevant rules were changed in 2017.

subsequent amendments to capture their influence on legislative practices.

Additionally, I examined proposals for amendments to the RoP that were introduced during the period under review but were taken in the plenary agenda or were withdrawn in the plenary. These proposals often contained provisions related to exceptional laws and analyzing them was critical for identifying problematic issues associated with exceptional laws. Understanding why these proposals were not enacted further illuminated the factors contributing to the proliferation of exceptional laws.

To gain a comprehensive understanding of the legislative amendments, I reviewed all legislative committee discussions and plenary minutes where these amendments were debated. This approach allowed me to grasp not only the rules as outcomes but also the rationale behind these amendments, identifying which actors advocated for them and which opposed them for which purposes. I analyzed the entirety of the amendments, not solely the clauses related to exceptional laws, as the latter needed to be understood within the broader context of a rationalized parliament. Examining the other rules, even briefly, provided necessary insights into the legislative framework surrounding exceptional laws.

To contribute to the analysis of the changes in rules and even more so parliamentary conventions, I also used articles and published media resources to find out several speeches of MPs or former MPs from different political parties, especially those who served as the speakers of parliament, ministers or members of legislative committees, about the lawmaking process in other platforms. In addition to politicians' speeches, I analyzed articles and speeches by legislative experts from the TGNA and experts working in ministries. These sources provided valuable insights, as they did not merely offer academic opinions but also included practical

experiences and personal reflections of both politicians and members of the legislative bureaucracy. Moreover, I examined the Constitutional Court decisions and their evolving jurisprudence, which are pivotal in shaping rule changes. These decisions have a direct impact on the interpretation and implementation of legislative rules, influencing patterns of lawmaking.

In this study, particularly in the chapters where I explore the factors driving the proliferation of exceptional laws, I conducted a comprehensive analysis that integrates the interplay between exogenous factors, institutional structures, and political actors. Parliamentary minutes served as a rich source of data, offering insights into each stage and theme of the qualitative analysis. However, these were not the sole data source for these chapters. For instance, in Chapter 7, where I focus on external factors, I incorporated data from sources beyond parliamentary discussions. To address key themes emerging from the literature and available data, I drew on a variety of external reports and institutional datasets, including EU Progress Reports (which document Turkey's alignment with EU standards during the accession process), World Bank and IMF Reports (which provide analysis and recommendations on Turkey's economic policies and structural adjustments), and domestic institutional data, such as reports and statistics from the Privatization Board of Turkey and the Directorate for EU Affairs (formerly the Ministry of EU Affairs).

In addition to exogenous factors and institutional legacies, I analyzed the changes in law-making patterns through the rivalries, struggles, and alliances between various institutions and actors within the institutional framework. For this reason, institutional and actor-related factors were addressed together in Chapter 8. This analysis encompassed multiple sources, including plenary minutes of all amendments to the RoP, full texts of exceptional laws, accompanied by the minutes

from plenary and committee discussion, and dissenting opinions documented in committee minutes, which provided insight into contestations and disagreements. Moreover, I drew on the Constitutional Court decisions, delving into not only the rulings but also the changes in the composition of the Court's members, their positions, and the divergences in their opinions. The dissenting opinions written by individual members on objections to specific decisions were particularly revealing, offering a window into the institutional and actor-driven conflicts surrounding the use of exceptional laws.

Before I provide a more detailed explanation of the methodology used to uncover and analyze legislative patterns, it is important to address the TGNA's categorization of laws and procedures. This includes distinguishing between different types of laws and procedures, clarifying the criteria for their differentiation, and outlining which types are included in the analysis and how they are incorporated into this study.

4.3 Classifying bill types and procedures

The RoP and the Constitution distinguish between various types of laws based on their content and the procedures governing their preparation and discussion. To define the scope of this study, it is crucial to briefly outline these distinctions and identify which types of laws are included or excluded from the analysis, along with the rationale for these decisions. In addition to excluding certain categories of laws, this study focuses on a subset of legislation that I refer to as "exceptional laws." As this is not an officially recognized concept, I will clarify below the criteria used to identify laws that fall into this category.

4.3.1 The bill types included and excluded

One key distinction is whether the law is proposed by the executive branch, the government, or by deputies. Different countries use varying terminology for these categories, and translations may also differ. In this study, I adopt the terminology used in the official English translation of the TGNA's RoP: Government bills (*kanun tasarıları*) and private members' bills (*kanun teklifi*). Throughout this study, unless explicitly stated otherwise, the term, bills, refers collectively to both government bills and private members' bills. When a distinction between the two is necessary, it will be clearly indicated to ensure precision in analysis and discussion.

Until the 2017 Constitutional amendments⁶², the Council of Ministers (Cabinet) were authorized to propose bills. A bill proposed by the Cabinet, requiring the signatures of all ministers, was called a government bill. The other type, private members' bills can be submitted with the signature of one or more deputies⁶³. I coded private members' bills as 1 and government bills as 2 in my dataset. The main difference between the two lies in the processes and requirements before submission to the Bureau of Parliament. Once a bill is submitted to the Bureau, there is no difference in terms of the deliberation processes.⁶⁴

⁶² In the post-2017 political system, ministers are directly appointed by the president and report directly to him. The president exercises executive power alone. Ministers are no longer members of parliament. The presidential cabinet do not need a vote of confidence from parliament. Since the Council of Ministers no longer exists, government bills proposed with the joint signature of the Council of Ministers have also disappeared from the system. Currently, only MPs can propose bills. However, since this study analyzes the pre-2017 period, the distinction between government bills and private member bills was still important.

⁶³ When a bill is introduced in parliament, it is assigned a sequence number and completes the entire parliamentary process under that number. The law number is assigned after a bill passes the plenary and becomes law. Consequently, during parliamentary debates, the minutes refer to the bill's sequence number and this is what most academic studies have done. However, since I have only analyzed bills that have passed, and to avoid confusion between the sequence and law number, I have used only the law numbers and cited references according to the law number.

⁶⁴ However, the government bills are treated differently in practice, including a higher likelihood of adoption, and quicker placement on the parliamentary agenda.

Two types of special bills with unique content, procedures and deadlines are the budget bills and the final accounts bills. Since their enactment is mandatory and they are introduced annually at consistent intervals, including or excluding them in the analysis does not significantly alter the overall findings. For the purposes of this study, even if they are politically very important, I have categorized these bills as ordinary laws and coded them accordingly. However, for the analysis of temporal patterns of law-making I considered that their enactment process is very time consuming, leaving limited opportunity to discuss other bills in Parliament.⁶⁵

Another special type of law I coded in the category of ordinary laws is empowering laws. As I will explain in detail later, decrees having the force of law are based on prior empowering laws. Although empowering laws are the basis of a non-standard way of law-making, their discussion and enactment procedure is identical to those of ordinary laws. Empowering laws are typically concise regulations, consisting of three or four articles with a low word count, and they follow a standardized template. Besides, multiple decrees having the force of law can be issued based on a single empowering law. In short, they represent a relatively small portion of the overall legislative output in terms of word count and number of laws. Despite their brief content, they can trigger significant debates and require extensive negotiations in the Parliament. Decrees having the force of law must be submitted to parliament immediately after they are issued and must undergo debate and approval or rejection by the legislature. Other than having the priority on the

65 While the budget bills are prepared to regulate future government expenditures and revenues for the upcoming fiscal year, the final accounts bills are aimed at auditing the budget of preceding fiscal year. These bills are mandatory annual legislations with fixed deadlines. A budget bill is submitted by the Council of Ministers to the Parliament at least 75 days before the beginning of the fiscal year. It is discussed in the Committee on Plan and Budget for up to 40 days and must be approved by the plenary before the fiscal year begins, by January 1. The discussions on these bills take precedence over other parliamentary business and take significant time. The final accounts bills follow the same procedural requirements and are debated together with the budget bills.

agenda, the decrees having the force of law are no different than the enactment process of ordinary bills. Furthermore, empowering laws can be annulled by the Constitutional Court or sent back by the President for reconsideration like other ordinary laws. For all these reasons, the regulations in decrees having the force of law discussed by the plenary as a bill and enacted were coded as part of the ordinary laws and not excluded.

However, I did not include in my dataset a very common type of legislation, bills regarding the approval of ratification of international treaties, which also follows a short standard template, like empowering bills, consisting of 3 articles and low word count. Several reasons justify this exclusion. First, in Turkey, the legislature does not draft, sign and directly ratify international treaties. Its role is limited to approving the executive's request, which is presented as a bill, to ratify the treaty (Bakırcı et al., 2023). Although parliament can reject the ratification of a treaty by voting against the related government bill, such cases are exceedingly rare. These bills are treated as government bills, and their passage is typically secured by the majority. Even in coalition or minority government scenarios, international agreements are usually perceived as technical matters, attracting little attention from the opposition. The sheer number of such laws could distort the descriptive law-production analyses of this study. Another issue is the sheer number of such laws. For example, more than half of the laws enacted in the 23rd and 24th legislative terms were laws on the ratification of international agreements (625 out of 960 in total). Including such laws, that parliament has a minimal role, would shift the focus away from the study's primary objectives.

The primary focus of this study is on certain non-standard bill types and procedures, collectively referred to as exceptional laws in this study. I have chosen

this term because all three types examined in this study were either explicitly designed for use in specific circumstances or justified by rule-makers with the argument that their application would be rare, limited to exceptional situations. In this study, exceptional law is an umbrella concept, referring to three different types of legal regulation.⁶⁶ The first one decrees having the force of law, i.e. decree-laws were technically executive acts issued by the Council of Ministers. However, as mentioned above, they require a prior, must be submitted to parliament immediately after issuance for approval or rejection and hold the same legal effect as laws. For these reasons, this form is regarded as a type of law in this study. Second, omnibus law, as a type of law, is not a concept explicitly mentioned in the Constitution or the RoP. However, it has become a well-established practice in parliament, widely recognized and criticized in legal doctrine and among the public. Unlike omnibus bills, the third one, basic law or expedited procedure, is not a type of law but a legislative procedure. It combines expedited and restrictive rules, diverging from the ordinary process of debating bills in the plenary. Since this study aims to evaluate these exceptional laws within the broader context of general law-making patterns, all ordinary laws, except the ones excluded and mentioned above, are also coded in the dataset.

⁶⁶ It would have been possible to focus on only one of them instead of all three. However, it is already infeasible to consider the omnibus law and the basic law separately, since most omnibus laws since 2006 have been negotiated through the expedited procedure. The decree-law, on the other hand, is an inevitable method to be analyzed both because it was the dominant exceptional method of the 1980s and 1990s and to understand how the omnibus law and the basic law evolved. When the use of the decree-law mechanism became constrained, other methods were either initiated or gained wider application. Thus, these three forms of exceptional legislation are intrinsically interconnected.

4.3.2 How to specify “exceptional laws”

Parliamentary terminology varies across countries, and differences in translation can sometimes lead to confusion. Therefore, I have paid particular attention to defining and explaining the terms I use in relation to procedures. For the English versions of the terms, I have mainly relied on the official English version of the RoP of the parliament. However, instead of the term, used in the RoP, decrees having the force of law, I have mostly used the term decree-law because it is shorter. For another procedural term, regulated under Article 91 of the RoP, I use basic law and expedited procedure interchangeably, as they both refer to the same process. More properly, the English version of the RoP refers to this as the "expedited procedure," while basic law (*temel kanun*) is used in the Turkish version of the RoP, the term expedited procedure was preferred in the English version. More properly, the English version of the RoP refers to this as the "expedited procedure." Lastly, the term *torba yasa*, literally translated as "bag law", is the established jargon for the Turkish version of omnibus bills. I have mostly used the globally accepted term omnibus bill or omnibus legislation for “bag law” throughout this study.

As I discussed in the Chapter 2, identifying omnibus laws in Turkey, like in many other countries, presents a challenge, even though the term is widely recognized and used by legislators, academics, and the public as a distinct type of legislation. It is an epithet rather than an official category mentioned in the RoP. Fahri Bakırcı (2018), a prominent scholar studying on omnibus legislation in Turkey, compares it with omnibus legislation practices in other countries and claims that the *torba yasa* practice in Turkey does not align with omnibus legislation. However, the omnibus legislation practices in other countries are not exactly the same either. This type of legislation can be used for different purposes in different contexts. Besides,

they generally have different names, different epithets such as “Christmas tree bills”, “portmanteau bills”, “mosaic laws” “monster bills” (Bar-Siman-Tov, 2021, p. 1).

Even though omnibus legislation represents one of the major developments regarding legislation worldwide, “there is no one agreed-upon definition or conceptualization” of omnibus legislation (Bar-Siman-Tov, 2021, p. 1).

Nevertheless, a shared element across all definitions is “packaging of unrelated measures” (Bar-Siman-Tov, 2021, p. 1). While some researchers use this as the only criterion, others incorporate second and third criteria into their definitions (see Bar-Siman-Tov, 2021). These additional criteria sometimes focus on the degree to which the regulations included in the law are unrelated or the threshold number of irrelevant regulations necessary for a law to be classified as omnibus. Based on such considerations, certain studies categorize omnibus laws according to their level of complexity (see Zamboni, 2021). Length is another criterion often used to identify omnibus legislation, but it remains a problematic measure. While length can facilitate the identification of omnibus laws, it is not a definitive indicator (Briffault, 2021). Establishing an objective standard for what constitutes “long” or “short” in terms of words or pages is challenging. Besides, ordinary laws containing regulations only on a single subject can also be quite long.⁶⁷ Some definitions of omnibus legislation incorporate the criterion of being debated through an expedited procedure. However, these two aspects—content and procedure—are not directly related. For instance, Bar-Siman-Tov (2021)’s definition states that omnibus legislation is “often passed via an expedited procedure.” Yet, the use of the word “often” highlights that this is

⁶⁷ For instance, the Turkish Commercial Code No. 6102, the law with by far the largest number of words enacted by the TGNA during the period under review, comprehensively regulates a single subject area.

not a necessary criterion. It is not consistent since ordinary bills can also be debated through expedited procedures.

When applying these three criteria (diversity of subjects, expedited procedure and length), the population of omnibus laws narrows considerably. According to Bar-Siman-Tov (2021), using broader definitions of omnibus legislation presents less problematic cases, too. In contrast, scholars who combine the criteria of the scope, length, complexity and the enactment procedure generally consider omnibus legislation as more problematic due to concerns over its lack of participatory, transparent and accountable process (p. 22-23, 27). In this study, I adopt a definition that enables studying on a broader population of laws. To be more objective, I rely on a more inclusive definition of omnibus bills, instead of operationalizing the definition which detects only problematic cases.⁶⁸ The length of a bill is not a criterion I use to classify a law as omnibus.

Studies on omnibus legislation in Turkey encounter challenges in determining clear criteria for identifying omnibus legislation and making their data procedure transparent. Unfortunately, some of these studies fail to explain in detail how omnibus laws are selected. Yet, in developing the criteria for identifying omnibus bills for my study and detecting them among the whole population of enacted laws, I reviewed the laws labeled as omnibus in other studies and compared them. I will not go into detail of discrepancies in these studies, but I will explain my data procedure in detail.

Single subject rule, as a legal principle, refers to the fact that different parts (articles or sections) of a bill are sufficiently and rationally related to one another. In

⁶⁸ A bill that amends more than one law, a bill relatively longer than the average, or a bill that covers various subjects are not necessarily anti-democratic decision-making or a violation of the rule of law principle (Bar-Siman-Tov, 2021).

this study, I adopted the following definition based on the single subject rule principle: An omnibus law is a law that amends more than one law not necessarily related and consists of more than one unrelated subject not necessarily related law and more than one unrelated subject.⁶⁹ Of course, debates can arise over what is “related” and what is not, which make coding certain laws particularly challenging.⁷⁰ Nevertheless, I still think that this is the most objective and comprehensive criterion for coding omnibus laws. In order to demonstrate this, it is essential to explain the data and coding procedure. This transparency allows other researchers to verify, criticize, and refine the methodology and then to ensure greater reliability in further studies.

For instance, if a bill amends multiple laws that all pertain to the employment rights of academics, it is not classified as an omnibus law in this study. Despite involving several laws, such a bill maintains subject-matter unity. Similarly, if a single law includes amendments on a range of topics but pertains to one overarching statute, it is not considered omnibus. For example, Turkey’s Law on Higher Education covers diverse issues such as the employment of research assistants, the political rights of academics, and student disciplinary procedures. Even though these topics are varied, amendments to this law alone do not constitute an omnibus law. In

⁶⁹ In this study, I did not distinguish whether bills were originally introduced as omnibus laws or transformed into omnibus laws through practices such as logrolling or the addition of riders. If rider articles added to a bill were related to its primary subject matter, I did not classify it as an omnibus law. However, if a rider addressed an unrelated subject, I categorized the bill as an omnibus law, even if the article amended only a single law. For instance, if a law contains 60 articles amending the same legislation, but includes just one article on an entirely unrelated subject, I treated it as an omnibus law.

⁷⁰ Policy fields can also be used as a criterion for identifying omnibus laws, as some studies consider laws containing regulations on more than one policy field as omnibus laws. While I took this approach into account, I did not rely on it because determining the boundaries of policy fields is often contentious. For example, the Law No. 4502, enacted on January 27, 2000, amends multiple laws, including the Telegraph and Telephone Law, the Law on the Organization and Duties of the Ministry of Transport, the Wireless Law, the Law on the Savings and Assistance Fund of the Post. While all these amendments fall under the telecommunication policy field, they address various unrelated subjects. Therefore, I coded it as an omnibus law, rather than a package law.

this study, a law is categorized as omnibus only if it both amends multiple laws and lacks a unifying subject matter.

To systematically identify potential omnibus laws, I created a file for each legislative term and compiled all the laws that appeared to meet one of the criteria for omnibus legislation. I then carefully read the texts of these laws, referencing criteria for omnibus laws established in the literature and attempting to refine and develop my own criteria. Additionally, I considered laws identified as omnibus in other studies to ensure comprehensive analysis. Once I finalized the criteria, I revisited all the law texts for a second review. During this phase, I removed laws that I determined to be either ordinary laws or package laws, ensuring that only those fitting the criteria for omnibus laws remained. This rigorous, iterative approach allowed me to compile a reliable file of laws classified as omnibus.

While identifying omnibus laws, I utilized Bakırcı (2018)'s distinction between package laws and omnibus laws, but I revised it according to the definition used in this study and considered the limitations of this distinction. Bakırcı categorized as *package laws* those enacted for specific purposes within the EU harmonization process, a naming convention inspired by the concept of a harmonization package. In Bakırcı (2018)'s framework, as in most EU harmonization laws, a bill is considered a package law if it serves a single purpose, even when it amends multiple unrelated laws. I coded package laws separately from ordinary laws but did not classify them as exceptional laws.

Bakırcı (2018) uses the single-purpose criterion, instead of single-subject criterion, to distinguish between a package law and an omnibus law. He states that if the law pursues a single purpose, it qualifies as a package law. For instance, Law No. 6462, dated April 25, 2013, titled “Amending Some Laws and Decrees Having the

Force of Law to Change the Expressions Regarding Disabled People”, amends hundreds of laws. However, the sole objective of all these amendments is to remove discriminatory language against disabled individuals, which is why I also classify it as a package law. However, when determining the omnibus law, the stated purpose by the legislator should not have much effect. This is one of the reasons why relying solely on the title of a law is insufficient for determining whether it is an omnibus law. Evaluating the content of the law is essential. For example, Law No. 6217, dated March 31, 2011, titled “The Law on Amendments to Some Laws for the Purpose of Speeding Up Judicial Services”, explicitly refers to a unified purpose in its title. However, I coded it as an omnibus law because, despite the title’s claim, the law amends unrelated statutes and refers to diverse practices. While these amendments may all pertain to the judiciary field, they address a variety of purposes beyond simply expediting judicial services.

Titles of laws are a practical starting point for identifying omnibus laws but can also be misleading. A significant number of omnibus laws have titles including phrases such as “amending some laws” or “amending various laws”. Although it is reasonable to suspect that laws with such titles are omnibus laws, titles alone are not sufficient for classification of laws. For example, Cennet Işık (2016) considered Law No. 5453, dated February 1, 2006, titled “Amendments to the Law on Amendments to Certain Laws,” as an omnibus law based on its title. However, this law amends only one article of a prior omnibus law. Therefore, it cannot be considered an omnibus law or even a package law. Similarly, Law No. 6274, dated February 7, 2012, with its extensive title “the Restructuring of Certain Receivables and Amending the Law No. 6111 on the Restructuring of Certain Receivables and Amending the Law on Social Insurance and General Health Insurance and Some

Other Laws and Decrees Having the Force of Law, and the Law No. 4749 on the Amendment of the Law on the Regulation of Public Finance and Debt Management” consists of a total of only four articles, two of which are enforcement articles, and amends two interrelated laws. Despite its lengthy title, it cannot be classified as an omnibus law.

Law No. 4697, adopted on June 28, 2001, has been coded as a package law rather than an omnibus law despite its title, “The Law on Amendments to Some Tax Laws” because it amends exclusively rules regarding pensions, albeit addressing different aspects of the subject. Similarly, I have coded Law No. 5673 dated May 27, 2007, “The Law on the Amendment of the Village Law and Some Laws,” is a package law because it includes only regulations concerning village guards. On the other hand, the Law No. 6000 dated June 19, 2010, titled “The Law on the Amendment of the Law on the Establishment and Trial Procedure of Military Courts and Certain Laws and Decree Having the force of law” has been coded as an omnibus law. Although all the regulations in this law pertain broadly to the military policy field, it contains amendments in unrelated laws and subjects.⁷¹

Another specific challenge arose with a specific category of law, classified as code law in Turkish legal doctrine.⁷² For example, the title of Law No. 4668, dated May 2, 2001, is “Law on the Establishment, Organization and Duties of the

⁷¹ Although its name immediately evokes an omnibus law, Law No. 5841, “Law on the Amendment of Various Laws” dated February 25, 2009, amended only two laws with a unity of subject matter. Similarly, Law No. 4232 dated April 3, 1997, titled “Law on the Regulation of Privatization Practices and Amendments to Certain Laws and Decree Laws and the Law on the Amendment of Certain Articles of the Zoning Law” has also been coded as a package law since it exclusively addresses regulations on privatization.

⁷² One of the distinctions established in Turkish legal doctrine is the following: code law and framework law. A code law is a law that regulates a specific field on its own. It either regulates an area for the first time or replaces a law that previously regulated a certain field by rendering it ineffective (Araç & İba, 2003). A code law may indirectly modify the effects of one or more other laws on the legal domain, nullify other laws or affect the functioning of other laws. But technically it is a single law. A framework law, on the other hand, is a law that amends one or more articles of an existing law or laws, repealing some articles or adding some new articles to this law (Bakırcı, 2005).

Presidency of Turkish Cooperation and Development Administration.” However, the title of the law also includes the following phrases in parentheses: “(The Law on the Establishment of a Presidency for Economic, Cultural, Educational, and Technical Cooperation; the Amendment and Adoption of Decree Law No. 480 on the Amendment of Two Articles of Decree Law No. 206 and an Addition to the Annexed Tables of Decree Law No. 190; and the Law on the Amendment of the Civil Servants Law)”. It indicates that the law nullifies specific provisions within certain existing laws and indirectly amends multiple laws or invalidates some articles of certain law. Nevertheless, I did not categorize such laws as omnibus or package. Instead classified them as ordinary, unless they are enacted through the expedited procedure, since they are code laws designed to comprehensively regulate a specific area of legislation from the scratch.

There are several confusions surrounding omnibus laws. While some of them are understandable, some of them are apparently inaccurate. For example, Özcan and Kimya (2024) state: “The term, omnibus bill, is not included in Turkish legislation but rather viewed as a part of the ‘basic laws.’” (p. 13). However, this interpretation is misleading., as the basic law is a procedure, while omnibus law is a characterization regarding the content of a law. Their study does not accept any law as omnibus unless it was discussed through the expedited (basic law) procedure. Therefore, it claims that omnibus laws did not exist in Turkey until 2006, the first time a law containing unrelated measures was debated through the expedited procedure. This approach restrains the possibility to account for the diverse characteristics of omnibus laws.

While identifying omnibus laws can be somewhat confusing, basic laws are relatively easy to identify. Application of this procedure is determined by a decision

in the plenary, as outlined in Article 91 of the RoP. This decision specifies that a bill will be debated using the expedited procedure, and it is officially documented in the minutes of the plenary. To identify which bills were debated under the expedited procedure during the period under review, I used two key studies that compiled a list of basic laws. These studies were conducted by Taner Geçmez (2013), a legislative expert of the TGNA, covering the period before 2012, and İsmail Yüksel (2018), covering the period between 2012 and 2016. As a matter of fact, some discrepancies were observed between the two studies regarding some laws.⁷³ To ensure that no legislative debates on enacted bills were overlooked, I cross-checked the parliamentary minutes for each of the remaining laws.

The other exceptional type I focused on, as outlined in Article 91 of the Constitution, is the “decrees having the force of law”.⁷⁴ As its name underlines, these are not laws but have the same legal effect as laws. In the rest of this study, I will use the term decree-laws in short to refer to the decrees having the force of law. Since the purpose of this study is discussing the “exceptions” within the “normal” course of political life, I did not include Martial Law and State of Emergency decrees.⁷⁵

As I mentioned above, decree-laws (excluding the martial law and state of emergency decrees) must be based on an empowering law approved by the plenary

⁷³ Law No. 6324, Yüksel classified as being discussed through the expedited procedure in Yüksel, was not included in Geçmez (2013)'s list. Upon my review of the parliamentary minutes, there was no indication that it was discussed under Article 91. This bill consisted of only five articles and was passed quickly with the opposition's support. However, it is incorrect to identify every bill passed quickly is necessarily debated through the expedited procedure.

Similarly, while Law No. 6279 was listed as discussed through the expedited procedure in Geçmez's study, it was not included in Yüksel's list. I checked it from the minutes and coded it as a basic law.

⁷⁴ With the 2017 referendum, Article 91 of the Constitution regulating decree-laws was repealed, and decree-law mechanism was removed from the political system. Instead, presidential decrees were introduced as a new decree making tool. Since this study analyzes the period prior to 2017, presidential decrees fall outside the scope of this study.

⁷⁵ There were relatively few such decrees during the period I focused on. Moreover, some of these regulations were not necessarily nationwide; instead, they were limited to specific territories or cities clearly specified. For these reasons, I excluded these types of decrees from my study.

beforehand. Occasionally, these empowering laws have been enacted in omnibus form, covering issues that are not directly related to one another (Esen & Yeşilirmak, 2023). For example, Empowering Law No. 4113 dated June 8, 1995, grants authority in many unrelated areas, as reflected in its title.⁷⁶ Decree-laws with omnibus character have also been issued based on omnibus empowering laws. For instance, in 2011, the “Decree having the force of Law on the Amendment of the Decree Law on the Organization and Duties of the Ministry for EU Affairs and Certain Laws and Decrees having the force of Law” (No. 661), contained 105 articles addressing a wide range of unrelated issues such as the transfer of certain lands to the treasury, the administrative structures of various ministries and public institutions, and the conditions for transitioning from lawyer to judge. However, I did not code the omnibus decree-laws with omnibus character as omnibus law. Instead, I coded all of them uniformly as decree-law, which is already an “exceptional” type of law. Similarly, regardless of their content, I have not coded any empowering law as omnibus law. Empowering laws do not have a direct legal effect; only the decree-laws based on them do. Since decree-laws are already considered as one of the exceptional categories of legislation in this study, including empowering law would cause overlapping. I have coded empowering laws as ordinary laws, since their discussion and enactment procedures are the same as ordinary laws.

As a result, in this study, I categorized all laws enacted between 1991 and 2015 and assigned numerical codes to distinguish between their types. Ordinary laws

⁷⁶ "Law on the Amendment of Patents, Utility Models, Trademarks, Geographical Indications, Industrial Designs, Fresh Vegetable and Fruit Trade, Wholesale Markets, Chambers of Commerce and Industry, Chambers of Commerce, Chambers of Industry, Chambers of Shipping, Commodity Exchanges and Union of Chambers and Commodity Exchanges of Turkey, Establishment of the Union of Touristic Hoteliers and Tourism Operators of Turkey, the Regulation of Agricultural Credit Cooperatives and Unions and Food Matters, and the Turkish Commercial Code and the Law on the Enforcement and Implementation of the Turkish Commercial Code, the Capital Markets Law, and Certain Provisions of the Customs Law"

were coded as 0, package laws as 1, omnibus laws as 2, omnibus laws discussed via expedited procedure as 3, ordinary laws discussed via expedited procedure as 4, and package laws discussed via expedited procedure as 5. In this categorization, laws coded as 2, 3, 4, and 5 were exceptional laws in this study. Decrees having the force of law, being essentially an executive measure subject to a distinct legislative process, were coded in a separate data set file.

4.4 Building datasets for exceptional legislative patterns

The term legislative patterns in this study refers to two aspects: the patterns of law production as outcomes and the patterns of the law-making process as duration. This research stems from the observation that exceptional types of laws have come to dominate the legislative landscape in Turkey in recent decades. This dominance implies that exceptional laws have become increasingly prevalent. But has this prevalence truly occurred? When did it emerge? Was it a gradual, linear process, or were there distinct breaks or shifts? To address these questions, it is essential to identify and analyze the patterns of law production. Additionally, the prevalence of exceptional laws must be evaluated in comparison to ordinary laws. This study aims to demonstrate the position of “exceptional laws” within the broader legislative patterns.

The primary characteristic of these exceptional laws is their role in expediting the law-making process. To examine changes in the patterns of law-making, particularly in terms of accelerations and decelerations, I focus on the variable of the time a bill spends in parliament, which I refer to as debate duration. Additionally, by offering alternative interpretations based on different types of periodizations—such as regular institutional rhythms, critical junctures in political life, and key dates of

significant decisions and rule changes, I establish a descriptive foundation to further analyze the underlying reasons for changes in legislative patterns.

4.4.1 Law production patterns

Various methodological tools have been developed to identify patterns of legislative production. One commonly used method is measuring the number of laws enacted within a given legislative term or year. It is easy to track and analyze and can provide initial insights into the acceleration of law production. There have already been studies in this direction in Turkey (see İba, 2010). However, the “number of laws” measure can be misleading, especially when examining mechanisms like omnibus legislation, which gathers numerous provisions into a single law, or expedited procedures, that enable the rapid passage of comprehensive legislation. It leads to the fallacy of equating brief laws, sometimes with less than 100 words in total, with expansive laws spanning hundreds of pages. A more nuanced metric would be the number of articles within laws, but it still lacks standardization, as some articles may be excessively brief, while others are lengthy. Moreover, in Turkey, while recent bills have become longer and more detailed, they started to contain fewer articles (Yüksel, 2019).

In his study, Yüksel (2019) used the operationalization of the “law volume criterion”, which analyzes the number of pages that laws are promulgated in the Official Gazette. While this method is relatively easy to apply, Yüksel (2019) himself acknowledges its limitations. The Official Gazette has not kept the same standards over the years in Turkey. Variations in the use of tables, page sizes, line spacing, typefaces, and font sizes can all influence the page count, thereby affecting the standardization of this measure as an accurate indicator, not only across countries

but also in a country over time. The more precise, easily standardizable, quantifiable and comparable objective measure is the word count of a law. This measure used in this study effectively distinguishes between comprehensive laws and short laws consisting of only a few articles that can be quickly discussed in parliament. It also eliminates the limitations arising from the variable length of articles.

A law with a higher word count does not necessarily indicate greater importance and should be discussed more extensively. For example, some constitutional provisions consisting of only a few sentences can take years of debate. However, this study examines legal regulations at an equivalent level in the hierarchy of norms. All else being constant, laws with a higher word count are expected to be debated more extensively compared to shorter laws. One reason for this expectation lies in the allocation of motions granted to parties and MPs, which correlates with the volume of legislation. This volume is directly related to the number of articles, but is also influenced by the length of articles, since very comprehensive articles are sometimes discussed as if they contained more than one article as a rule in the TGNA's RoP.

In this study, I calculated the word counts of all laws, ordinary and exceptional, enacted between 1991 and 2015. Some laws include lists and annexed tables in a specific format, usually at the end of the text. These often appear in laws related to administrative organizations, indicating personnel allocations for various units and can span multiple pages, significantly increasing the word count. I excluded them from the word count calculation to maintain consistency. Temporary articles in laws, which are only valid for a certain period, are frequently included in word count. These provisional articles are mostly located at the end of the law. Since

there is no difference in terms of legal effect and negotiation procedures, I have included these articles, and their word counts in the calculations.⁷⁷

The word count criterion was employed alongside and in comparison, with, the more traditional metric, the number of laws. This approach was used to demonstrate that relying solely on the number of laws is not a robust method for identifying patterns in legislative production. While the number of laws remains an inevitable and necessary metric to consider, incorporating the word count provides a more nuanced understanding of legislative trends.

In determining the number and volume of laws, I excluded laws sent back by the president of the republic because if they are sent back and not reconsidered by the parliament, the law has not entered into force. If a law was reconsidered and approved with or without amendments, it is officially treated as a new law with a different law number. To avoid redundancy and distortion in the dataset, I counted only the final (enacted) version of the law.⁷⁸ This is also important for exceptional laws. For example, Law No. 6262, an omnibus law discussed through the expedited procedure, was sent back by the President with a request to reconsider only a few of its articles. Parliament revised those articles and enacted them. The President did not send them back and the law remained in force. In this case, instead of counting both as two separate laws, I considered only the last adopted version. However, I also noted the procedure applied to the first version (Law No. 6262), as that reflects how

⁷⁷ For example, if there are 23 articles and 3 provisional articles in the law, I considered it as 26 articles because provisional articles have the same legal status, and they are one of the factors affecting omnibusness. Occasionally, last-minute amendments introduce articles on unrelated subjects as temporary articles, further contributing to the omnibusness of a bill.

⁷⁸ Of course, I included in the research data the laws whose articles were annulled by the Constitutional Court, primarily because this Constitutional Court process takes a long time and until then the law remains in effect on the legal field. The annulment lawsuit can be filed within a certain deadline by the actors I have analyzed in this study, such as members of parliament, the president of the republic. However, it can also be filed at any time with the application of local courts. In this case, most of the time, only some articles are annulled, and it is difficult to track them individually and does not make a significant difference for this study.

the law was primarily debated and shaped. This method ensures that the legislative process and its nuances are accurately captured while avoiding duplication in the analysis.

To determine the word count of exceptional laws, I created a separate file organized under subheadings for each legislative term and year. Additionally, I identified the procedures by which each law was debated during the examined period. I copied their texts of laws debated under the expedited procedure into the same exceptional laws file for word count analysis. Some laws belonged to an intersection set—omnibus laws that were also debated through the expedited procedure. To avoid duplication, I did not keep the same text twice. For the decree-laws, I prepared a separate file for word count calculation by copying each text of decree-laws individually.

As previously explained, in this study, long and short omnibus laws were not coded differently. However, the three criteria commonly used in other omnibus law studies were taken into consideration. The length criterion was used by specifying the number of words for each law separately. Since I have also made the word count criterion a unit of analysis, this bias will disappear because longer omnibus laws will be seen as more exceptional legislative provisions in terms of word count. The level of topic diversity was coded basically by distinguishing ordinary laws, package laws and omnibus laws. However, no diversity coefficient was assigned to identify the complexity level of omnibus laws. The debate procedures of omnibus laws were also differentiated, as I explained above.

For the analysis of exceptional legislation, I compiled a separate dataset for quantitative analysis, categorizing all laws that fall into three groups: omnibus laws, laws debated using the expedited procedure, and their intersection—omnibus laws

processed through the expedited procedure. These were organized by law number for systematic examination. Since the law number is given after its approval in the plenary and it has a sequential system, it also corresponds to a chronological order according to the date of its approval in the plenary. I created several column headings for these laws, which I have listed one after the other by law number. In addition to the law number, I coded the titles of the laws to avoid confusion, and the legislative term and legislative year to identify the period in which they were enacted. To complement the quantitative data, I examined various published sources, including the TGNA publications and the proceedings of workshops organized by the TGNA. Additionally, the TGNA annual activity reports provided valuable supporting data and statistics for analyzing legislative patterns.

4.4.2 Law-making process patterns

The law-making process in parliament is not a single entity. For instance, in the Italian parliament, it can be separated into phases such as “assignment to a parliamentary committee; beginning and end of committee scrutiny; and plenary decision. Each point marks the end of a phase in the life of a bill” (Borghetto & Giuliani, 2012, p. 34). Analyzing the different stages of the law-making process through the time dimension is one of the understudied aspects of law-making patterns (Borghetto & Giuliani, 2008).⁷⁹

In this study, for the analysis of exceptional laws, whether they achieved their time-saving role in legislative patterns in alignment with the rule and conventions

⁷⁹ Bills are not only prepared in parliament. There is a preliminary preparation process of bills often involving drafting efforts within political parties, ministries, and consultations with legal experts as well as engagements with NGOs and other stakeholders. However, since there is no standardized data to track and measure the duration of this preparatory phase, the time spent on bill preparation before submission to parliament has been excluded from consideration in this study.

change, I distinguished the similar phases of the law-making process in the TGNA. The legislative process in the TGNA formally begins with the submission of a bill to the bureau of parliament. From there, the bill is referred to the relevant parliamentary committees, where it is debated and potentially amended. It is then forwarded to the plenary, where it is subject to further debate, amendment, voting, and, ultimately, enactment. The subsequent stages—presidential approval and publication in the Official Gazette—pertain to the law’s entry into force and are thus considered part of the extra-parliamentary phase of law-making. Accordingly, these stages are excluded from the scope of this study.

When a law is returned to parliament by the President for reconsideration and subsequently re-adopted without any amendments, it receives a new law number and is technically considered a separate law. In my *Law Production Patterns* dataset, I include only the final version of such laws in the analysis. In contrast, for the *Law-Making Process Patterns* dataset, I also exclude the final version of these laws from the analysis, as the deliberation at this stage is typically very brief, often involving discussion of only the returned articles, which are sometimes re-approved without any amendment. Including these brief second-round deliberations would have led to the misrepresentation of highly comprehensive or contentious laws as if they involved minimal debate, thereby distorting the overall measure of parliamentary deliberation time.

For the Law-Making Process Dataset, firstly, I calculated the duration of each phase in days, acknowledging that this does not mean the bills were discussed every day within the time gap of each phase. However, this metric at least reflects the period during which the bill was introduced and subsequently placed on the agenda so that the opposition, MPs, citizens, NGOs and other stakeholders can engage with

the bill and prepare for parliamentary debates. To provide a more nuanced analysis, I also measured the actual number of days each bill was debated in the plenary. This was achieved by coding the number of parliamentary sittings in which the bill was discussed.

Unfortunately, these dates for the various stages of these bills are traceable only for the bills enacted after 1999.⁸⁰ However, this limitation did not pose a significant problem, as omnibus laws were rare, and the expedited procedure was not used prior to 1999. Before this date, most exceptional laws were decree-laws. I accessed the decree-laws through the Official Gazette website and recorded the dates of their issuance to identify the stage of the legislative session during which they were enacted. However, since the process for decree-laws differs from that of other laws, it was not possible to analyze the number of days they were pending.

For all post-1999 “exceptional laws”, I tracked the legislative process by coding key dates. These are the date when the bill was proposed and submitted to the bureau of parliament, the date it was referred to a committee after the examination of the Bureau and, the date when it was approved by the committee and referred to the plenary, the date when it was given its turn on the agenda and its plenary discussion began, the date when the discussions in the plenary concluded with the final vote. A proposed bill becomes law upon its adoption in the plenary.

Regardless of when such bills are introduced, a process exceeding 270 days is almost certain to intersect with the parliament’s customary three-month summer recess, during which pending bills are typically not subject to active deliberation.

⁸⁰ That is why I could not fully analyze the various law-making phases before 1999. I could only analyze the plenary process.

Therefore, a prolonged timeline does not necessarily reflect extended parliamentary debate, but often indicates procedural inertia or dormancy on the legislative agenda.

The extended duration of certain stages in the legislative process can lead to an increased likelihood of the government expediting other stages. The committee stage is particularly important as it is the miniature plenary, allowing the representatives from different parties to engage in detailed debates and propose amendments. This stage often reflects the underlying dynamics of consensus or conflict. For example, if a bill undergoes extensive deliberation in committee, it might indicate contentious issues or a lack of consensus among the parties.

Consequently, one might anticipate similarly prolonged debates in the plenary, as unresolved conflicts can trigger further discussions. Conversely, thorough and prolonged committee debates might reduce the need for extended discussions in the plenary, reflecting the resolution of major disagreements at the committee level. Understanding these dynamics is crucial for analyzing the strategic use of exceptional legislative measures.⁸¹

The total day a bill spends at a specific stage in parliament is not a flawless indicator for assessing the actual time spent in deliberation. The mere presence of a bill at a certain stage does not guarantee that it will be actively debated, as other bills or parliamentary functions may have occupied the legislature's attention during that time. The most accurate method for measuring deliberation duration would be to calculate the total hours and minutes a bill was actively debated in the plenary or committees by summing up the parliamentary minutes from the start to the end of

⁸¹ The enactment duration of laws passed with consensus is expected to be shorter. However, during the period of heightened party polarization covered in this study, laws passed with consensus have been rare and represent a negligible portion of the total legislative output. It is also almost impossible to pass a law without government support.

debates across all sessions. However, this method is exceedingly time-intensive and was not feasible for this study. Instead, I supplemented the analysis of the number of days a bill was pending at each stage by including data on the number of sessions in which it was actively debated in the plenary. For committee stages, comprehensive and systematic data covering all the legislative terms analyzed were unavailable. Consequently, the number of sessions data was specifically processed for the plenary stage for each law enacted during the study period.

The plenary stage is, in fact, the most critical phase of the legislative process, as even if a bill is unanimously approved in committee, it holds no legal validity until it is placed on the plenary agenda and approved by a majority of the plenary. Furthermore, the plenary stage provides the most systematic and publicly available data covering all legislative terms. Data on the number of sessions in which each law was discussed is accessible through the “Laws and Decisions” section of the TGNA website. However, relying solely on the number of sessions listed there can be misleading, as the system also includes sessions where the bill was on the plenary agenda but was not debated due to various reasons such as the absence of the committee, lack of quorum, or procedural delays. I carefully identified the sessions where the bill was on the agenda but were not discussed and excluded them. I coded only the number of sessions where it was really discussed, refining the data to better reflect the actual legislative deliberation process.

Analyzing the debate durations is one of the ways to see whether exceptional laws speed up the process or not. That is to say, to be able to show whether the time spent in those parliamentary phases has been reduced. If not, it cannot be proved that the purpose or one of the purposes of these exceptional laws is speeding up. However, in considering this possibility, the total duration spent on a law will not be

a sufficient criterion on its own. It should not be expected that more comprehensive laws and laws with very short and few articles should have the same debate time. Therefore, the volume of legislation should be taken into account, not the number of laws. If the time spent on a bill in the plenary decreases, or at least does not increase, even as the legislative volume rises, it can be inferred that the average deliberation time has decreased. To draw meaningful conclusions, each average deliberation time will be calculated based on the total word count of the laws, allowing for a nuanced understanding of how exceptional laws influence legislative efficiency.

4.4.3 Periodizations for temporal patterns of law production

In this study, the analysis of law-making patterns is primarily based on institutional cycles, i.e. legislative terms and years. July 2016 coincided with the 26th legislative term and the coup attempt occurred before the first legislative year term was even completed, leaving no time sufficiently comparable to other legislative terms for analysis. The preceding legislative term, the 25th, began on June 23, 2015, following the June 2015 elections.⁸² However, since no government was formed, no laws were enacted in this legislative term, leaving no relevant data for this study from the 25th legislative term.⁸³ Given these reasons, this study focuses only on the 22nd, 23rd and 24th legislative terms of the AKP era.

As mentioned, this study primarily employs parliamentary periodization, based on legislative terms and years. A legislative term refers to the period between

⁸² The AKP failed to obtain a necessary majority to form a single-party government after this election. Coalition negotiations did not lead to a positive outcome. Then, although the president was expected to assign the second largest party to try to form the new government, President Erdoğan exercised his right to call for early elections if a government could not be formed within 45 days.

⁸³ Subsequent elections were held on November 1, 2015 and the AKP gained the necessary majority to form a single-party government. However, as underlined before, during the first legislative year of the 26th legislative term, the coup attempt took place and the state of emergency was declared.

two parliamentary elections for the Grand National Assembly of Turkey. Within the timeframe of this study, the frequency of elections varied. From 1991 to 1996 elections were held every four years, while from 1996 onwards the term was extended to five years. It was reduced to four years in 2007 and increased back to five years in 2017. The plenary of the TGNA convenes without a call a few days after the Supreme Electoral Council announces the official final results of the parliamentary elections. In other words, a legislative term starts some days⁸⁴ after the elections and concludes shortly before the elections.

In addition to the legislative terms, analyses based on legislative years provide insights into the variances in legislative patterns within a legislative term. It also helped to identify institutional rhythms, such as identifying the increases and decreases in certain legislative years compared to others. Even if the interval between elections covers four calendar years, there may be five legislative years within one legislative term. For example, the 23rd legislative term began on July 23, 2007, and ended on April 23, 2011. Although the interval between two elections was shorter than four calendar years, the term encompassed five legislative years, as can be followed in the table below. Legislative years, like legislative terms, vary in length. According to the RoP, the first legislative year starts some days⁸⁵ after the elections and ends no later than September 30.⁸⁶ Due to the dates of elections, the first legislative years are usually the shortest in the periods analyzed. For example, the first year of the 24th legislative term (2011-2015) lasted only 18 days. The last legislative year of a term also aligns with the electoral calendar and concludes shortly

⁸⁴ It used to be the fifth day following the announcement, then it became the third day.

⁸⁵ It used to be the fifth day following the announcement, then it became the third day.

⁸⁶ Except for the first and last ones, a legislative year starts on October 1 and ends latest on September 30. The pre-1995 regulation was November 1-October 31.

before the elections. Similarly, the last legislative years of a term, excluding the already short first legislative years, also tend to be shorter. This duration can get even shorter, especially if an early election is called.

In addition to analyses based on legislative terms and legislative years, the total number of days that the parliament was active was used as another criteria. Since the total number of days in legislative terms and years are not stable, calculating several averages in these terms and years per day provides a consistent and universal standard for law-production patterns calculating averages, such as the average number of laws and average number of words in enacted laws. Therefore, calculating the total number of the TGNA's active days appeared as a task. In the period under scrutiny, except for the first legislative years, all legislative years started on October 1 (or November 1 before 1995), as stipulated in the RoP. However, not every legislative year ends on the same date. The total number of active days in each legislative year varies depending on when parliament goes into recess. Therefore, recess periods should be considered when calculating the number of days parliament is active. Recesses can last up to three months in a legislative year. Although it is debatable whether starting the recess before July 1 is a violation of the Constitution and the RoP (see Bakırcı & Kılıç, 2021), the recess has never started before July 1 in any legislative year.

Unless otherwise decided, the recess automatically begins on July 1 and ends on September 30. However, upon the recommendation of the Advisory Board, the plenary may decide to forego the recess and continue its work beyond July 1. Although there is a maximum limit of three months for the recess, there is no prescribed minimum duration. During the period analyzed, the parliament entered recess on July 1 only once, at the end of the second legislative year of the 21st

legislative term, the. In all other years, recesses began later or interrupted by reconvening sessions that disrupted the recess process.⁸⁷ The parliament summoned to convene during a recess continues to recess once the necessary tasks related to the recall are completed, unless otherwise decided. However, there has never been a legislative year without any recess (Bakırcı & Kılıç, 2021).

For this study, in calculating the number of active days of the TGNA, instances where the recess period is interrupted multiple times were not analyzed individually. The start date of the last recess was taken as the last active day of the TGNA in the relevant legislative year, as the database of the TGNA website, as the primary reference for this study, did.⁸⁸ Apart from recess, the TGNA may adjourn for up to 15 days within a legislative year. Since it is optional and relatively a short duration, the adjournment dates were excluded from the calculation of active days. Apart from these two fallacies, to avoid bias in analyses law-production averages per day, the total number of active days in each legislative year was sensitively calculated so that it became possible to compare the law production in general and non-standard legislation patterns in particular in every legislative year.

To further explore the institutional rhythms of law-making and identify periods within legislative years when legislative activity accelerated, the total number of days in legislative years were divided into four equal parts. If the total number of days in a legislative year could not be evenly divided by four, any remaining days were allocated to the first quarter, ensuring that the subsequent

⁸⁷ The Parliament may also be summoned to convene during a recess either by the president of the republic or the speaker of the parliament.

⁸⁸ For example, in the second legislative year of the 22nd legislative term, it was decided that the recess would be from July 17, 2004 to October 1, 2004. Several laws were enacted in the plenary on July 17 before recess began but the Parliament did not wait until October 1 and reconvened on September 14 and approved four laws during extraordinary sessions until September 26th. In this case, September 26 was taken for calculating the recess, otherwise determining all individual recess and extraordinary sessions' dates would be overly complicated.

quarters remained equal in length. For instance, in a legislative year comprising 362 days, 92 days were assigned to the first quarter, while each of the other three quarters consisted of 90 days.⁸⁹ This method allows the analysis to go beyond the legislative year level, providing further insights into the temporal distribution of legislative activity. Specifically, it enables an examination of whether exceptional laws were more frequently passed at the beginning, middle, or end of legislative years.

By employing this approach, the study highlights not only annual trends but also intra-annual dynamics, offering a more nuanced understanding of the rhythms of law-making. Furthermore, it helps to examine the effect of electoral cycles, whether the legislative process accelerates as elections approach and whether significant patterns emerge in the periods before and after elections, on a more sensitive level than legislative year level. To conduct this analysis, I employed the quarterly division method described in the preceding paragraph. Specifically, I defined the election period as the last two quarters of the final legislative year of each legislative term—that is, the second half of the last legislative year preceding a general election. This analysis highlights the active role of politicians and their strategic preferences in leveraging exceptional laws to achieve their goals, particularly in response to the constraints and opportunities presented by impending elections.

In addition to periodization based on legal and institutional rhythms, this study also incorporates the political context, recognizing its critical influence on law-making processes. The narrative in the qualitative analysis sections of the last two chapters is primarily structured around political periodizations. Key dates marking significant events, such as major international agreements, economic crises, Turkey's

⁸⁹ Based on this method, the cumulative duration of all first quarters across legislative periods amounts to 1,856 days, whereas the combined length of each of the other quarters is 1,816 days.

official candidacy for EU membership, and moments of political crisis, are used to illustrate changes in rules, customs, and legislative patterns. Furthermore, the dates of amendments to the RoP and landmark Constitutional Court decisions, which influenced both formal rules and informal practices, are integrated into the analysis. These amendments are evaluated within the narrative to highlight their impact on legislative behavior and to uncover variations in law-making patterns over time. This dual approach—combining institutional rhythms with political context—provides a comprehensive framework for understanding the interplay between structural, institutional and actor-based factors in shaping legislative processes.

As highlighted in the literature, one of the most significant variables influencing the prevalence and type of non-standard legislation is the type of government. Whether a government is a minority or majority administration, single-party or coalition, directly impacts its agenda-setting power and its reliance on exceptional laws. However, the specific nature of this relationship remains a topic of debate. To assess whether government type is the sole determining factor, it is essential to examine whether similar patterns of exceptional lawmaking emerge across governments of the same type. For instance, do all coalition governments or all single-party majority governments exhibit comparable tendencies in their use of exceptional laws? To investigate this, I identified the start and end dates of all governments during the study period. By cross-referencing these dates with the enactment dates of laws, I determined which ordinary laws and non-standard laws were passed under each government. This allowed for a nuanced periodization based on government tenure, enabling a detailed comparison of exceptional lawmaking patterns across different government types in Turkey.

These bases of descriptive analyses enable the identification of temporal patterns grounded in legislative terms, years, quarters, and political periodizations, such as government cycles. By examining these patterns, it becomes possible to infer the reasons behind the use of exceptional laws by observing fluctuations in the production of both ordinary and exceptional laws. In the next chapter, I will present detailed descriptive analyses of the TGNA's legislative patterns, both in terms of production and process, with a particular focus on exceptional legislation.



CHAPTER 5

TEMPORAL PATTERNS OF LAW-MAKING IN THE TGNA (1991-2015)

As per the official and widely adopted periodization of the TGNA, this chapter primarily offers a descriptive analysis based on legislative terms and legislative years. The study focuses on six legislative terms: the 19th, 20th, 21st, 22nd, 23rd, and 24th. Of these, the 22nd, 23rd, and 24th terms—during which the AKP held single-party majority governments—are collectively referred to as the 'AKP period.'

In contrast, the preceding 19th, 20th, and 21st legislative terms, characterized predominantly by coalition governments, are identified as the 'pre-AKP period.' In total, the study analyzes 26 legislative years: 13 from the pre-AKP period and 13 from the AKP period. These legislative years span approximately 25 calendar years, covering the period between 1991 and 2015.⁹⁰ Below, I provide the calendar start and end dates for each legislative term, along with the corresponding legislative years, to serve as a chronological reference for the subsequent analysis.

It is important to note that the length of each legislative term is not uniform, as the interval between general elections varies. Moreover, the TGNA does not convene continuously throughout a legislative term; it enters a recess at the end of each legislative year, typically during the summer months. To provide a more accurate and comparable measure of legislative productivity on a day-by-day basis,

⁹⁰ The first legislative year of the 23rd period lasted 45 days (July 23, 2007 - September 5, 2007). No laws were adopted in this legislative year. The first legislative year of the 24th legislative term was 18 days (June 28, 2011 - July 15, 2011), and only one law was adopted in this legislative year. These two legislative years will be ignored in the analysis.

the table below includes a rough calculation of the number of days the TGNA was active during each legislative term.⁹¹

Table 1. Start and End Dates of Legislative Terms and Years

PRE-AKP PERIOD				AKP PERIOD			
L. Term	L. Year	Beginning Date	End Date	L. Term	L. Year	Beginning Date	End Date
19	1	14.11.1991	28.08.1992	22	1	14.11.2002	31.07.2003
19	2	01.09.1992	22.07.1993	22	2	01.10.2003	26.09.2004
19	3	01.09.1993	29.07.1994	22	3	01.10.2004	19.09.2005
19	4	01.09.1994	16.08.1995	22	4	01.10.2005	28.09.2006
19	5	01.10.1995	04.12.1995	22	5	01.10.2006	03.06.2007
20	1	08.01.1996	02.08.1996	23	1	23.07.2007	05.09.2007
20	2	01.10.1996	16.08.1997	23	2	01.10.2007	31.07.2008
20	3	01.10.1997	30.07.1998	23	3	01.10.2008	11.09.2009
20	4	01.10.1998	25.03.1999	23	4	01.10.2009	22.07.2010
21	1	02.05.1999	27.08.1999	23	5	01.10.2010	23.04.2011
21	2	01.10.1999	30.06.2000	24	1	28.06.2011	15.07.2011
21	3	01.10.2000	30.06.2001	24	2	01.10.2011	14.08.2012
21	4	01.10.2001	13.08.2002	24	3	01.10.2012	13.07.2013
				24	4	01.10.2013	10.09.2014
				24	5	01.10.2014	23.04.2015

Given that legislative terms vary in length and recess periods are not standardized, this study employs the “law-per-day” indicator as a more precise and comparable metric for assessing legislative productivity and efficiency.⁹² As outlined in the previous chapter, recess periods were systematically subtracted to estimate the actual number of working days for each legislative year.⁹³ All “per day” calculations presented below are based on active parliamentary days, rather than calendar days.

⁹¹ Of course, this does not imply that the plenary convenes every day, nor does it engage in legislative deliberation each time it meets.

⁹² While decree-laws can technically be issued during parliamentary recesses—and indeed, many have been—the present study treats decree-laws alongside ordinary laws and therefore calculates the number of active days based solely on the days the parliament was formally in session, rather than using a fixed 365-day calendar year. The inclusion of decree-laws does not significantly alter the broader patterns observed.

⁹³ Although this is not a perfectly precise measure, it nonetheless provides a useful indicator of the periods in which the TGNA forwent its usual recesses between June 30 and October 1 and instead concentrated on legislative activity. As outlined in the previous chapter, I subtracted all identifiable

Table 2. TGNA's Active Days by Legislative Term

Calendar Years	Legislative Term	Calendar Days	Recess	Active Days	Active Days / Total Calendar Days
1991-1995	19	1482	91	1391	0.94
1996-1999	20	1172	165	1007	0.86
1999-2002	21	1248	266	982	0.79
2002-2007	22	1663	77	1586	0.95
2007-2011	23	1371	175	1196	0.87
2011-2015	24	1396	224	1172	0.84

Based on this calculation, the TGNA was active for approximately 1,391 out of 1,482 calendar days during the 19th legislative term. In the 20th term, it operated for 1,007 of 1,172 days, and during the 21st term, it was active for 982 of 1,248 days. In the AKP period, the TGNA was in session for 1,196 out of 1,371 days in the 23rd legislative term and for 1,172 out of 1,396 days in the 24th term. Notably, the 22nd legislative term—marking the AKP's first period in government—had the shortest recess among all the terms analyzed in this study, with parliament active for 1,586 out of 1,663 calendar days.

In the tables and figures presented in this chapter and those that follow, legislative year-based analyses are indicated using a consistent notation. The legislative year is shown in parentheses alongside the corresponding legislative term. For example, 19(2) refers to the second legislative year of the 19th legislative term, while 23(4) denotes the fourth year of the 23rd legislative term. When a letter (T) appears in parentheses, it signifies the total for the entire legislative term. For instance, 21(T) refers to the cumulative data for all four legislative years of the 21st legislative term.

The question of why exceptional laws have become widespread implicitly entails the question of why they are preferred over ordinary laws. To understand the

recess periods from the total number of active days to calculate averages, even though not all of those days were devoted to legislative work.

transformations in the production patterns of exceptional laws, it is essential to examine all legislative outputs, including decree-laws, which constitute a distinct category of exceptional legislation. Consequently, a comprehensive analysis requires comparing exceptional laws with ordinary laws and situating the production patterns of exceptional laws within the broader context of general law-making trends.

Accordingly, this section begins with an examination of the overall patterns of law production, both in terms of the number of laws enacted and the volume of legislation, drawing on the Law Production Dataset. It then turns to an analysis of the production patterns of exceptional laws, assessing both their overall prevalence and the variation among different types of exceptional legislation. The section also identifies periods in which exceptional lawmaking peaked, declined, or remained stable, comparing these trends with broader patterns of legislative activity. Finally, drawing on the Law-Making Process Dataset focused on exceptional laws, the section presents a series of descriptive tables comparing different types of laws across legislative terms. These comparisons include metrics such as the time laws remained on the agenda, the duration of enactments, and the speed of debates in the plenary stage.

5.1 Law-making output across legislative terms and years

As illustrated in Figure 1, the 22nd legislative term stands out as the period during which the highest number of laws were enacted. However, when the 23rd and 24th legislative terms under the AKP government are also considered, the overall difference between the AKP and the pre-AKP periods in terms of the total number of enacted laws is not particularly substantial. During the pre-AKP period, the average number of laws enacted per legislative term was 196. This figure rose to 277 during

the AKP period. However, when decree-laws are included in the calculation, the gap narrows: the average number of laws + decree-laws per term was 247 during the pre-AKP era, compared to 288 under the AKP. In other words, while the AKP period is marked by a higher legislative output overall, the difference between the two periods becomes much smaller—if not negligible—once decree-laws are taken into account.

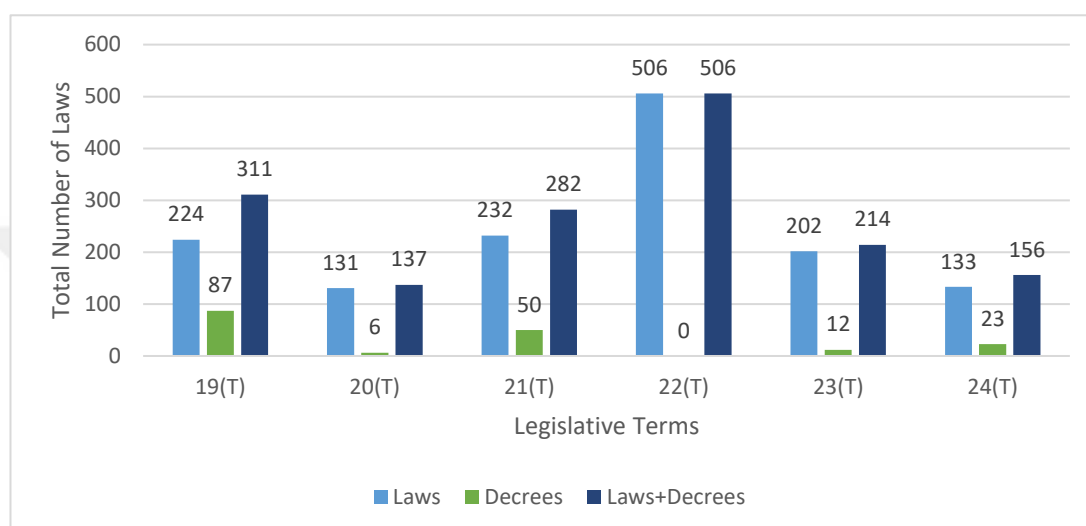


Figure 1. Number of laws and decree-laws by legislative term

A closer examination reveals that the 21st legislative term was the most productive in the pre-AKP period in terms of the number of laws enacted. Notably, this term—immediately preceding the AKP's rise to power—recorded the second-highest number of laws, as well as the second highest decree-laws, across all legislative terms. However, when decree-laws are included in the analysis, the 19th legislative term emerges as more productive overall, surpassing the 21st term in the number of decree-laws and trailing only slightly in terms of enacted laws. Specifically, 37 more decree-laws were passed during the 19th term compared to the 21st. Within the pre-AKP era, and indeed across all legislative terms examined, the

20th legislative term stands out as the least productive, both in terms of the number of laws and decree-laws enacted.

Based on the per-day metric, the overall pattern remains consistent: the 21st and 22nd legislative terms stand out as the most productive periods in terms of legislative output (i.e., number of laws enacted per day), while the 20th and 24th terms rank as the least productive.

Table 3. Daily Law and Decree-Law Production by Legislative Term

Calendar Years	Legislative Term	Law	Law + Decree-Laws	Active Days	Law/Day	Law+Decrees / Day
1991-1995	19	224	311	1391	0.16	0.22
1996-1999	20	131	137	1007	0.13	0.14
1999-2002	21	232	282	982	0.24	0.29
2002-2007	22	506	506	1586	0.32	0.32
2007-2011	23	202	214	1196	0.17	0.18
2011-2015	24	133	156	1172	0.11	0.13

However, while the 19th legislative term recorded a higher total number of enacted laws and decree-laws compared to the 21st term, the average number of laws and decree-laws per active day was notably higher in the 21st term—primarily due to its significantly shorter active duration (982 days versus 1,391 in the 19th term). This discrepancy underscores the importance of evaluating legislative productivity based on active working days rather than absolute counts. Such an approach offers a more accurate measure of how intensively the TGNA operated during each term.

Taking the analysis a step further, when examining the patterns of law and decree-law production by individual legislative years rather than aggregated legislative terms, a clear correlation emerges in Figure 2: legislative years with a high number of enacted laws also tend to have a high number of decree-laws. In all three legislative terms, without exception, the legislative years with the highest

number of decree-laws also corresponded to those with the highest or second highest number of enacted laws. This suggests that these instruments are seen to be used in a complementary fashion rather than as substitutes.

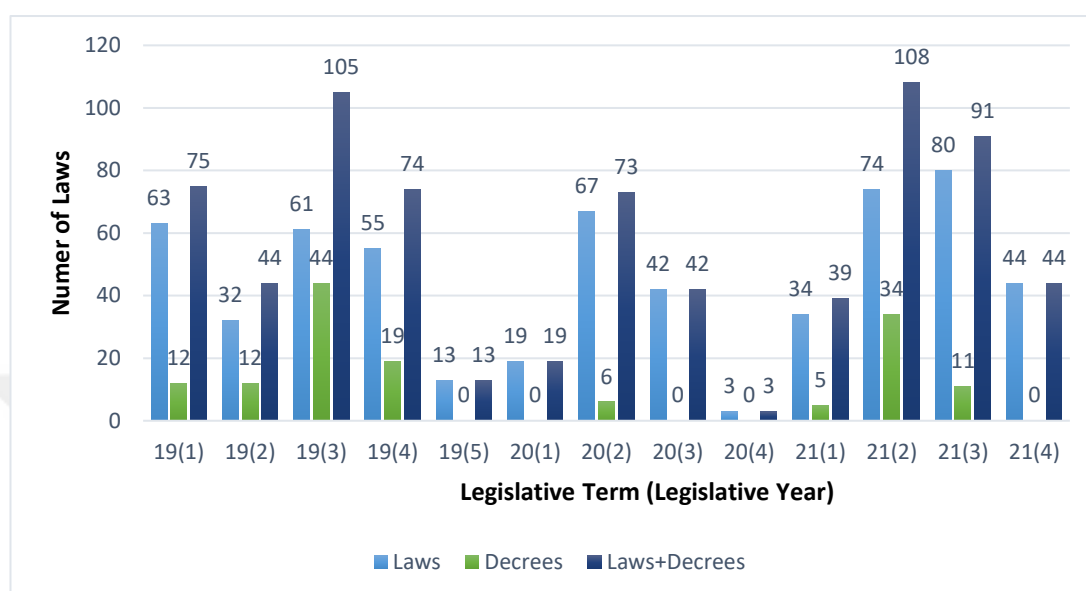


Figure 2. Number of laws and decree-laws in the pre-AKP era

Just as legislative terms are unequal in length in terms of days, legislative years are also unequal in length. In general, the first and last legislative years are shorter than other legislative years. Therefore, they should also be analyzed in terms of laws per day instead of number of laws. In Figure 3, when we compare legislative terms by the criterion of the number of laws, the total laws/day in the 22nd legislative term was 0.32. In other words, with an incredible average, one law was passed every three days in the 22nd term. This average dropped to 0.17 in the 23rd and 0.11 in the 24th period.⁹⁴ In the 24th legislative term, legislative productivity reached a low point, with only one law passed every ten days on average. However, a consistent pattern emerges across the AKP-led governments: there is a tendency to

⁹⁴ During the period of the AKP governments analyzed in this study, decree-laws remained exceptional and were utilized only in the year 2011. Therefore, they were not included in the analysis presented here.

engage in intensive legislative activity during the first legislative year following general elections.⁹⁵ These initial years typically exhibit the highest laws-per-day ratio within their respective legislative terms.

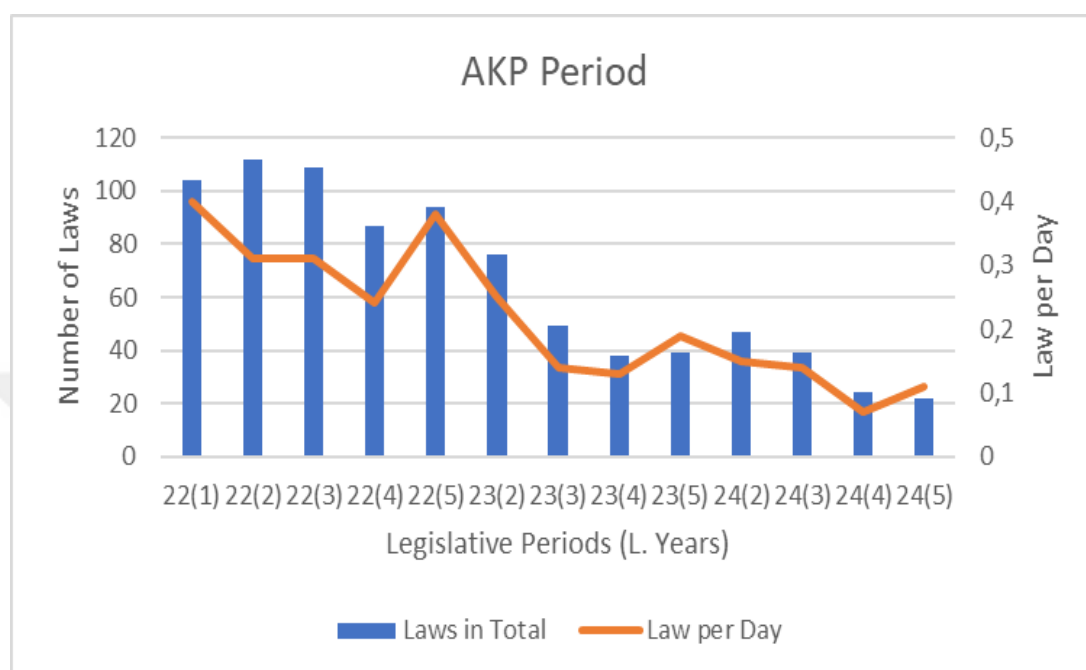


Figure 3. Daily law output in the AKP period

For example, during the first legislative year of the 22nd legislative term, which spanned 261 active days, the newly elected AKP—then a newly established party—passed 104 laws. This first legislative year recorded the highest day-per-law ratio of the entire AKP period. This suggests that, despite the potential lack of full bureaucratic or legislative preparedness typically associated with newly formed governments, first-year administrations have often pursued legislative breakthroughs, aiming to assert their political agenda set early and decisively.

Another noteworthy pattern is that, across legislative terms of the AKP, the average number of laws per day in the first and last legislative years tends to be

⁹⁵ As previously noted, I excluded two official legislative years—the first years of both the 23rd and 24th legislative terms—from the analysis. Instead, I treated the second legislative years of these terms as their effective first years for the purposes of this study.

higher than in the second and third years. This trend contrasts with the pre-AKP era, where mid-term years generally recorded the highest legislative output.

As illustrated in Figure 3 above, in both the 22nd and 23rd legislative terms, the second-highest laws-per-day averages were recorded in the final legislative years. Even in the 24th term, where the last year ranks third, its average remains close to that of the second-ranked year. This suggests a consistent pattern: as elections approach, the AKP tends to accelerate legislative activity, and immediately following elections, it seeks to finalize bills already in committee and to push through pending legislative initiatives in a concentrated and strategic effort. Furthermore, when examining intra-term variation, the AKP period displays relatively stable patterns in terms of laws-per-day across legislative years. In contrast, the pre-AKP period is characterized by greater volatility, with legislative productivity fluctuating significantly from year to year—likely due to the unstable nature of minority or weak coalition governments and shifting parliamentary dynamics.

A higher number of laws enacted does not necessarily indicate a proportionally higher level of legislative production in a broader sense. While the number of laws is a key indicator, it does not fully capture the substantive volume or complexity of legislative activity. Some laws may be very brief, while others—particularly those enacted through omnibus legislation or expedited procedures—may be extensive in both length and content. Therefore, to obtain a more accurate measure of legislative output, it is essential to analyze law volumes, particularly in terms of word counts. Below in Figure 4, this analysis will be presented, comparing quantitative data based on the number of laws with findings based on legislative volume, offering a more nuanced understanding of law-making activity across different legislative terms.

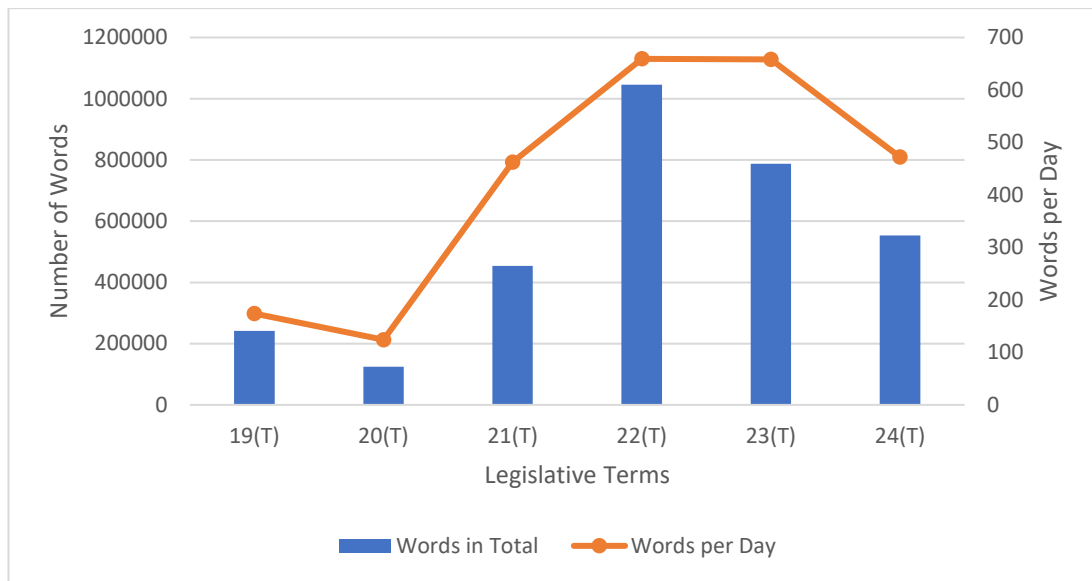


Figure 4. Total and daily word count of laws by legislative term

As expected, an increase in the number of laws enacted within a legislative term generally corresponds with an increase in the total word count of those laws. For instance, the 20th legislative term, which produced the fewest laws, also recorded the lowest total word count. In contrast, the 22nd term, which produced the most laws, also had the highest total number of words. However, the rate of increase in the number of laws does not always correspond proportionally to the increase in word count. For example, while the 19th legislative term saw the enactment of 224 laws, and the 21st term slightly more at 232 laws (a difference of just eight), the total word count differed dramatically: 242,075 words in the 19th term compared to 454,308 words in the 21st term—nearly double. Moreover, the 21st term was also shorter in duration, making these figures even more striking.

For this reason, it is more accurate to assess legislative output using per-day averages rather than total numbers. As the table below demonstrates, the 21st legislative term not only produced more laws per day than the 19th, but also enacted

laws with a significantly higher average word count per day, indicating both a greater intensity and volume of legislative activity during that period.

During the 22nd legislative term, the TGNA produced an average of 659 words of legislation per day, amounting to a total of 1,045,604 words. Although the 23rd term generated significantly fewer words overall (787,040), its daily average of 658 words was nearly identical to that of the 22nd term, reflecting a sustained level of legislative intensity. In contrast, the 24th term saw a decline, with an average of 472 words per day—a figure close to the pre-AKP 21st legislative term average of 463 words per day.

When the 22nd legislative term is excluded from the analysis, the number of laws enacted during the AKP period appears comparable to, or even slightly lower than, that of the coalition governments preceding it. For example, 202 laws were enacted in the 23rd term, and 133 in the 24th, compared to 224 in the 19th and 232 in the 21st legislative terms. However, when analyzed through the lens of legislative volume, the AKP era still demonstrates a marked increase. Despite the drop in the number of laws in the 24th term, its total legislative word count did not fall to the levels of the 19th or 21st terms. Because the 21st term was relatively shorter, its words-per-day average (463) was nearly equivalent to that of the 24th (472).

As previously discussed, in terms of the number of laws alone, the AKP period remains more productive than the pre-AKP period: 587 laws were enacted during the pre-AKP period, compared to 841 laws during the AKP period. However, when decree-laws are included, the gap narrows: 741 laws and decree-laws were issued in the pre-AKP era, and 876 in the corresponding AKP period. The more pronounced difference, however, lies in the volume of legislation rather than in the count of laws. While the average legislative word count per day was approximately

300 words in the pre-AKP period, this figure doubled to around 600 words per day during the AKP era—indicating a substantial expansion in the density of legislation.

When examining intra-term fluctuations, a clear pattern emerges in Figure 5: the highest number of laws tends to be enacted immediately after an AKP government comes to power, particularly during the first year of the 22nd legislative term. This is followed by a gradual decline in both the number and volume of laws during subsequent years of the same term. Interestingly, in the fifth year of the 22nd term, legislative activity resurged, nearly matching the level of the first year. Although there is an almost regular decline in the number of laws per day after the last year of the 22nd term, the words per day average in legislative years has not declined as much and even passed over the average of legislative years of 22nd term in some years. Although there is an almost consistent decline in the number of laws per day following the final year of the 22nd legislative term, the average number of words per day in subsequent legislative years has not declined as sharply. In fact, in some years, it even exceeded the average word count observed during the legislative years of the 22nd term.

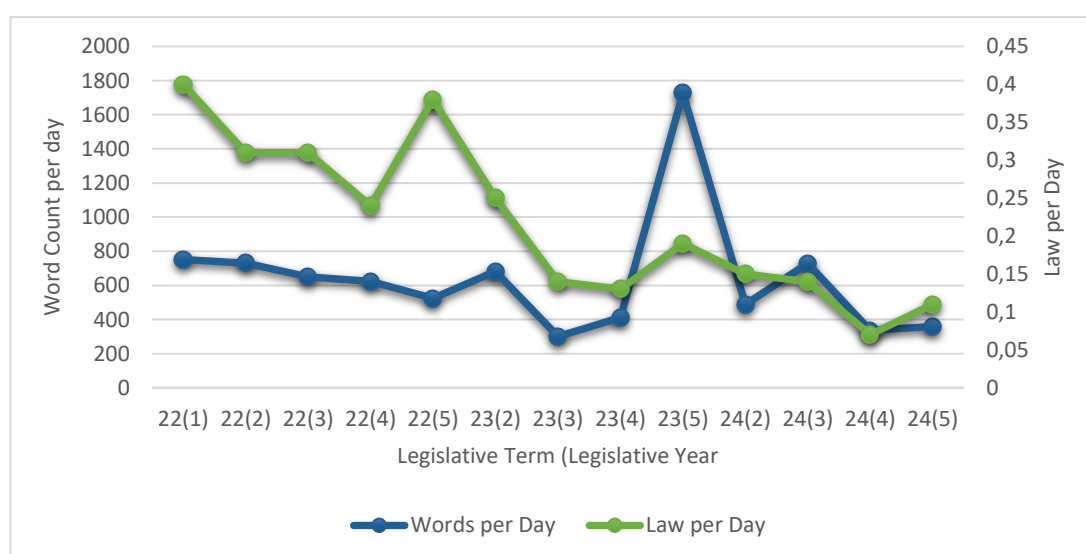


Figure 5. Laws and word count per day in legislative years of the AKP

An exceptional case occurred in the final legislative year of the 23rd legislative term, during which the words-per-day average skyrocketed. One of the primary factors contributing to this spike was the adoption of the Turkish Commercial Code (Law No. 6102), which alone contains 120,341 words—making it by far the longest single law enacted within the timeframe of this study. However, even when Law No. 6102 is excluded from the analysis, the words-per-day average for the fifth year of the 23rd term remains remarkably high, at 1,140 words per day. This figure still represents the highest legislative word output per day among all legislative years examined in this study.

When we calculate the average number of words per law in each legislative term—by dividing the total word count by the number of laws enacted—a clear trend emerges in Figure 6 below.

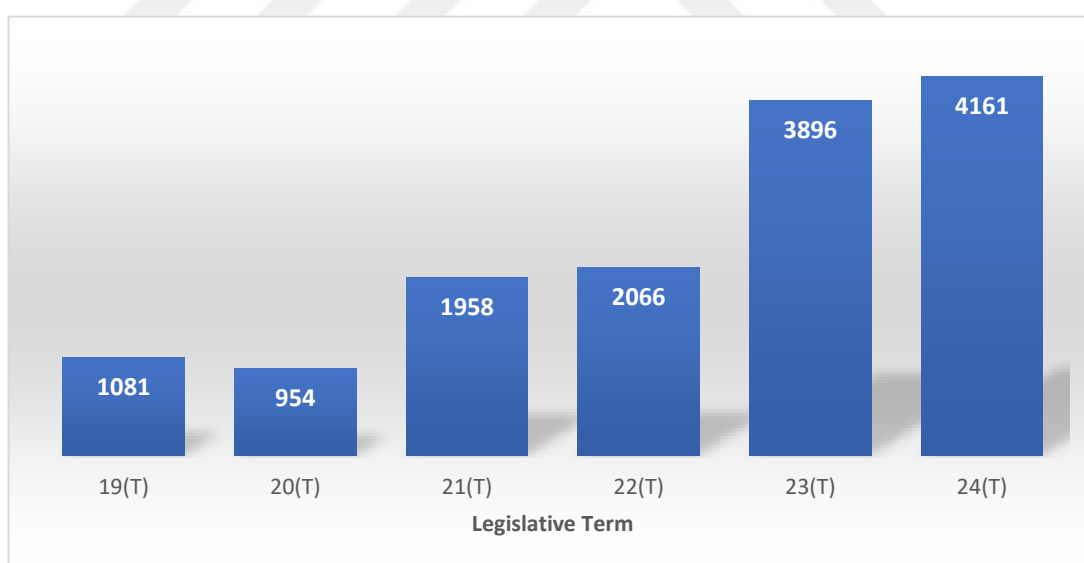


Figure 6. Average word count per law by legislative term

Over time, laws enacted in the TGNA have become increasingly lengthy and complex. The first significant increase in average law length appears during the 21st legislative term, indicating a turning point that began under a coalition government.

In this respect, the legislative profile of this coalition era bears notable resemblance to that of the AKP's first term. A second major leap occurs in the 23rd legislative term, and this upward trend in legislative volume continues into the 24th term, further reinforcing the shift toward more comprehensive and detailed legislative texts. This trajectory reflects a broader institutional transformation in law-making practices, marked by the growing prevalence of omnibus legislation and the expedited procedure as I will illustrate below.⁹⁶

5.2 Continuity and change in the use of exceptional legislation

As outlined in the Chapter 4, this study classifies types of law-making in the TGNA along two dimensions: content and procedure. In terms of content, laws are categorized as either ordinary laws or omnibus laws.⁹⁷ From a procedural perspective, they are enacted through either the ordinary legislative procedure or the expedited (basic law) procedure. These two dimensions operate independently, meaning that any content type can be processed through either procedural route. For instance, omnibus laws can be enacted using the expedited procedure.⁹⁸

Based on this dual typology, if we keep the decree-laws as a separate category, I categorize legislation into four types:

- i. Ordinary laws debated through the ordinary procedure,
- ii. Omnibus laws debated through the ordinary procedure,

⁹⁶ Although precise data is not available for subsequent legislative terms in this study, observable patterns indicate that this trend has likely continued during later AKP governments as well. Legislative practice appears to be increasingly dominated by fewer, but more voluminous omnibus bills, often adopted through the expedited procedure.

⁹⁷ I considered package laws as ordinary laws because of the reasons I discussed in the Methodology Chapter.

⁹⁸ This feasibility is not a legal expression. Legally, it is very controversial whether omnibus laws and the accelerated procedure can be used for omnibus laws. But I ignore this debate because it is already used in practice.

- iii. Ordinary laws debated through the expedited procedure, and
- iv. Omnibus laws debated through the expedited procedure.

For the purposes of the analysis under this sub-heading, I exclude the first category—ordinary laws debated through the ordinary procedure—as they do not fall within the scope of what I define as “exceptional laws.” The focus here is on legislative practices that deviate from standard norms in either content, procedure, or both. The Figure 7 below presents a comparative overview of the number of laws falling into the remaining three categories, distinguishing between the pre-AKP and AKP periods. This comparison provides insight into how the use of exceptional legislative forms and procedures has evolved over time.

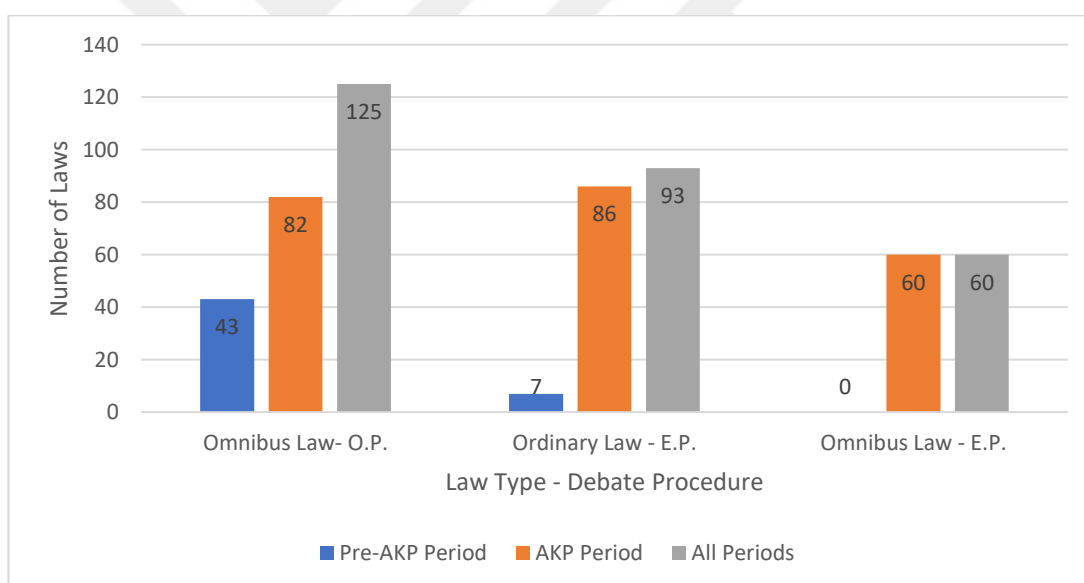


Figure 7. Exceptional laws: Types and counts (pre-AKP vs. AKP period)

Omnibus laws debated through the ordinary procedure did in fact exist prior to the AKP period. Although their use was more limited, I identified 43 such laws enacted during the pre-AKP era. While this number is significantly lower than the 142 omnibus laws enacted during the AKP period, it demonstrates that the practice did not originate with the AKP, but rather became more institutionalized and

frequent under its rule. Similarly, as discussed earlier, the expedited procedure was not introduced by the AKP. Although rarely used prior to the 2000s, it was first incorporated into the RoP in 1996, albeit with restrictive conditions that limited its application. As can be followed through Figure 8 below, a pivotal change occurred with the 2001 amendment to the RoP, which made the expedited process more accessible.⁹⁹

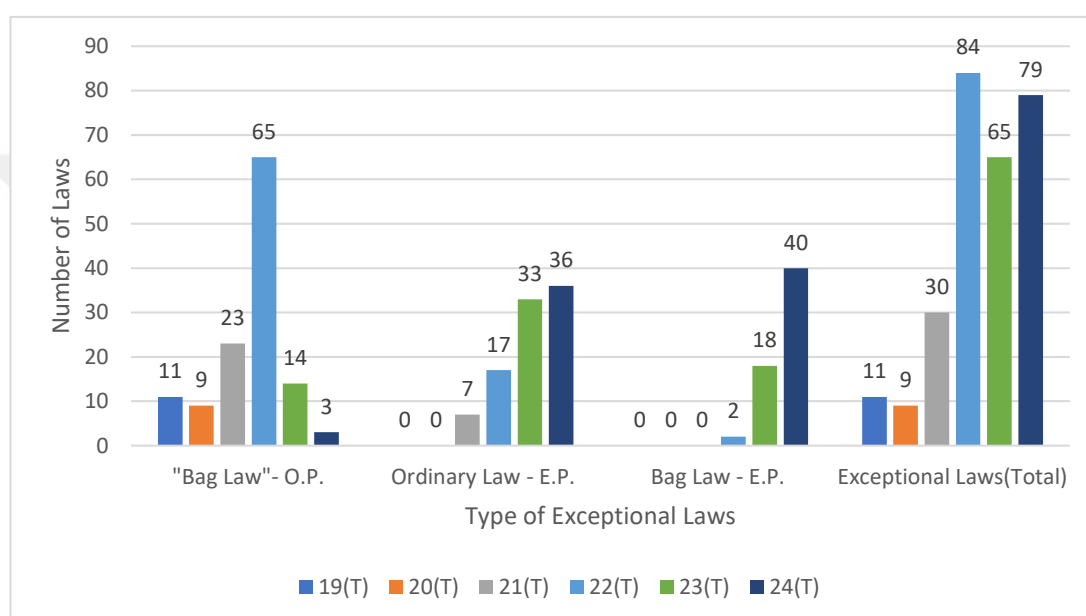


Figure 8. Exceptional laws by type and legislative term

The use of exceptional laws increased significantly beginning with the 21st legislative term, and this trend intensified during the AKP period. Before the AKP came to power, in the 19th term 11, in the 20th term nine and in the 21st term 23 omnibus laws were enacted. In contrast to the 43 omnibus laws all enacted through ordinary procedure in the pre-AKP period, 142 omnibus laws (82 through the ordinary procedure, 40 through the expedited procedure) were enacted in the AKP period. Across all the terms analyzed, the most frequently used form of exceptional

⁹⁹ In the short period before its annulment by the Constitutional Court, six laws were enacted using this method, indicating a shift in procedural flexibility even before the AKP came to power.

legislation has been omnibus legislation. However, this dominance is partly attributable to the fact that omnibus legislation was the only exceptional form consistently available throughout all legislative terms examined. In contrast, the expedited procedure was either unavailable or severely restricted prior to the 23rd legislative term.

Specifically, the expedited procedure was not used at all before the 21st term and only gained traction starting with the 23rd term, following institutional and procedural changes that made it more accessible. Prior to the 23rd term, only 26 laws were enacted through the expedited procedure. In comparison, a total of 127 laws were enacted using this procedure during the 23rd and 24th legislative terms alone.¹⁰⁰

Another noteworthy trend on Figure 8 is that, following the institutionalization of the expedited procedure, a majority of omnibus bills have increasingly been debated using this accelerated mechanism. In the 23rd legislative term, the number of omnibus laws debated through the ordinary procedure declined to 14, and this figure dropped even further to just three in the 24th term. In contrast, the number of omnibus laws enacted through the expedited procedure rose substantially—from 18 in the 23rd term to 40 in the 24th term. Nonetheless, it is important to note that, consistent with the overall legislative output, the record for the highest number of exceptional laws—as well as the highest number of laws in general—still belongs to the 22nd legislative term.

An increase in the absolute number of exceptional laws does not, in itself, demonstrate that such laws have become the dominant form of law-making. To make

¹⁰⁰ We can say that the expedited procedure only became freely available after the Constitutional Court decision in 2005, as it was in force for a very short time before that. After the Constitutional Court's ruling, the laws passed through the expedited procedure, including the omnibus laws passed through the expedited procedure, were clearly superior to the omnibus laws passed through the ordinary procedure.

this claim, exceptional laws must be evaluated in comparative and proportional terms relative to ordinary laws. The Figure 9 presents the number and percentage of ordinary laws and exceptional laws (excluding decree-laws) across legislative terms.

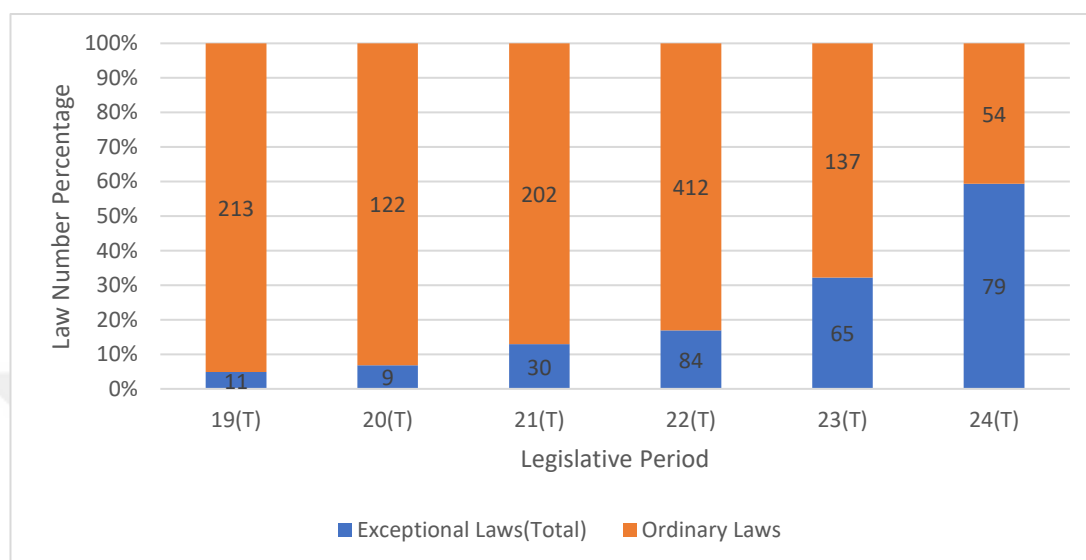


Figure 9. Share of exceptional laws (excluding decree-laws) within all laws

In the 19th and 20th terms, exceptional laws made up less than 10% of all legislation. This percentage rose to between 10% and 20% during the 21st and 22nd terms, and exceeded 30% in the 23rd term. When these ratios are considered, it becomes evident that exceptional laws began to lose their “exceptional” character starting with the 21st legislative term. While a category that constitutes just over 10% of total legislation may not be considered dominant, the proportion of exceptional laws has increased steadily in each subsequent term. By the 24th legislative term, this proportion had reached nearly 60%, indicating a clear shift in legislative norms. In terms of legislative volume, the shift toward exceptional law-making is even more pronounced, as can be followed from Figure 10 below.

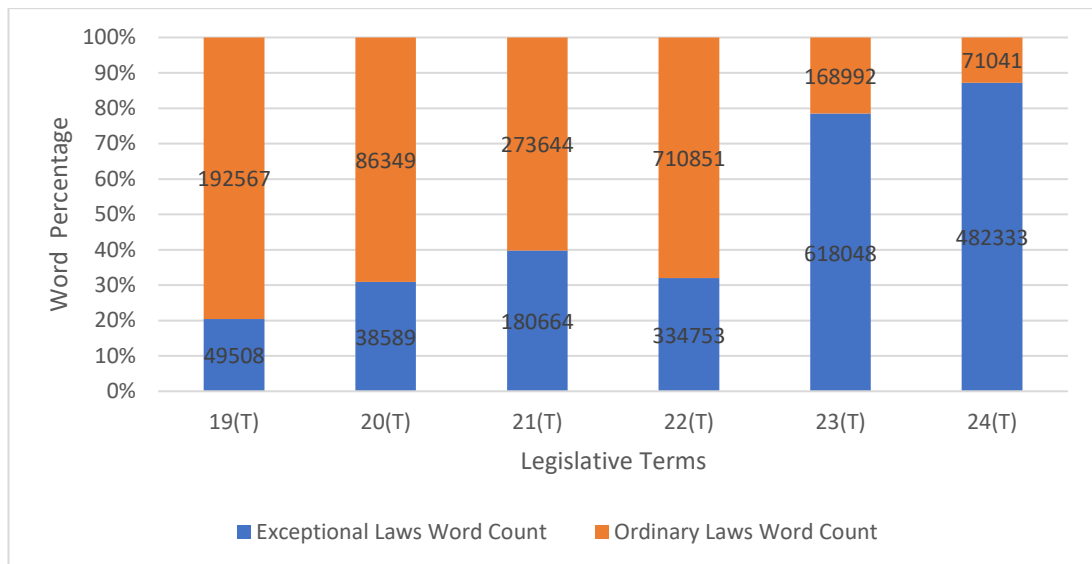


Figure 10. Word count share of exceptional laws (excluding decree-laws)

Beginning with the 20th legislative term, the proportion of law volume attributable to exceptional laws—which already exceeded 20% in the 19th term—has increased steadily across subsequent terms. The slight proportional decline observed in the 22nd legislative term does not indicate a reduction in exceptional legislation. Rather, it reflects an extraordinary increase in the number of ordinary laws, largely due to the extended working calendar of parliament during that period, which saw minimal recesses and exceptionally high legislative output. In fact, the volume of exceptional laws actually rose during the 22nd term, even though the expedited procedure was only available for a limited time before being annulled by the Constitutional Court. Thus, the relative decrease is a statistical outcome of an exceptional surge in ordinary law-making, not a retreat from exceptional practices.

By the 23rd legislative term, there were no longer any practical barriers to the application of the expedited procedure, and the use of omnibus legislation had become firmly institutionalized. From this point onward, exceptional law-making

practices not only increased in frequency but also began to dominate in terms of legislative volume.

Starting with the 23rd term, approximately 80% of all legislative output, measured by word count, was enacted through exceptional methods. This trend intensified in the 24th legislative term, during which nearly 90% of the total legislative volume was comprised of exceptional laws (specifically, 482,333 words out of a total of 553,374 words).

When we examine both the ratio of exceptional laws to the total number of laws, and the ratio of the word count of exceptional laws to the total legislative word count, we observe a clear and steady increase in the dominance of exceptional legislation across successive legislative terms—with the exception of the 21st term. However, when decree-laws are included in the analysis, as can be followed on Figure 11 below, —although they are not the primary focus of this study but can reasonably be classified as another form of exceptional legislation—the pattern becomes more complex, and the otherwise linear trajectory is disrupted.

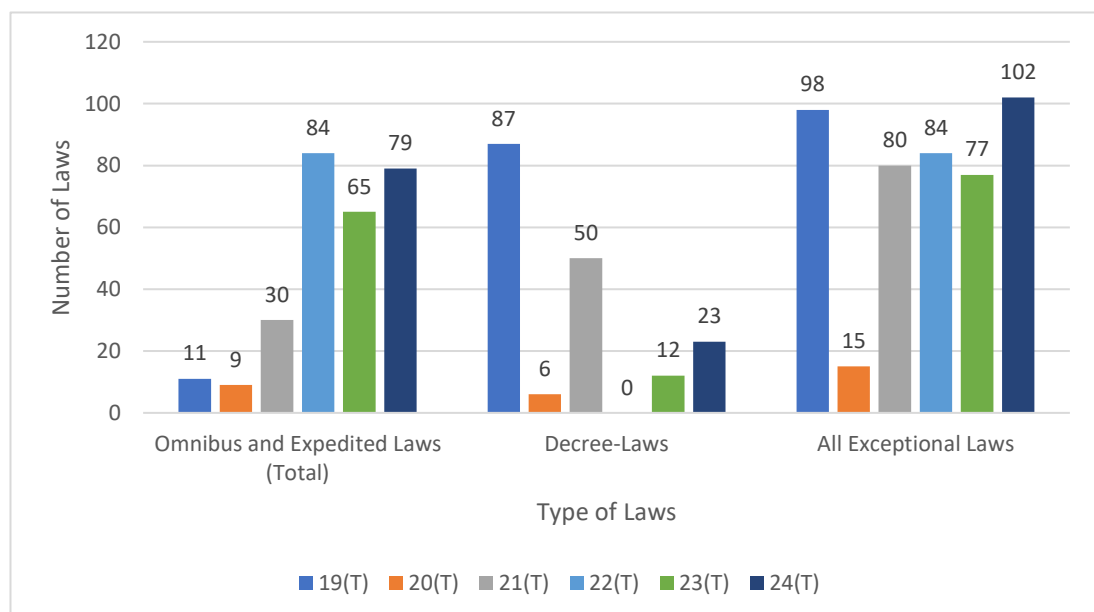


Figure 11. Number of exceptional laws (including decree-laws)

When decree-laws are excluded, a total of 50 exceptional laws were enacted during the pre-AKP period, compared to 228 exceptional laws during the AKP period. However, when decree-laws are included in the analysis, the gap between the two periods narrows considerably. This is because the vast majority of decree-laws were issued before the AKP period. Although no decree-laws were issued during the AKP's first term, the party went on to issue a total of 35 decree-laws in subsequent terms. In this broader calculation, the pre-AKP period accounts for 205 exceptional laws, while the AKP period totals 263, decree-laws included.

This inclusion also alters the distribution of exceptional laws within the AKP period itself. Whereas the 22nd legislative term initially appeared to be the most active in terms of exceptional legislation, the inclusion of decree-laws shifts this distinction to the 24th legislative term, which then becomes the period with the highest number of exceptional laws, totaling 102.

When decree-laws are included, the 21st legislative term approaches the average level of exceptional law production observed during the AKP period, narrowing the distinction between the two. More striking, however, is the impact of including decree-laws in the 19th legislative term—a period previously identified as having the lowest output of exceptional laws. Once decree-laws are accounted for, the total number of exceptional laws and decree-laws enacted in the 19th term rises to 98, thereby surpassing the average for the AKP period. In contrast, the 20th legislative term remains an outlier on the lower end of the spectrum. It records the lowest levels of legislative productivity overall, as well as the lowest number of exceptional laws and decree-laws, reaffirming its status as the least active legislative term in the dataset across all key indicators. Although decree-laws are not substitutes

for legislation in general, they appear to have functioned as substitutes for other types of exceptional legislation in certain periods.

As noted earlier, the volume of legislation, measured by total and average word counts, provides a more reliable indicator of legislative production than the sheer number of laws. Therefore, in addition to tracking their frequency, it is essential to examine the total and average word counts of decree-laws, which is presented in Table 4, across legislative terms to gain a more accurate understanding of their substantive contribution to legislative output.

Table 4. Number and Word Count of Decree-Laws by Legislative Term

Legislative Term	Number of Decree-Laws	Total Word Count in Decree-Laws	Word Count per Decree-Law
19	87	183643	2111
20	6	11865	1978
21	50	92638	1853
22	0	0	0
23	12	48052	4004
24	23	146304	6361

While the average word count of decree-laws remained relatively stable—going around 2,000 words per decree-law—this pattern shifted notably in later periods. In line with the overall increase in the volume of both ordinary and exceptional legislation, the average word count of decree-laws rose significantly during the 23rd and 24th legislative terms. When we compare Table 4 above with the Figure 6 showing the average word count per law by legislative term, it becomes clear that decree-laws are more voluminous than laws in general in every legislative term.

When we combine the total word count of decree-laws with that of exceptional laws and compare it against the word count of ordinary laws, a clearer

picture of legislative transformation emerges is shown in the Figure 12 below.

Although this comparison does not substantially alter the distribution in most legislative terms, it reveals that even in the 19th legislative term—previously characterized as dominated by ordinary laws—ordinary legislation accounted for less than 50% of the total legislative volume. In other words, exceptional laws were already the dominant form of legislative output in that period when decree-laws are included.

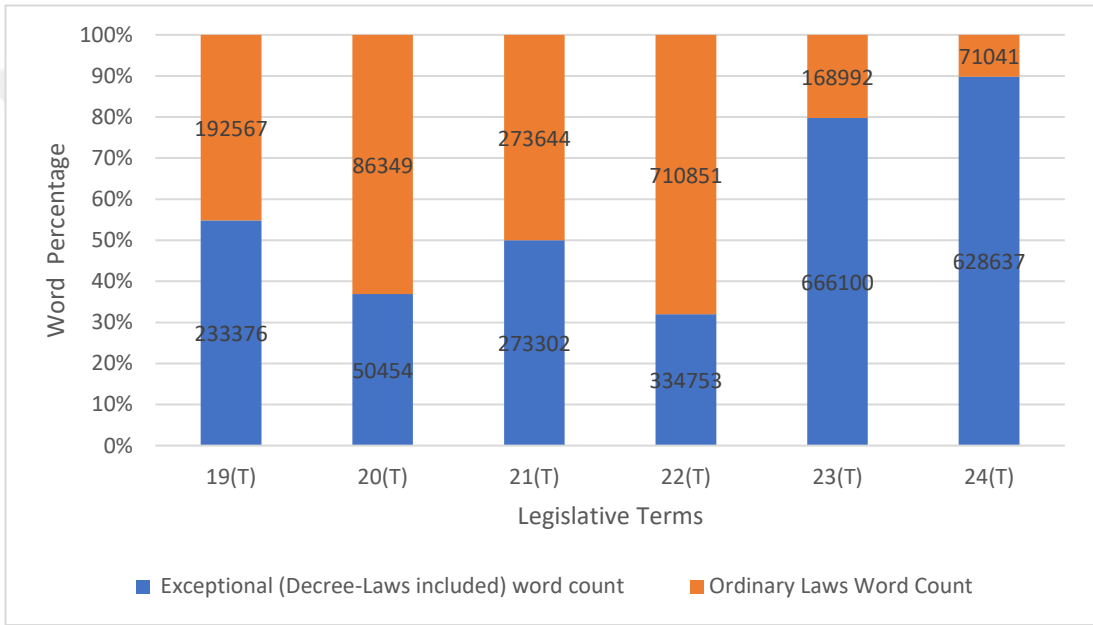


Figure 12. Share of exceptional law words in total word count

When decree-laws are included in the analysis, the total volume of exceptional legislation in the 22nd legislative term still surpasses that of all preceding legislative terms in terms of word count. However, due to the unprecedented volume of ordinary legislation produced during this term, the proportion of exceptional law volume relative to total legislative output is at its lowest, standing at just 32%. This unique outcome is largely attributable to one key factor: no decree-laws were issued during the 22nd term, in contrast to other terms

where decree-laws contributed significantly to the overall volume of exceptional legislation.

Overall, when decree-laws are included into the analysis, the volume of exceptional law production in the TGNA never fell below 30% of total legislative output during the period under review, and in many legislative terms, it consistently exceeded 50%. This further reinforces the conclusion that exceptional law-making has not been a marginal or irregular practice, but rather a core feature of the legislative process in contemporary Turkish Parliament.

The production patterns of ordinary and exceptional laws—including their peak moments, periods of decline, and phases of stabilization—offer valuable insights into the underlying dynamics driving the proliferation of exceptional legislation. To better understand these dynamics, it is essential to examine the timing of their enactment in greater detail.

5.3 Timing patterns of exceptional legislation

When examining the distribution of the number of laws—including decree-laws classified as exceptional legislation—across all legislative years in the pre-AKP period, two legislative years stand out prominently in Figure 13. These are the third legislative year of the 19th term and the second legislative year of the 21st term. Both periods experienced exceptional spikes in legislative activity, significantly outpacing all other legislative years in terms of the volume of exceptional laws enacted.

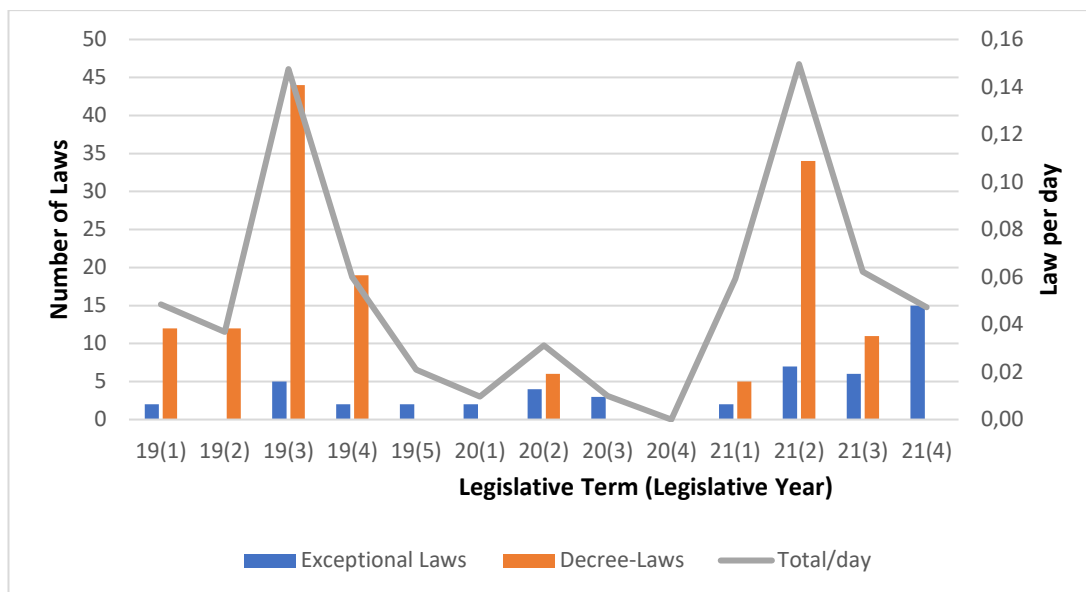


Figure 13. Peak moments of law and decree-law production (1991-2002)

As observed in this figure, the peak of exceptional law production during the pre-AKP period consistently occurred in the middle years—specifically, the second or third legislative years—of each term, without exception. This pattern also holds when we broaden the scope to consider all legislation, not just exceptional laws. As Figure 14 below demonstrates, during the pre-AKP period, the average number of laws enacted per day is typically lower in the final legislative years, whereas peak legislative productivity is reached during the second and third years of the legislative term.

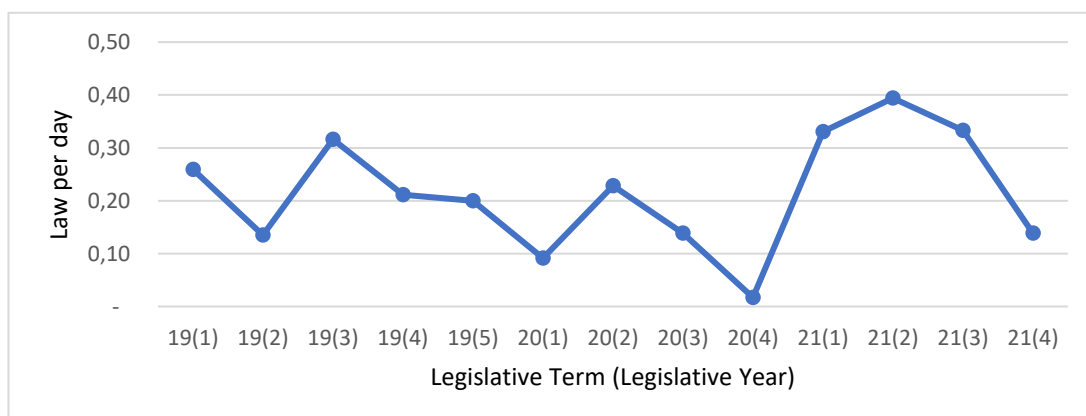


Figure 14. Laws + decree-laws per day (pre-AKP legislative years)

In contrast, during the AKP period, the pattern is reversed. As illustrated in Figure 15, the first and last legislative years—with the exception of the final year of the 24th legislative term—are the periods in which the highest number of laws were enacted within each respective legislative term.

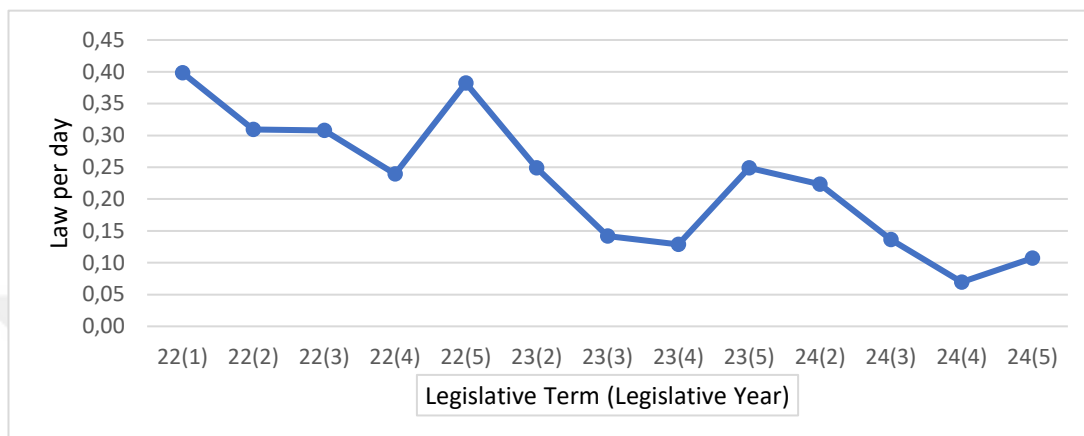


Figure 15. Laws + decree-laws per day (AKP legislative years)

In contrast to the pre-AKP period, during the AKP period, the production of exceptional laws also tends to be lower in the middle legislative years, while the first and final legislative years generally exhibit higher levels of exceptional law-making.

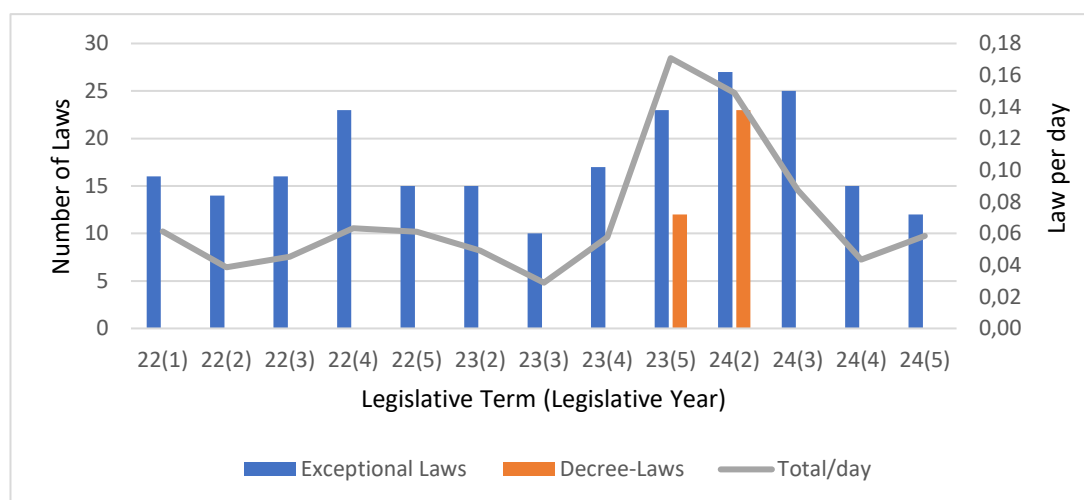


Figure 16. Exceptional laws and their daily averages (AKP legislative years)

Following the 22nd legislative term, a downward trend began in terms of the total number of laws enacted. However, this pattern shifts when we focus specifically on exceptional laws. While general legislative output declined, the relative and absolute presence of exceptional laws either remained stable or continued to increase.

The distribution of exceptional laws across legislative years was generally less volatile during the AKP period compared to the pre-AKP period, indicating a more consistent use of exceptional legislative mechanisms. However, two legislative years of the AKP period stand out with a marked increase: the final year of the 23rd legislative term and the second year of the 24th legislative term. These years represent a clear peak in the use of exceptional laws, and notably, also mark the first¹⁰¹ and intensive decree-law activity during the AKP era.¹⁰² These two legislative years are, in fact, chronologically contiguous and correspond largely to a single calendar year. Between June 4, 2011, and November 12, 2011, an extraordinary 35 decree-laws were issued—an unprecedented level of activity for this legislative instrument under the AKP.

¹⁰¹ On June 4, 2011, while the TGNA was in recess due to the upcoming general elections, the AKP government initiated a series of decree-laws—marking the first use of this legislative tool in its history. Remarkably, within just eight days, and despite the election scheduled for June 12, 2011, 12 decree-laws were issued. This legislative momentum did not subside after the elections; instead, it intensified, continuing through the typically inactive summer months and lasting until November 2, 2011. In total, 35 decree-laws were enacted over a six-month period, an exceptionally high output considering the constraints of the electoral calendar and seasonal parliamentary recess.

¹⁰² The first legislative year of the 24th term lasted only 18 days, during which no laws were enacted. However, the wave of decree-laws initiated prior to this period continued uninterrupted. Within these 18 days, the Council of Ministers issued 10 decree-laws, demonstrating the persistence of executive-led legislative activity despite the brief and transitional nature of the legislative year. To maintain the accuracy of law-per-day averages and avoid distortion due to the anomalously short duration of this period, I have reallocated these 10 decree-laws to the second legislative year of the 24th term. Similarly, the 18-day period of the first legislative year has been added to the duration of the second year for the purpose of calculating more representative daily averages. As a result, the first legislative year of the 24th term has been excluded from other quantitative analyses in this study.

To further explore the timing patterns and institutional cycles of law-making, it is useful to conduct a more detailed analysis by examining legislative production across the quarters of each legislative year. As detailed in the methodology section, I divided the total number of active parliamentary days in each legislative year into four equal quarters. Subsequently, I coded all laws according to the specific quarter of the legislative year in which they were enacted. In the pie chart below, Figure 17, the first number in each segment represents the total number of laws enacted during that quarter, while the percentage following the semicolon indicates the proportion of those laws relative to the total legislative output.

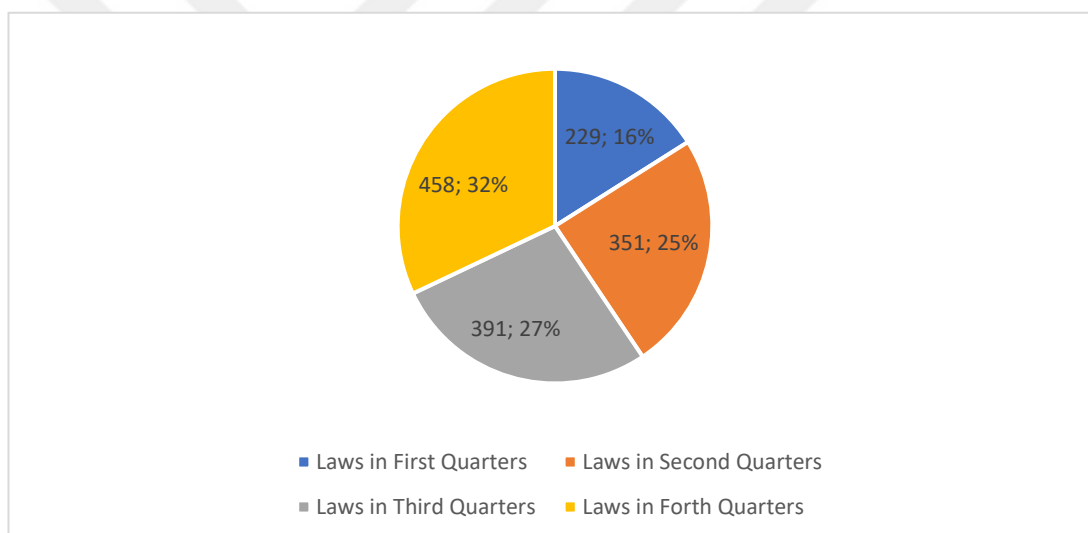


Figure 17. Quarterly law counts (excluding decree-laws) between 1991 and 2015

The analysis reveals a clear temporal pattern in legislative activity across the quarters of the legislative year. The fourth quarter consistently records the highest number of enacted laws (32%), followed by the third, second, and finally the first quarter, which accounts for only 16% of all enacted laws. Notably, this distribution holds consistently across both the AKP and pre-AKP periods. During the AKP era, 340 laws were enacted in the first half of legislative years, while 500 laws were

passed in the second half. Specifically, 31% of laws were enacted in the last quarter, compared to only 17% in the first quarter.

This pattern aligns with the institutional calendar of the TGNA. Budget negotiations, which traditionally dominate the November–December period (covering the first quarter mostly), consume a significant portion of parliamentary working time, thereby reducing space for general lawmaking during this window. Similarly, the first quarter of the legislative year is typically dedicated to certain institutional formalities related to the opening of the legislative term—such as the swearing-in of MPs, the election of the Bureau of the Assembly, and the formation of parliamentary committees. As a result, especially in the first quarter of the first legislative year, legislative output tends to be minimal, a trend confirmed by the data across all legislative terms examined.¹⁰³

While the yearly patterns of overall legislative production have already been discussed, it is also important to examine the distribution of exceptional laws across the quarters of the legislative year. In other words, during which phases of the legislative cycle does the production of exceptional laws intensify? Table 5 below presents the distribution of exceptional laws (except decree-laws) across the quarters in legislative years.

Interestingly, the quarterly distribution of exceptional laws mirrors the general trend observed for all laws: the lowest output occurs in the first quarter, followed by incremental increases in the second and third quarters, with the highest concentration in the fourth quarter. However, the ratios differ significantly,

¹⁰³ In the 20th, 21st, 23rd and 24th legislative periods, no laws were produced in these respective quarters. In the 19th legislative term, only four laws were enacted in the first quarter of the first year. The exception to this is the first term of the AKP. Even in the first quarter of the 22nd legislative term, which lasted 66 days, 15 laws were passed.

indicating a more concentrated pattern of exceptional lawmaking toward the end of the legislative cycle.

Table 5. Exceptional Laws (excl. Decree-Laws) by Quarter: Pre-AKP vs. AKP

Quarters in Legislative Years	Pre-AKP Period	Percentage	AKP Period	Percentage	Exceptional Laws (except decre-laws) in All Legislative Terms	Percentage
First	4	6%	24	11%	28	10%
Second	13	21%	52	24%	65	23%
Third	8	13%	70	32%	78	28%
Forth	37	60%	70	32%	107	38%
Total	62	100%	216	100%	278	100%

In the first quarter, the proportion of exceptional laws drops to 10%, compared to 17% for all laws, highlighting a marked slowdown in exceptional lawmaking at the beginning of legislative years. By contrast, in the fourth quarter, the share of exceptional laws rises sharply to 38%, compared to 31% for all laws. This suggests that a disproportionately high number of exceptional laws are enacted in the final phase of the legislative years. In the second and third quarters, the difference between the production of ordinary laws and exceptional laws is not substantial.

In the pre-AKP period, exceptional laws were disproportionately enacted at the end of legislative years, with 60% of all exceptional laws passed in the fourth quarter and only 6% in the first quarter. During the AKP period, the overall pattern remains similar, though less pronounced. Only 11% of exceptional laws were enacted in the first quarter, while the fourth quarter again saw the highest share, at 32%. However, this figure marks a notable decline from the pre-AKP period, suggesting a more evenly distributed use of exceptional law-making under AKP rule.

A more interesting divergence emerges when we disaggregate exceptional laws by type and procedure. Among ordinary laws enacted through the expedited procedure, the fourth quarter actually records the lowest frequency, with only 10 out of 73 such laws enacted during these quarters. In contrast, the most significant increase in the fourth quarter is observed in the enactment of omnibus bills as presented in Table 6, regardless of whether they were passed through ordinary or expedited procedures. This suggests that the end of the legislative year is strategically utilized to advance comprehensive, multi-topic legislation, particularly in the form of omnibus laws, while expedited procedures for ordinary laws are more evenly distributed or concentrated in other parts of the legislative year.

Table 6. Omnibus Laws by Quarter in the AKP Period

Quarter / Legislative Term	22. term	23. term	24. term	Total (AKP period)	Percentage
First quarter	7	0	2	9	6%
Second quarter	13	11	14	38	27%
Third quarter	21	6	9	36	25%
Forth quarter	26	15	19	60	42%
Total	67	32	44	143	

Nearly half of all omnibus laws (42%) were enacted during the fourth quarters of legislative years, indicating a clear increase in legislative bundling as parliamentary deadlines and recess periods approach. This end-of-year surge reflects a strategic effort to compress multiple legislative items into single, expansive laws when time pressures mount. In contrast, early quarters of legislative years—particularly under the AKP—saw very low omnibus activity, with only 6% of all omnibus laws passed during the first quarters across all AKP legislative terms.

Another notable timing pattern emerges around election periods, which offers insight into the rise and strategic use of exceptional laws. As outlined Chapter 4, I

define “election periods” as the last two quarters of the final legislative year preceding a general election. These periods were then compared to “non-election periods”, defined as all other quarters across legislative terms. By analyzing the distribution of exceptional law-making between these two contexts on Table 7, it becomes possible to evaluate whether electoral pressures incentivize greater reliance on exceptional legislative procedures.

Table 7. Average Number by Quarter and Percentage Difference of Exceptional Laws: Electoral vs. Non-Electoral Periods

	Exceptional Laws	Total Quarters	Exceptional Law per Quarter	Percentage difference between election period and non-election period exceptional law averages
Electoral Period	45	12	3.75	37%
Non-Electoral Period	233	92	2.53	
Total	278	104	2.67	

Across the six legislative terms analyzed in this study, the total number of quarters is 104—comprised of 20 quarters from five-year legislative terms and 16 quarters from four-year terms. Within this framework, six distinct election periods (defined as the last two quarters of each legislative term) account for a total of 12 quarters, during which 45 exceptional laws were enacted. In contrast, during the remaining 92 quarters—classified as non-election periods—a total of 233 exceptional laws were passed.

This results in an average of 3.75 exceptional laws per quarter during election periods, compared to 2.53 per quarter during non-election periods, yielding a 37% higher rate of exceptional law-making in election periods. This notable increase

suggests that electoral timing exerts a measurable influence on the legislative agenda, with governments turning more frequently to exceptional procedures in the lead-up to elections. So far in this chapter, I have outlined the patterns of law production, with particular emphasis on exceptional types of legislation. In the following section, I will present several patterns in the enactment processes of exceptional laws to illustrate the tension between legislation and deliberation, and to highlight the time-saving role of exceptional legislation in the Turkish context.

5.4 Processual dynamics of exceptional law-making

Since its introduction into the legislative framework in 1996, the use of the expedited procedure has shown a notable increase, despite intermittent periods of stagnation. The primary objective of this procedure was to accelerate the legislative process, raising the question of whether it has actually fulfilled this purpose. Similarly, do omnibus laws indirectly facilitate a faster legislative process, or do they have little impact on overall efficiency? Furthermore, have any substantive transformations occurred in these procedural practices over time?

To explore these questions, it is necessary to analyze not only the law production patterns but also the dynamics of the law-making process itself, including debate durations, procedural steps, and temporal concentration. The dataset I developed for this purpose focuses primarily on exceptional laws, and while it largely overlaps with the exceptional laws identified in the Law Production Patterns Dataset, it also contains minor variations due to differences in coding criteria and the inclusion of procedural timelines.

Although the Law Production Patterns Dataset encompasses all enacted laws, the Law-Making Process Patterns Dataset includes only a subset, given that it

requires a more time-intensive coding process. It is important to reiterate that the primary focus of this study is on the legislative processes of exceptional laws, rather than on the entirety of legislative output during the period analyzed. Accordingly, this section presents data exclusively on the duration of deliberation for exceptional laws—that is, laws that deviate from standard legislative procedures—and does not account for the full legislative corpus. However, in order to strengthen the comparative dimension of the analysis, data have also been collected on a group of package laws—ordinary laws that bear resemblance to omnibus laws. A total of 68 such laws are included in the dataset. Their inclusion has enabled a broader comparative framework along certain analytical axes, as will be elaborated in the following sections.

Nevertheless, it is important to underscore that the Law-Making Process Patterns Dataset is not intended to be representative of the legislative process for all laws enacted by the TGNA. Table 8 below presents the number of laws included in the Law-Making Process Patterns Dataset for each legislative term, along with their proportion relative to the total number of laws enacted.

Table 8. Laws in the Law-Making Process Dataset: Count and Share by Term

Calendar Years	L. Term	Total Laws	Number of Laws in Process Dataset (codebook 1,2,3,4,5)	The Laws in Dataset / Total Laws (Percentage)
1991-1995	19	224	21	9%
1996-1999	20	131	15	11%
1999-2002	21	232	34	15%
2002-2007	22	506	96	19%
2007-2011	23	202	73	36%
2011-2015	24	133	85	64%
	Total	1428	324	23%

This dataset includes 324 laws in total: 21 from the 19th term, 15 from the 20th, 34 from the 21st, 96 from the 22nd, 73 from the 23rd, and 85 from the 24th term. Reflecting the growing prevalence of exceptional laws, the proportion of laws included in this dataset has steadily increased over time—from just 9% of all laws in the 19th term to 64% in the 24th term.

Out of the 324 laws in this dataset, 56 are package laws, which are categorized as ordinary laws in this study. As noted in Chapter 4, the number of laws analysed in the production patterns is not identical to that analysed in the process patterns. This discrepancy involves a small loss of observations—only 10 out of 278 laws as shown in Table 9—and is therefore considered negligible.

Table 9. Exceptional Laws in Process Dataset: Count and Percentage

Type of Exceptional Law	Number of Laws in the Law Production Dataset	Number of Laws used in process patterns	Loss of Observation	The percentage of law used in process patterns
Ordinary Law via Expedited Produce	93	91	2	33%
Omnibus Law via Expedited Procedure	60	59	1	22%
Omnibus Law via Ordinary Procedure	125	118	7	45%
Total	278	268	10	

If the 56 package laws are set aside, in the Law-Making Process Patterns Dataset, 33% of the 268 exceptional laws are ordinary (non-omnibus) laws negotiated using the expedited procedure, 45% are omnibus laws negotiated through the ordinary legislative procedure, and 22% are omnibus laws negotiated using the expedited procedure. A very significant portion of these, 242 out of 268 exceptional laws, belong to the 21st, 22nd, 23rd and 24th legislative terms. As I have already shown, the dominant form of exceptional law-making in the 19th and 20th legislative

terms is decree-laws, which are not the focus of this study and whose legislative process works differently. The 19th and 20th legislative terms, in which the expedited procedure was never used and online access to the dates of all stages of the legislative process was not possible, are excluded from some of the analyses in this chapter.

As explained in Chapter 4, I excluded laws with legislative processes exceeding 270 days only when calculating total parliamentary enactment days. A total of 41 exceptional laws were excluded from the legislative process analysis due to their extended duration. Of these, four were from the 21st legislative term, 10 from the 22nd, 20 from the 23rd, and seven from the 24th.

As Table 10 shows, in the 21st legislative term, the parliamentary process for 23 exceptional laws, totaling 104,295 words, spanned 1,183 days in total. In the 22nd term, 69 exceptional laws comprising 211,528 words were deliberated over 3,462 days. During the 23rd term, 45 exceptional laws totaling 296,435 words required 3,141 days, and in the 24th term, 71 exceptional laws consisting of 437,596 words were processed over 4,419 days.

Table 10. Exceptional Laws: Enactment Duration and Word Count by Term

L. Term	Number of Observations	Total Parliamentary Process (day)	Total Word Count	Word Count per day	word count per law	Ave-rage day per Law
21	23	1183	104295	88	4535	51
22	69	3462	211528	61	3066	50
23	45	3141	296435	94	6587	70
24	71	4419	437596	99	6163	62

The average enactment time was 51 days in the 21st term and 50 days in the 22nd term, rising to 70 days in the 23rd term and 62 days in the 24th term. However, this increase in duration is accompanied by a substantial rise in legislative volume.

The average number of words per law in the 23rd and 24th terms was 6,163 and 6,587, respectively—more than double the average of 3,066 words per law in the 22nd term. Although the 21st term had a slightly higher average volume than the 22nd, it still lagged significantly behind the 23rd and 24th terms.

Across all four legislative terms, the average time for an exceptional law to remain in parliament was 59 days. However, several laws passed at a much faster pace. I have categorized as “very fast” those laws that completed the entire legislative process in 21 days or fewer in Table 11. Remarkably, 67 exceptional laws from various periods fall into this category, having been enacted in less than two weeks on average.

Table 11. Exceptional Laws Passed within 21 Days: Duration and Word Count

L. Term	Number of Observation	Total Parliamentary Process	Total Word Count	Word Count per day	Word count per law	Average day
21	13	155	36727	237	2825	12
22	21	258	64890	252	3090	12
23	16	176	41134	234	2571	11
24	17	230	69681	303	4099	14

The distribution of “very fast” laws—those enacted within 21 days—across legislative terms is relatively even and balanced, as is the average number of words enacted per day across these terms. This suggests that, regardless of the legislative term, the TGNA has consistently demonstrated the capacity to enact exceptional laws averaging 3,171 words in length, and to complete all parliamentary stages within an average of just 12 days from their introduction. This reflects a notable level of institutional agility in fast-tracking legislation when deemed necessary.

Moreover, it is important to clarify that the number of days in the legislative process does not necessarily correspond to continuous or daily deliberation on a bill.

The parliament does not convene every day, and when it does, its agenda may involve other bills, committee reports, or non-legislative matters. In brief, the agility of the parliament is even further. Thus, to provide a more accurate picture of actual deliberation, it is necessary to examine the specific days on which a bill was debated.

Due to time constraints and the accessibility of data, this study focuses specifically on the plenary stage, rather than the committee phase. While the committee stage plays a crucial role in shaping legislation, the plenary is the decisive and constitutionally required phase where final approval is granted. No bill can become law without passing through this stage, which also serves as the primary venue for parliamentary scrutiny, debate, and political signaling. Members of parliament (MPs) use the plenary not only to exercise procedural rights—such as submitting motions, proposing amendments, or questioning provisions—but also to communicate with constituents and the media, as all proceedings are public and recorded. Despite this centrality, as can be seen in Figure 18, it is striking that a significant number of laws—including complex and voluminous ones—were debated and enacted within just a few plenary sessions.

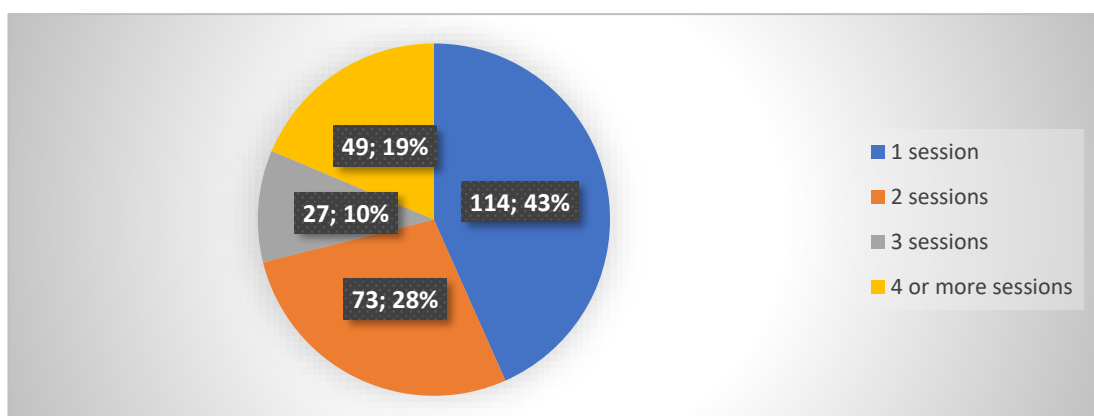


Figure 18. Laws by number of plenary sessions required for enactment

More than 80 percent of the 268 exceptional laws in my dataset were enacted within a maximum of three plenary sessions. Notably, 28 percent of these laws were passed in just two sessions. The highest proportion, however, were completed in a single session—meaning they were debated and enacted on the same day that the debates started. 43 percent of all exceptional laws in the dataset followed this pattern. Table 12 below presents the distribution of laws enacted in only one session, across legislative terms.

Table 12. Number and Word Count of Exceptional Laws Enacted in Single Plenary Session

L. Term	Total Exceptional	Exceptional Laws in one session		Total word count of Exceptional Laws in one session	Average word count of Exceptional Laws in one session
19	10	2	20%	5681	2841
20	9	4	44%	13034	3259
21	27	14	52%	68365	4883
22	79	49	62%	168122	3431
23	65	23	35%	108293	4708
24	78	22	28%	92856	4221

In both the 21st and 22nd legislative terms, more than half of all exceptional laws were debated and adopted in a single plenary session, with the 22nd term recording the highest rate at 62%. In the 23rd and 24th terms, this proportion declined slightly—largely due to the significant increase in the volume of exceptional laws, as demonstrated in earlier sections. Nevertheless, even during these later terms, a total of 45 exceptional laws were passed in just one session, with an average word count of 4,470 words. Interestingly, while the 21st term had fewer such laws, it holds the record for the highest average volume of exceptional laws passed in a single session—4,883 words per law. Despite this, the 22nd legislative term remains the peak period in terms of the total volume of legislation enacted

through one-session laws, with an impressive 168,122 words entering into force through exceptional laws debated and adopted in a single sitting.

The number of sessions in which a law is debated does not, by itself, offer the most accurate measure of deliberation time. This is because a single session may include interruptions, diverse agenda items, or simultaneous debates on multiple legislative proposals, making it an imprecise proxy for the actual attention devoted to any one bill. Ideally, the most precise metric would be the total amount of time a law was debated in the plenary across all sessions. However, it is not feasible to obtain such data comprehensively for the entire dataset. As a practical alternative, this study employs a proxy measure: the total number of pages in the parliamentary minutes in which each law in the Law-Making Process Patterns Dataset was debated. By calculating the ratio of these pages to the word count of the respective law, it becomes possible to estimate, in relative terms, the deliberation duration per legislative unit. This approach, while not perfect, provides a reasonable approximation of the intensity and extensiveness of parliamentary scrutiny for each exceptional law. The results of this law-by-law calculation are presented in Table 13.

Table 13. Exceptional Laws Enacted in Single Session: Word Count and Plenary Minute Page

Legislative Term	Number of Observation (Laws)	Total Word Count	Total plenary minute pages	plenary minute pages per law	Law word count / minute pages
19	10	45213	2830	283	16
20	9	38589	2569	285	15
21	27	166697	4417	164	38
22	79	282663	4766	60	59
23	65	618048	10253	158	60
24	78	478923	13878	178	35

Debates on 268 exceptional laws, comprising a total of 1,630,133 words, occupied 38,713 pages in the plenary minutes. When analyzed by legislative term, it is evident that exceptional laws were subject to more extensive debate during the 19th and 20th terms, with an average of over 280 pages per law. By contrast, the 21st, 23rd, and 24th terms exhibit similar patterns, with debates averaging approximately 168 pages per law. The 22nd legislative term, however, stands out as a clear outlier. Despite the substantial number of exceptional laws enacted during this period, the average number of plenary minute pages per law is only 60. This stark contrast suggests that—if we ignore the legislative volume—laws in the 22nd term were debated and passed in a markedly compressed timeframe.

However, because the length of laws vary significantly, measuring the length of plenary debates relative to the volume of legislation offers a more accurate assessment of deliberative intensity. When calculated this way, the 19th and 20th legislative terms again yield similar results: on average, one page of plenary minutes was required to debate every 15–16 words of legislation. This suggests a relatively slow and detailed legislative process during these terms. Beginning with the 21st term, however, the pace of legislative discussion accelerated dramatically. On average, one page of minutes corresponded to 38 words of legislation, more than double the ratio observed in the previous terms. The 22nd and 23rd terms mark the peak of this trend, with one page used to discuss approximately 60 words of legislation, indicating a significant reduction in deliberation per legislative unit. In the 24th term, this rapid pace slowed slightly, with one page of minutes covering 35 words of legislation on average. Nonetheless, this still represents a substantially faster rate of legislative processing compared to the terms before the 21st.

In the 19th and 20th legislative terms, one of the key reasons for the slower pace of deliberation on exceptional laws was the absence of the expedited procedure, which was not yet in use during these periods. This raises an important question: To what extent did the expedited procedure actually accelerate the legislative process, and how did this impact change across different legislative terms? To assess this, I compared exceptional laws enacted through the expedited procedure and those enacted through the ordinary procedure in Table 14 below. By comparing the length of deliberation—measured in pages of plenary minutes relative to the word count of each law—I was able to evaluate how significantly the expedited procedure reduced debate time and whether this effect varied over time and across different legislative terms.

Table 14. Debate Length: Ordinary vs. Expedited Procedure

Legislative Term	Expedited Procedure	Ordinary Procedure	Word Count/Minute Page (Expedited)	Word Count/Minute Page (Ordinary)	E.P. - O.P.
21	7	27	175.7	16.3	159.4
22	17	79	89.5	46.5	42.9
23	51	22	64.6	15.8	48.7
24	75	10	35.3	15.7	19.5

The 21st legislative term stands out as the period in which the expedited procedure was applied with the greatest speed. During this term, on average, 176 words of legislation were debated per page of plenary minutes—by far the highest ratio among all periods examined. However, in subsequent terms, the efficiency gains associated with the expedited procedure were relatively decreased. In the 22nd term, the average dropped to 90 words per page, followed by 65 words per page in the 23rd term, and further declined to 35 words per page in the 24th term.

Given all the analyses presented thus far, a vast number of “why” and “how” questions emerge—ranging from broad structural inquiries to more specific procedural concerns. The answers to these questions are often interrelated. However, for the sake of analytical clarity, I address them under different sub-chapters, grouping them according to the chapters where I provide possible explanations. In some cases, external factors play a prominent explanatory role; in others, institutional structures and actor-centered dynamics are more central.

Below are some of the questions I consider to be more closely associated with external factors, and which will therefore be discussed in detail in Chapter 7:

- Why did overall legislative production—in terms of legislative volume—begin to rise starting from the 21st legislative term?
- Why is the number of exceptional laws enacted in a single plenary session significantly higher during the 21st and 22nd legislative terms?
- Why did the introduction of the expedited procedure coincide with a marked increase in omnibus legislation?
- Why did the number of exceptional laws (including decree-laws) enacted per day spike so sharply in the third legislative year of the 19th term and the second year of the 21st term?

In Chapter 8, I will focus on a series of questions aimed at understanding the widespread use of exceptional laws, primarily through institutional and actor-centered explanations:

- Why has the proportion of exceptional laws—measured in terms of legislative volume and including decree-laws—never fallen below 30% in any of the legislative terms analyzed? What explains the persistence and

consolidation of this dominance? Through which institutional mechanisms did this proliferation become possible?

- Why did the production of exceptional laws rise so markedly in the second legislative year of the 20th term compared to the other years within that same term? Why was the ratio of exceptional to ordinary law volume at its lowest in the 22nd legislative term, even though this term produced the highest number of laws? Conversely, why did this ratio rise to approximately 90% in the 23rd and 24th terms? Why were laws passed through the ordinary procedure in the 22nd term enacted significantly faster than in any other term? Why did the volume of exceptional legislation continue to grow during the AKP period, even as the number of laws gradually declined? Why did the AKP period outperform the pre-AKP period in both the number of laws and the overall volume of legislation? How and why did the use of the expedited procedure begin to converge with the practice of omnibus lawmaking, particularly starting in the 22nd legislative term?

In order to fully grasp the dynamics behind the proliferation of exceptional laws, it is equally important to explore the moments of their decline or interruption. Accordingly, Chapter 8 will also seek to address the following questions:

- Why were decree-laws so prevalent in earlier periods, only to fluctuate in frequency, completely disappear during the 22nd legislative term, briefly re-emerge, and then vanish again? Why, despite the 22nd legislative term having the highest number of exceptional laws, did the proportion of exceptional law volume to ordinary law volume remain the lowest across all terms? What accounts for the 20th legislative term marking the lowest point in terms of

law production overall, as well as in the production of both exceptional laws and decree-laws?

Additionally, this chapter will examine timing patterns of law-making to better understand when and why exceptional laws become the preferred legislative route. The following timing-related questions will therefore be explored:

- Why, during the pre-AKP period, was legislative and exceptional law production consistently low in the final legislative years, while in the AKP period, both increased substantially in these final years? Why is there a marked concentration of exceptional laws—particularly omnibus legislation—in the fourth quarters of legislative years? What explains the surge in exceptional legislation during election periods? Why is the volume of exceptional laws enacted during election quarters significantly higher than in non-election quarters during the AKP era, whereas the reverse pattern is observed in the pre-AKP period?

Some of the questions raised in this study are best addressed through process tracing of changes in formal rules, parliamentary conventions, and judicial jurisprudence. In particular, the questions outlined below—focusing on the mechanisms, instruments, and institutional configurations that enabled the expansion or contraction of certain legislative practices—will be examined through the evolution of rules and conventions discussed in Chapter 6:

- How was it possible that the expedited procedure was widely used in certain legislative years but entirely absent in others? What made the omnibus legislation and expedited procedure increasingly prevalent over time, while decree-laws disappeared altogether during specific periods? Why did the average number of words per law—a key indicator of legislative volume—

double from around 1,000 in the 19th and 20th terms to over 2,000 in the 21st and 22nd terms, and then double again in the 23rd and 24th terms?

- Why was the expedited procedure significantly faster in the 21st legislative term than in later terms? Why were exceptional laws shorter in the 22nd term, even though their number was higher than in other periods? What institutional and procedural dynamics made the legislative boom in the 22nd term possible? Why, starting from the 23rd legislative term, did the number of laws decrease dramatically compared to the 22nd, while the volume of legislation remained relatively stable? How is it that over the course of the AKP era, the number of laws steadily declined, but the legislative volume (word count) did not?

By tracing the evolution of procedural rules and informal practices, Chapter 6 aims to provide the institutional foundations for understanding how exceptional laws became normalized. Chapter 6 will begin by presenting these changes in their historical and conceptual context, and will subsequently explore how they occurred. This groundwork is essential for understanding the reasons behind the transformation of legislative patterns analyzed in Chapters 7 and 8.

CHAPTER 6

INSTITUTIONALIZING THE EXCEPTION: FORMAL AND INFORMAL CHANGES

As demonstrated in the previous chapter, exceptional lawmaking has been a consistent feature across all legislative terms analyzed in this study. However, significant variation exists in the instruments used and their frequency—not only between governments but also across legislative terms and individual years. This raises a key question: how are these differences related to changes in formal rules?

The existence of a rule does not guarantee its frequent application, just as the absence of a rule does not necessarily prevent certain practices from emerging or continuing. In many instances, legislative conventions or the political power underpinning certain *de facto* practices can sustain actions even in the absence of formal rules. In the TGNA, neither the formal institutional framework nor established conventions alone can sufficiently explain legislative patterns and decision-making.

Nevertheless, formal rules remain essential for analyzing legislative patterns. Furthermore, it is not only the existence of rules that matters, but also how they are interpreted and applied. Judicial decisions and procedural interpretations can shape or constrain legislative behavior in significant ways. For example, as will be discussed in detail below, the jurisprudence of the Constitutional Court developed during the 1990s—together with opposition party resistance—contributed to a sharp decline in the use of decree-laws. By 2001, this instrument had effectively disappeared from legislative practice for a full decade. Then, any meaningful analysis of parliamentary rules must engage with a fundamental question: Do

changes in formal rules correspond with observable patterns in legislative behavior—and to what extent?

The trajectory of the RoP article concerning the expedited procedure—much like that of decree-laws—illustrates how both the introduction and annulment of formal rules can significantly shape legislative patterns. The history of this specific rule serves as a case study of how procedural changes and judicial interventions shape parliamentary practices over time. Introduced in 1996, the expedited procedure was made easier to implement in 2001, subsequently annulled multiple times by the Constitutional Court, and later reinstated through successive amendments to the RoP.

These developments demonstrate that the use of the expedited procedure has been highly sensitive to procedural rules and their judicial interpretation. The evolution of rule enforcement, revocation, and revision has directly shaped legislative patterns. As such, any analysis of changes in legislative behavior must also consider changes in the procedural framework and its judicial oversight. Questions about why legislative patterns shift should be examined in tandem with inquiries into why and how procedural rules evolve.

Beyond formal regulations, parliamentary conventions play a crucial role in shaping legislative procedures and behaviors. Some conventions persist for decades, while others are short-lived. At times, new conventions emerge, while in other cases, old ones are resurrected. As informal institutions, conventions interact with formal rules in diverse ways. Helmke and Levitsky (2004) identify four types of interactions between formal and informal institutions: complementing formal rules, accommodating them, competing with them (violating them), or substituting them when formal institutions fail to meet expectations.

Similarly, Kemal Gözler (1999), in his analysis of Turkish constitutional law, notes that parliamentary conventions can complement, interpret, contradict, or even override formal rules. In some instances, unwritten practices become entrenched over time, eventually transforming into codified rules. Ideally, in a legal system based on codified norms, conventions should serve to fill gaps in written regulations rather than contradict them. However, the TGNA has frequently witnessed conventions (or de-facto practices turning into conventions) that undermine formal rules. In some cases, new rules are introduced to suppress certain conventions, whereas in other cases, rules are crafted to codify and further institutionalize the conventions. This chapter explores the evolution of both formal and informal institutions, procedural conventions, rule violations, and de facto legislative practices—placing particular emphasis on the development and institutionalization of non-standard legislative methods.

Importantly, the emergence or revision of procedural rules does not occur in a vacuum. These changes are embedded in the broader institutional context and reflect the internal logic of parliamentary institutions. While significant transformations have occurred over time, they often coexist with institutional continuities. Thus, to fully understand the conditions under which procedural change and continuity occur, it is essential to adopt a historical perspective. Although the empirical analysis in the following chapters focuses on the period from 1991 to 2015, this chapter begins by tracing the origins of the current RoP back to 1973. This historical framing highlights both the continuities and the transformations in parliamentary practice. The chapter then examines amendments to the RoP within the context of legislative activity during the focal period. Finally, it turns to the formal and informal evolution of three exceptional legislative methods, analyzing how each has either become

institutionalized (or faded) in response to shifting political and institutional dynamics.

6.1 The path of amendments to law-making rules

The current RoP of the TGNA in 2025 is a comprehensive set of rules consisting of 186 articles. The RoP adopted on March 5, 1973 are still in force. However, since the adoption of the 1973 RoP, the TGNA has undergone multiple revisions affecting the law-making process. As of 2023, it was amended 15 times until the end of 2018 and the majority of them were related to law-making, so the law-making procedures frequently change in Turkey. In addition to these rules, some conventions have been established in the parliamentary tradition over time but they also change. Some of these changes have emerged through critical junctures, introducing entirely new rules and conventions, while the majority evolved incrementally through gradual adaptations of existing practices. To analyze these shifts, I employ Mahoney and Thelen's (2010) classification of gradual institutional change, which categorizes change into four modes: displacement, layering, drift, and conversion.

According to Mahoney and Thelen's (2010) definitions, displacement occurs when existing rules are replaced with new ones. This process can be gradual and is particularly evident when new institutional measures compete with pre-existing frameworks. Layering refers to incremental amendments, revisions, or additions that modify existing rules over time. Layering often takes place when proponents of institutional change (e.g., initiators of non-standard legislation) lack sufficient power to fully displace the original rules, while defenders of the status quo (e.g., opponents of non-standard legislation) are weak to resist incremental modifications. Over time, these small changes may accumulate, leading to substantial institutional

transformation. Drift describes a situation where rules remain unchanged, but their effects are altered due to changes in the broader institutional environment (Mahoney & Thelen, 2010). Conversion occurs when rules are reinterpreted and applied in new ways, even if their formal wording remains intact. Unlike drift, which results from passive neglect, conversion is actively driven by institutional actors who exploit ambiguities in existing rules (Thelen, 2003; Mahoney & Thelen, 2010).

This section primarily examines the emergence of new parliamentary rules, along with their displacement and layering. To achieve this, I employ process tracing, starting from the origins of the current RoP. The foundations of the majoritarian parliamentary framework—one that strengthened the executive, privileged the parliamentary majority, facilitated exceptional legislative mechanisms while making them difficult to control, and prioritized stability and efficiency over democratic deliberation and opposition rights—were established in the 1970s. To analyze these institutional legacies, I consider the 1971 Memorandum as a critical juncture. Then, along with the subsequent constitutional and procedural amendments, I will review all Constitutional and RoP amendments concerning law-making up until 2015.

6.1.1 Institutional legacies and rationalization

From the early phases of its modernization on, Turkey has adopted the Civil Law tradition, by a strong emphasis on written, codified rules. Consequently, the TGNA has historically adhered to a RoP framework rooted in formalized regulations.

Legally, every rule must comply with the written Constitution, and each regulatory instrument within the hierarchy of norms must align with superior regulations.

However, Turkey is not an institutionally stable country, and frequent rule changes—

whether through constitutional amendments, revisions to the RoP, or the introduction of entirely new constitutions—have been a defining feature of its legislative evolution. In this study, my focus is particularly on the RoP and the Constitution limited to its influence on legislative rules.

Article 85 of the 1961 Constitution, drafted in the aftermath of a military coup, stipulated the drafting of a new RoP. Its provisional Article 3 stated that until the new RoP were drafted, the provisions of the 1957 RoP shall apply (Constitution of the Republic of Turkey, 1961). Although the 1961 Constitution introduced radical changes to the political system, political parties were unable to reach a consensus on new RoP for 11 years. As a result, parliamentary activities continued to be conducted under the pre-1961 RoP, with some modifications.¹⁰⁴

In Turkey, beginning by the second half of the 1960s, polarization among political parties and government instability characterized mainstream politics. Parliament witnessed strong opposition from anti-system parties, further complicating governance. At the same time, economic instability and severe income inequality fueled widespread unrest. Labor and student movements gained momentum, and clashes erupted in universities and on the streets. The ideological divide between the left and right began to permeate society and state institutions, leading to heightened tensions. Both socialist movements and anti-secular Islamist groups were perceived by the military as threats to state survival. Eventually, a dominant faction within the military intervened in politics, issuing a memorandum to reassert control. Unlike the other military coups, the 1971 memorandum did not dissolve the parliament. However, the military forced Prime Minister Süleyman

¹⁰⁴ Although inter-party committees were formed in each legislative term to work on amending the RoP and some progress was achieved on certain issues, no new RoP proposal ultimately reached the stage of adoption in the plenary.

Demirel to resign, effectively ending the single-party majority rule of the Justice Party (*Adalet Partisi*, AP). In the aftermath, several technocratic governments were formed under military influence. During this period, significant constitutional amendments were enacted, and new RoP were drafted and adopted under the military-backed technocratic administrations.

On September 30, 1971, 35 articles of the Constitution were amended, primarily to restrict fundamental rights and freedoms under the pretext of ensuring stability and security. These amendments reinforced executive power at the expense of the legislative and judicial branches. These constitutional amendments introduced decree-law as a legislative tool for the first time. The amendments also imposed stricter conditions for challenging legislation before the Constitutional Court. Whereas previously even a single deputy could file an annulment request, the revised provisions restricted this right to parties with a parliamentary group. Additionally, electoral laws were revised to make it harder for smaller parties to gain parliamentary representation. On March 15, 1973, further constitutional amendments were adopted, which sought to curtail the Constitutional Court's supervisory authority over political parties (Constitution of the Republic of Turkey, 1961, as revised in 1973, art. 57)

In 1971, under military tutelage, political parties convened and drafted a new RoP proposal following the work of a specialized committee. This proposal was first debated in the plenary on December 4, 1972.¹⁰⁵ Discussions surrounding the adoption of the new RoP in 1972 and 1973 emphasized speed, efficiency, and

¹⁰⁵ In reality, this version was an improved iteration of an earlier proposal from 1963 (NA, 1972, December 7). However, some parties contended that the revised proposal had deviated significantly from the consensus originally reached in the inter-party committee. On behalf of the Democratic Party group Hasan Korkmazcan argued that last-minute revisions made in the Committee on the Constitution had disrupted the possibility of compromise (NA, 1972, December 7). This suggests that the process was expedited following the memorandum and that military tutelage influenced the final changes.

rationalization of parliamentary processes. Speaking on behalf of the Justice Party, Ali Naili Erdem stated the main purpose of the amendments as this: “To enable Turkey to function effectively by finding solutions to all emerging problems in the shortest possible time and in the most beneficial way” (NA, 1972, December 7).

As part of the rationalization efforts, several standing committees were merged to reduce their overall number, streamline convening processes, and enhance specialization. Additionally, committee members’ terms were extended from one year to two years to foster greater expertise. In the plenary, provisions were introduced to expedite legislative discussions, allowing the prime minister or the chairman of the primary committee to request the immediate debate of a bill or proposal in cases of urgency, effectively altering its place on the legislative agenda. Furthermore, procedural changes facilitated the extension of session hours, enabling debates to continue into the night when necessary. Another key rationalization measure introduced in the 1973 RoP was the limitation of speaking time in legislative debates on bills.¹⁰⁶

The Committee on the Constitution report on the amendment directly referenced the RoP of Belgium and the Council of Europe as precedents for imposing such limits, noting that similar practices existed in many other countries.¹⁰⁷ French Parliament served as one of the key inspirations in some articles to rationalize the Turkish Parliament, reflecting a form of policy transfer. In the article justifications of the proposed RoP, it was explicitly stated that the Board of Spokespersons (*Danışma*

¹⁰⁶ One of its key provisions was the restriction of speaking time, limiting party group speeches on the entirety of a bill to 20 minutes and individual MP contributions to 10 minutes.

¹⁰⁷ The practice of invoking European examples to justify procedural reforms aimed at rationalizing and accelerating the legislative process persisted in the ensuing years.

Kurulu)¹⁰⁸ was modeled after contemporary democratic parliaments, with a direct reference to France's *Conférence des Présidents* (NA, 1973).

Despite the broad political consensus and military tutelage, the opposition voiced strong objections to certain rationalization measures. For instance, Hasan Korkmazcan, speaking on behalf of the Democratic Party group, criticized the restrictions on speaking time: "Laws that one side ... is preparing to rush through, laws that will have an important place in the life of the nation, are being forced through with just 10 or 20 minutes of debate" (NA, 1972, December 7). In response to such criticisms, the Committee on the Constitution sought to justify the restrictions in its final report to the plenary: "At first sight, limiting speech time may appear to restrict deputies' right to speak and thus seem undemocratic. However, the opposite is true. In reality, such a restriction was deemed necessary for Parliament to function more efficiently" (NA, 1973).

In addition to restricting speaking time, the rights of independent deputies to speak and submit motions were also curtailed, as they were perceived as a waste of legislative time. Despite the opposition of smaller parties¹⁰⁹ and individual deputies, two major parties, the Justice Party (AP) and the Republican People's Party (*Cumhuriyet Halk Partisi*, CHP) sought to limit the influence of independent MPs

¹⁰⁸ Although similar temporary mechanisms had previously been used to break parliamentary deadlocks, the *Board of Spokespersons* was institutionalized as a permanent legislative actor with the adoption of the 1973 RoP.

¹⁰⁹ On this issue, Workers' Party of Turkey (*Türkiye İşçi Partisi*, TİP) MP Mehmet Ali Aybar, as a member of party without a parliamentary group, protested: "After the 1969 elections, approximately 18 percent of the valid votes were cast for independent deputies and members of parties without a parliamentary group. In other words, you are effectively preventing the representation of 20 percent of the electorate—perhaps even more—from exercising their oversight function through these Rules of Procedure" (NA, 1972, December 14).

and smaller parties.¹¹⁰ This shift reinforced the trend of strengthening party groups and party discipline within Parliament.

Between December 18, 1972, and March 5, 1973, discussions on the RoP amendments were suspended in the plenary, as 53 articles were withdrawn by the committee for reconsideration. Following these revisions, the level of consensus among the parties increased, and multiple changes were introduced at different stages of the process. Motions from various parties were debated, and some were accepted, leading to a relatively reasonable discussion. Thus, the previous RoP was displaced and the 1973 RoP were largely adopted through consensus, particularly between the two largest parties in parliament. However, it must also be acknowledged that military tutelage played a significant role in facilitating this agreement. The fact that parliament had been unable to amend the RoP before the military intervention is a strong indication of this influence.

By the late 1970s, explicitly anti-system parties were no longer represented in parliament. However, social movements and radical political parties continued to exert strong opposition outside the legislative sphere. The second half of the decade was characterized by intense conflict between state security forces, paramilitary groups, and various opposition factions, with confrontations at times escalating into armed clashes. This deep societal polarization was mirrored within Parliament, where ideological divisions severely hindered legislative processes. The failure to elect a president became one of the key justifications cited for the military coup of September 12, 1980, which led to the dissolution of Parliament, the banning of political parties and a drastic restructuring of the political system.

¹¹⁰ Both parties supported the view that political party groups should consist of at least 25 members, but they were aware of that this would require Constitutional amendment rather than amendment in the RoP (see NA, 1972, December 11).

In the aftermath of intense political struggles, the central justification for the 1980 coup was the restoration of order. The National Security Council (*Milli Güvenlik Kurulu*), which orchestrated the coup, sought to eliminate the challenges they perceived as fundamental problems in the pre-1980 Parliament.¹¹¹ Among these were political instability and legislative deadlock. As a result, the key parliamentary reforms introduced by the 1982 Constitution were primarily aimed at further strengthening the executive branch and establishing a parliamentary structure that operated under the supremacy of the executive (Kalaycıoğlu, 1990).

From the perspective of the constitution-makers, coalition negotiations were excessively time-consuming, leading to unstable governments, budgetary challenges, and an inefficient legislative process. Consequently, the 1982 Constitution sought to address these issues by restructuring the electoral system to limit the number of parties entering Parliament, thereby fostering the formation of stable single-party governments. Arguing that legislative inefficiency was caused by strong opposition and procedural obstructions both inside and outside Parliament, and that ruling parties lacked stability and authority, the drafters of the 1982 Constitution aimed to accelerate the parliamentary process by consolidating power in the hands of the governing party (Gençkaya, 2000).

With the adoption of the 1982 Constitution, the Senate was abolished, thus ending the bicameral system introduced by the 1961 Constitution. One of the primary justifications for this change was the assertion that a bicameral legislature caused delays in the legislative process (Gençkaya, 2000). Additionally, the 1982

¹¹¹ Between the adoption of the new RoP in March 1973 and 1982 Constitution, four minor amendments to the RoP were introduced—one in June 1973, two in 1977, and one in 1978. All of these were single-article amendments. These changes did not significantly affect the functioning of parliament in the sense of law-making.

Constitution extended the legislative term from four to five years, aiming to provide the executive with a longer timeframe to implement its policies and fulfill its commitments. It also lowered the quorum requirements for both convening the assembly and making decisions. At the same time, the thresholds for initiating motions of censure and parliamentary investigations were raised, making it more difficult for opposition to hold the executive accountable.

The 1982 Constitution also sought to increase political influence over the judiciary by introducing constitutional and legal provisions designed to limit judicial oversight and prevent legislative measures from being obstructed by the courts (Bedirhanoğlu, 2009). One significant change was the restriction of the right to file annulment cases before the Constitutional Court. Under the new framework, this right was granted exclusively to the president of the republic, the parliamentary groups of the ruling and main opposition parties, and one-fifth of the members of the TGNA. As a result, even 100 deputies, out of the 550-member parliament, were no longer sufficient to initiate an annulment case.¹¹²

One year after the Constitution was approved by referendum, the elections held in November 1983 marked the end of the junta era.¹¹³ During this legislative term, there was a recognized need to draft new RoP or comprehensively revise the existing one to align with the new constitutional framework, the transition to a unicameral system, and the evolving political power dynamics. A comprehensive amendment to the 1973 RoP was drafted in 1985, with a primary focus on

¹¹² Before 1971, a single deputy had the right to challenge legislation in the Constitutional Court.

¹¹³ Despite receiving direct support from the military junta, the Nationalist Democracy Party (*Milliyetçi Demokrasi Partisi*) failed to achieve electoral success.

rationalization and improving legislative efficiency.¹¹⁴ Although the draft was placed on the plenary agenda in June, it was later withdrawn by the committee in October.

The committee then submitted the same report to the plenary again on November 20, 1986. However, achieving the consensus required by the RoP was impossible. Party structures were not in place, and there were internal debates and divisions. Pre-1980 parties and influential politicians were banned. New MPs often lacked sufficient parliamentary experience. Although the committee report was put on the agenda again on January 13, 1987, it was null and void due to the early elections held in November 1987 before the process could be completed (Gençkaya, 2000; Kalaycıoğlu, 2005).¹¹⁵

In 1990, during the 18th legislative term, a committee composed of the Motherland Party (*Anavatan Partisi*, ANAP), the Social Democratic People's Party (*Sosyal Demokrat Halkçı Parti*, SHP), and the True Path Party (*Doğru Yol Partisi*, DYP) representatives was established and tasked with drafting a new RoP. However, due to the early elections in 1991, the preparation process again failed to conclude.¹¹⁶ All in all, although the 1982 Constitution displaced the previous constitutional framework, the 1973 RoP were not repealed; nor were they immediately subjected to direct institutional layering through amendments. Instead their functioning and

¹¹⁴ Another key objective of the post-1983 parliament was to enhance the influence of party groups, particularly the majority party, within both committee and plenary proceedings. The aim was to streamline legislative processes, making it easier for the ruling party to pass laws swiftly. At the time, government officials and legislators—particularly those in the ruling party—perceived the existing procedural framework as excessively slow and bureaucratic (Coşkunoğlu, 1985; Kalaycıoğlu, 1990).

¹¹⁵ Until the 1987 elections, there was no strong opposition to ANAP. Opposition parties lacked both sufficient parliamentary seats and experience in legislative work. Nevertheless, some legislative proposals were modified or blocked due to opposition pressure. Additionally, the military regime's influence remained strong, affecting all political parties. This period was largely transitional, and even the ANAP leaders felt politically vulnerable, fearing that they would lose a significant number of deputies to the DYP, another center-right party founded in 1983. Despite holding a parliamentary majority, ANAP struggled to secure consistent support from TGNA committees in its final legislative term in power (Kalaycıoğlu, 1990).

¹¹⁶ One further amendment to the Rules of Procedure occurred on February 20, 1992, though it was limited to minor changes in the structure of parliamentary committees.

impact evolved indirectly, shaped by subsequent constitutional amendments and shifting institutional dynamics.

The primary objective of the constitutional amendments in the 1980s was to prevent coalition governments, strengthen single-party rule, and enhance legislative efficiency to facilitate the implementation of government policies. Creating a robust environment for democratic debate was not a serious concern. However, despite efforts to consolidate executive power through constitutional reforms, neither the authority of the executive nor the efficiency of parliamentary processes was deemed sufficient. The 1990s, in particular, were marked by a series of unstable coalition governments, none of which remained in power for an extended period,¹¹⁷ and low legislative performance. To overcome this issue and further rationalize parliament in favor of the executive—continuing the trajectory of rule changes initiated in 1971—several significant amendments to the RoP were introduced, particularly in 1996 and the first decade of the 2000s. The following section will examine these rule changes and the processes through which they were enacted.

6.1.2 Rules of Procedure amendments between 1996 and 2007

The RoP currently in use in the TGNA were originally drafted in 1973. Despite several attempts, the first amendment to the RoP took 13 years (four legislative terms) until the comprehensive changes in 1996.¹¹⁸ Even as of 2025, the provisional

¹¹⁷ For instance, the 1982 Constitution stipulated that elections would be held every five years, based on the belief that this would enhance governmental stability. However, in practice, all elections were conducted as early elections. Another constitutional amendment in 2007 reversed this provision by reducing the legislative term back to four years.

¹¹⁸ Many minor changes were made to the 1973 RoP, but the 1996 amendment remains the most comprehensive reform to date.

article 6 of the 1982 Constitution¹¹⁹ is still in force, as completely new RoP have yet to be drafted. The 1996 amendments represent the most extensive revision of the RoP to date. The approved version consisted of 30 articles, modifying nearly 20 percent of the existing text. These changes included both amendments to existing provisions and the introduction of new articles.

The primary objectives of the 1996 reform were to accelerate parliamentary procedures, enhance legislative efficiency, and increase overall productivity—goals explicitly emphasized in the preamble of the amendment. Another key motivation was to prevent procedural obstructions by the opposition, which were perceived as hindering the legislative process. To this end, several measures were introduced, including restrictions on the number of proposals that could be submitted during legislative debates, reductions in the question-answer period, limitations on discussion time, the elimination of the requirement to read justifications for motions aloud, and the establishment of deadlines for various decision-making processes.¹²⁰ Moreover, the 1996 amendments introduced an expedited procedure into the legislative system, further institutionalizing mechanisms to accelerate the law-making process. I have previously discussed the context and process behind the 1973 RoP and the constitutional amendments that influenced legislative processes. What distinguished the comprehensive procedural changes of 1996, and how did the enactment process unfold?

119 Provisional Article 6 of the 1982 Constitution stated: "For the meetings and activities of the Grand National Assembly of Turkey established in accordance with the Constitution, the provisions of the Rules of Procedure of the National Assembly in force before September 12, 1980, which are not contrary to the Constitution, shall apply until a new Rules of Procedure is drafted."

¹²⁰ A 45-day deadline for committees to review and refer decree-laws to the plenary, a 10-day timeframe for secondary committees to complete their evaluations of legislative proposals.

In 1996, despite the Welfare Party (*Refah Partisi*, RP) emerging as the leading party in the elections,¹²¹ the ANAP-DYP minority government was formed, securing power with the Democratic Left Party (*Demokratik Sol Parti*, DSP)'s vote of confidence support. As soon as the government took office, it set the preparation of the RoP as a priority. In this period, excluding the Budget Law, the first bill is the RoP amendment proposal, which shows the importance of this issue. Subsequently, an inter-party reconciliation committee was established to evaluate certain proposals¹²² regarding the RoP, to unite and progress them.

Although the RP participated in the preparation process, contributed to discussions, and supported revisions to certain articles, it ultimately refused to sign the proposal and maintained fundamental opposition at this stage. The proposal was agreed upon in the inter-party committee with the consensus of the four other major parties—ANAP, DYP, DSP, and CHP—while excluding the RP. It was then forwarded to the Committee on the Constitution for further deliberation.

Even the RP—the strongest opponent of the proposed RoP amendments—did not fundamentally reject the necessity of reforming the procedural framework or the broader effort to accelerate legislative processes. In fact, there was already broad consensus on most articles. However, the RP resisted these changes primarily because they disproportionately disadvantaged opposition parties, restricting their ability to engage in legislative debates and procedural interventions because of limited motions and reduced speech durations. Throughout the deliberations, the RP was the leading advocate for expanding democratic negotiation opportunities,

¹²¹ Although the RP emerged as the leading party in the 1995 elections, it was unable to form a government, as other parties were reluctant to enter into a coalition with it.

¹²² Ten new proposals were submitted to the Bureau during the process.

frequently voicing concerns about the reduction of parliamentary debate and procedural fairness.¹²³

The tension between legislative acceleration and democratic principles was a recurring theme in the discussions from the outset. For instance, M. Seyfi Oktay of the CHP observed: "On the one hand, working fast and efficiently, and on the other, ensuring democratic conditions—I find it very difficult to reconcile these two. I think the issue is getting tangled here" (TGNA, 1996, April 3). Despite these concerns, the CHP ultimately viewed the amendments as reasonable and did not strongly oppose them, given that it was one of the parties involved in drafting the proposal. Since the changes were formulated with broad consensus, no party—including the RP, despite its reservations—challenged the amendments before the Constitutional Court following their enactment in 1996.¹²⁴

Despite the sweeping amendments introduced in 1996, concerns persisted regarding the slow pace of parliamentary work, prolonged debates, rigid procedural rules, and a prevailing culture of non-compromise. Criticisms that parliament was unproductive were frequently voiced, particularly in reference to the legislative inefficiencies of governments prior to 1999, the 21st legislative term. In this term special efforts were made to address this problem by making the plenary sessions work longer and more efficient (Turan, 2000). The three coalition parties (DSP-

¹²³ This stance was also influenced by the party's unique political position: despite securing the highest number of votes in the 1995 elections, the *RP* remained in opposition rather than forming the government.

¹²⁴ Although difficult to substantiate, it is possible that the *RP* strategically anticipated forming the subsequent government. This assumption is supported by the fact that the *RP* had already petitioned the Constitutional Court, arguing that the minority government had failed to secure the necessary votes of confidence. Ultimately, this scenario materialized—the minority government resigned following the Court's ruling, and a new government was subsequently formed under *RP* leadership.

MHP-ANAP)¹²⁵ forming the government prepared a draft proposal to amend six articles of the RoP (TGNA, 2001, January 17).

The 2001 amendments were highly contested from the very beginning of the negotiations. In addition to the amendment regarding the expedited procedure that I will present below, the amendments also sought to expedite the ordinary legislative procedure through the changes such as limiting the question-and-answer session during the bill debates to ten minutes, prohibiting motions on the implementation and execution articles of bills, restricting speaking time.¹²⁶ Taken as a whole, the 2001 amendments represented the most significant restriction of opposition rights within the RoP to date.

The opposition parties, led by the Virtue Party (*Fazilet Partisi*, FP), challenged the 2001 amendments before the Constitutional Court, which subsequently annulled several of the amendment's provisions, finding them “unacceptable in a democratic state” (Constitutional Court of Turkey, 2002, E. 2001/129, K. 2002/24). Following this decision, some of the annulled articles were revised in subsequent amendment enacted on December 10, 2002, shortly after the

¹²⁵ The RP, which had emerged as the leading party in the 1995 elections, was later banned by the Constitutional Court on January 16, 1998, leading to the establishment of the FP as its successor. Between 1999 and 2002, the Grand National Assembly of Turkey comprised five parliamentary groups, mirroring the composition following the 1995 elections. However, there was one key difference: the CHP failed to surpass the electoral threshold, while the MHP successfully entered the Parliament. Following the 1999 general elections, the parties represented in the Parliament were ranked by vote share as follows: the DSP, the MHP, the FP, the ANAP, and the DYP, respectively.

¹²⁶ For political party groups, the government, and the responsible committee on the overall bill to 20 minutes each, while individual MPs were allotted a maximum of ten minutes. A maximum of five minutes for party groups, the government and the committee on each article. Until 2001 amendments, MPs could submit up to 40 motions for an article containing 10 paragraphs. However, the 2001 revision significantly curtailed this right by capping the number of motions per article at a maximum of three.

AKP came to power. The question-and-answer session, speech times and maximum number of motions were increased.¹²⁷

Another significant amendment, in addition to the expedited procedure I will discuss below, to the RoP in 2003 introduced a time-saving provision, stipulating that only the articles of laws returned by the Presidency could be discussed, rather than the entire law. Subsequent amendments in 2005 and January 31, 2007, focused solely on provisions of the expedited procedure that had been annulled by the Constitutional Court. These changes will be examined in detail below. In 2007, two additional amendments to the RoP were enacted, both aimed at improving legislative efficiency. The June 2, 2007 amendment reiterated earlier procedural reforms, allowing bills that had become null and void due to the end of a legislative term to be renewed by the government or MPs in the next term. It also permitted committees to adopt reports and texts from previous terms, streamlining the legislative process. The November 9, 2007 amendment introduced a provision to further expedite the election of the Speaker of Parliament, reducing procedural delays.

Despite continuous efforts to accelerate parliamentary processes and streamline ordinary law-making—beginning with the 1971 reforms, reinforced by the 1982 Constitution, significantly expanded through the 1996 amendments, and sustained throughout the 2000s—the emergence and prevalence of new exceptional legislative mechanisms has not diminished. Rather, both formal and informal rules governing these mechanisms have been continually revised and layered, while constraints designed to limit their application have often been displaced. These

¹²⁷ The question-and-answer period was increased to 20 minutes for whole law proposals, to 10 minutes for individual articles. However, speeches of for the committee, the government, and party groups were reduced from 20 minutes to 10 minutes on whole law proposals and to five minutes on articles. The maximum number of motions per article was increased from 3 to 7.

exceptional mechanisms should be understood as part of the broader effort, ongoing since 1971, to rationalize parliament by strengthening the executive and the parliamentary majority. The gradual change of rules and conventions governing these exceptional legislative mechanisms will be examined in the following section.

6.2 How exceptions became the norm

Two of the three non-standard legislative methods examined in this study—decree-laws and the expedited procedure—originated from the introduction of new formal rules at specific points in time. Over the years, the regulations governing these methods have undergone layering through amendments, with some provisions being displaced. The decree-law mechanism, in particular, was eventually entirely displaced after a period of sustained use. Similarly, the expedited procedure, introduced through an amendment to the RoP, has been repeatedly layered with modifications, some of which were annulled by the Constitutional Court, later displaced, and subsequently amended again. Beyond textual amendments, a process of institutional conversion has also taken place: conversion also occurred: the interpretation and application of these rules have evolved over time, shaped by political struggles and the strategic actions of institutional actors. While rules have enforcement power, their practical impact ultimately depends on the actors involved in institutional decision-making. The enforcement, or non-enforcement, of rules is contingent on prevailing political conditions and the power dynamics among competing actors.

The third exceptional method—omnibus legislation—does not stem from a specific rule change, which makes tracing its origins and evolution more contested. Nevertheless, various procedural rules and parliamentary bodies authorized under

those rules have indirectly facilitated and legitimized its use over time. In many cases, ruling actors have avoided pursuing explicit rule changes due to the potential political costs, time constraints, risks of judicial review, and concerns over legitimacy (Norton, 2001). For instance, while statutory provisions or procedural rules can be subject to constitutional review, the informal nature of conventions makes them difficult to challenge through legal mechanisms.

Both this informal method, omnibus legislation, and the other two methods have acquired other conventions and practices as circumstances outside parliament have drifted. Some rules have also been systematically converted by actors, to override the certain provision in the RoP and certain Constitutional principles. The phenomena of drift and conversion highlight the limitations of formal rules in explaining institutional change (Bulmer, 2009). In practice, certain unwritten norms and informal practices may exert greater influence over legislative outcomes than codified rules. This tendency is particularly evident when existing conventions and established parliamentary practices already enable them to achieve their goals without formal amendments.

As formal institutional reforms proved insufficient to accelerate the ordinary legislative process, additional institutional changes—ranging from the exploitation of formal rules to the emergence of informal institutions and conventions—have shaped the law-making process. The following sections will explore both the transformation and eventual disappearance of an exceptional law-making mechanism (decree-laws), widely used in the 1980s and early 1990s. Subsequently, I will examine how two new forms of exceptional legislation—one concerning law-making procedures and the other concerning the type of law—have, through both formal and informal changes, become the dominant modes of legislation in the TGNA.

6.2.1 Decree having the force of law – Decree-Law

Decrees having the force of law, (in short, *decree-laws* in this study) were introduced into the Turkish political system through a constitutional amendment following the 1971 coup d'état. This amendment was justified on the grounds that the 1961 Constitution had designed an excessively weak executive branch in the law-making process. In 1982, it was regulated in Article 91 of the new Constitution and became permanent. Decree-laws are issued by the Council of Ministers, based on an empowering law as I discussed in the methodology chapter. Empowering law specifies the decree-law's purpose, scope, principles, and duration as well as whether more than one decree-law can be issued within the specified period. Beyond procedural aspects, in the sense of content, Article 91 of the Constitution stipulates that decree-laws cannot be issued on fundamental rights, personal rights and duties, and political rights and duties, except in cases of martial law and state of emergency.

Decree-laws take effect on the day they are published in the Official Gazette, unless a later effective date is specified within the decree-law itself. Upon publication, decree-laws must be submitted to the TGNA on the same day.¹²⁸ The TGNA is required to review empowering laws and the decree-laws issued under them as a priority and with urgency. However, in reality, this requirement is often disregarded and non-enforcement of rule becomes a key mechanism. Although decree-laws are required to be prioritized over bills on the parliamentary agenda, this rule is rarely observed in practice. Those that are not debated remain indefinitely on the agenda (Bakırcı, 2015).

¹²⁸ Decree-laws rejected by the TGNA lose their legal effect as of the date the rejection decision is published in the Official Gazette. In cases where decree-laws are adopted with amendments, the revised provisions enter into force upon their publication in the Official Gazette.

Unlike bills, decree-laws do not become null and void at the end legislative terms. Hundreds of decree-laws issued after the 1982 Constitution were not taken on the agenda for decades. For instance, in the pre-AKP period, more than two hundred decree-laws that were never included in the legislative agenda were continuously carried over to subsequent legislative terms, yet they continued to exert legal effects. This practice, which originated before the 1990s, eventually became customary and persisted during the AKP era. In the 22nd legislative term—the first term of AKP governance—262 decree-laws were carried over from previous terms. Of these, 237 were pending discussion in legislative committees (TGNA, 2007). Throughout the AKP period, this number consistently remained above 200. Despite procedural rules to the contrary, decree-laws retained their legal effects without undergoing timely parliamentary deliberation and approval. This informal practice significantly enhances the executive's ability to govern through decree-laws. By failing to reclaim the legislative authority it had temporarily delegated, the legislature effectively allows the executive to retain decree-law powers indefinitely (Polat, 2010).

Due to their ability to expedite the legislative process, decree-laws became a key instrument for the executive following the 1971 constitutional amendments, helping to bypass delays and bottlenecks in law-making. Their use became particularly excessive during the Özal era in the 1980s¹²⁹, especially in economic matters, and was widely criticized (İba, 2013). The extensive reliance on this mechanism and the development of unconstitutional conventions surrounding its use

¹²⁹ The first Özal government was formed on December 13, 1983. On that same day—the final day of the coup government—the organizational structure and duties of all ministries were restructured through decree-laws issued under the authority of Empowering Law No. 2680. Six months after the Özal government took office, additional decree-laws were issued based on the same empowerment law. With the publication of these decree-laws in the *Official Gazette* on June 18, 1984, comprehensive amendments were introduced, reshaping the legal framework governing the duties and powers of all ministries and numerous public institutions. This practice effectively established a precedent for regulating ministries and key public institutions through decree-laws.

were explicitly criticized by the Constitutional Court (1991, E. 1991/27, K. 1991/50) in its ruling:

The widespread use of decree-laws, frequent recourse to empowering laws and the prolongation of their duration, the use of decree-laws to regulate almost every issue, and the failure to comply with the urgency requirement, amounts to the delegation of legislative power and results in a method that subordinates the legislature to the sovereignty of the executive and is incompatible with the principle of the rule of law.

Following the Constitutional Court's introduction of the criteria of necessity, urgency, and importance for the issuance of decree-laws, the use of this legislative instrument became significantly more restricted (Ergül, 2013). Still, sometimes the empowering laws have been too vague, and sometimes decree-laws have been issued that exceeded the authorization granted. Various governments, with the majority votes in the plenary, also enacted omnibus empowering laws covering multiple unrelated issues, leading to omnibus decree-laws.¹³⁰ As a result, the use of decree-laws has generated tensions not only among political parties within parliament but also between the Constitutional Court and ruling parties.

Many decree-laws or empowering laws were annulled.¹³¹ In the 9-month period between October 6, 1993, and July 8, 1994, the Constitutional Court annulled

¹³⁰ In 1993, in a unanimous ruling that annulled an empowering law, the Constitutional Court stated: "The delegated authority covers too wide a field. They extend to personnel reform and all the details of the organizational structure, cover all issues related to privatization ..., include the right to make all kinds of disposals with regard to public immovable property, and are so broad as to enable amendments to important laws of the social security, banking and insurance sectors ... - It is observed that this ambiguity ultimately leads to an unlimited scope and purpose, thus the parliament allows the executive branch to exercise legislative power in an unlimited manner" (Constitutional Court of Turkey, 1993, E.1993/26, K. 1993/28).

Even in the emergency decrees, which are outside the scope of this study, it is evident that provisions unrelated to the justifications for the state of emergency were frequently included. For instance, during the state of emergency declared following the coup attempt in July 2016, a single decree contained various unrelated regulations, including provisions on banking, the establishment of new districts, and the requirement to install winter tires on vehicles. These regulations had no direct connection either to each other or to the state of emergency itself (Esen & Yeşilirmak, 2023).

¹³¹ Between 1991 and 2001, the Court issued eight rulings on the decree-law and the limitations to use this mechanism, further constraining its use (Bakırcı, 2011). During the same period, the TGNA

nearly all empowering laws and decree-laws (27 in total) for which an annulment case was filed (Gözler, 2000, p. 276). The Constitutional Court's restrictive jurisprudence during the 1990s deterred the executive from abusing the decree-law mechanism, leading to its exceptional use only when it met the Court's strict criteria.

The expedited procedure, which I will evaluate below, first emerged on the parliamentary agenda in 1996, at a time when the use of decree-laws had become increasingly difficult. In subsequent legislative terms, governments sought to institutionalize this procedure as a means of accelerating the legislative process, thereby reducing reliance on decree-laws. Opposition parties challenged this shift, arguing that it was an attempt to bypass the Constitutional Court's constraints on decree-laws. This argument was explicitly stated in their petition to the Constitutional Court requesting the annulment of the 2001 amendment to the RoP: "The amendment is based on the ulterior motive of the government's unavailability to operate the decree-law regime and to avoid the jurisprudence of Constitutional Court in that direction" (Constitutional Court of Turkey, 2002, E. 2001/129, K. 2002/24).

The AKP, which came to power shortly after the Constitutional Court annulled the 2001 amendments to the RoP, signaled both before and after the election that it would refrain from using the decree-law mechanism. This decision was influenced by two key factors: the Constitutional Court's restrictive jurisprudence, which made decree-laws more difficult to implement, and the widespread public criticism and political corrosion of decree-law mechanism over

adopted 42 empowering laws. Of these, 15 were challenged before the Constitutional Court, which annulled 13 — two of them partially (Polat, 2010, p. 95).

time (Atay, 2013). After the AKP came to power in 2002, it issued decree-laws only in 2011 during the period spanning from 2002 to 2016.¹³²

Although there was no rule change regarding decree-laws in the Constitution or the RoP, the AKP initiated a significant decree-law breakthrough in 2010 as an example of institutional conversion. As Şeref İba (2013) describes, “...Very important reforms were passed with the speed of light, first through a law of empowering and then bypassing institutional conventions ... prepared by a narrow cadre” (p. 56). The omnibus nature of these empowering laws and some of the associated decree-laws, as well as their impact on fundamental rights, drew substantial criticism. Although the opposition petitioned the Constitutional Court for their annulment, none of these empowering laws or the decree-laws based on them were annulled. In its ruling dated October 27, 2011, the Constitutional Court (2011, E.2011/60, K.2011/147) expanded the executive’s authority to regulate through decree-laws, marking a departure from its earlier jurisprudence. This decision effectively broadened the scope of the executive branch’s powers, facilitating the use of decree-laws in ways that had previously faced legal constraints.

The AKP has been very successful in using different types of exceptional laws or parliamentary practices at the same time to further accelerate the pace. In the following sections, I will examine the transformation of two dominant exceptional legislative methods of the last two decades that emerged as the primary law-making mechanisms during the period when the decree-law procedure became difficult to employ.

¹³² During the post-2016 state of emergency, state of emergency decrees were frequently utilized. However, with the 2017 constitutional amendments that radically restructured the political system, both ordinary and emergency decree-laws were displaced and replaced by presidential decrees. This study focuses exclusively on ordinary decree-laws issued up until 2015.

6.2.2 Expedited procedure – Basic law

The expedited procedure is regulated under Article 91 of the RoP. While the English version of the RoP refers to it as the “expedited procedure,” the term “basic law” (*temel kanun*) is used in both the Turkish version and in everyday parliamentary practice within the TGNA. However, the concept of a basic law is ambiguous and often a source of contention. One of the main issues is the lack of clarity regarding what qualifies as a basic law and which laws should be discussed under this framework.¹³³ The basic law procedure, as mentioned above, was first introduced in the RoP in 1996, sought to be revised in 2001 and has been a very controversial procedure, especially since then. It was annulled by the Constitutional Court on three occasions and subsequently revised, reintroduced, and implemented by successive governments on four separate occasions. Since 2007, it has remained in force uninterrupted and has become the dominant bill discussion procedure.

As required by the RoP, the ruling party submits its proposals for bills that they want to be discussed as basic laws to the Board of Spokesperson, and if consensus cannot be reached there, which is often not the case, it submits them to the plenary.¹³⁴ These proposals include how many sections the bill will be composed of and which articles will be included in which chapters. Debating chapter by chapter rather than article by article is the main difference between the negotiations on a basic law and ordinary laws (i.e. the expedited procedure and ordinary procedure). According to the final version adopted in 2007, with the expedited procedure, each

¹³³ It does not mean that the basic laws are more important, or superior to ordinary laws, etc. In practice, it only corresponds to an expedited procedure, even if the purpose was more than that when it was first designed.

¹³⁴ The expedited procedure applies only to plenary debates; there is no expedited procedure for committee debates.

chapter is discussed as if it was a single article. In other words, if 25 articles are combined into one chapter, this chapter is debated as a single article, and thus some procedures that are repeated 25 times are done once. For example, in ordinary laws there are 10 minutes of question and answer for each article, whereas in basic laws there is a maximum of 15 minutes of question and answer for almost 30 articles. Another difference between the expedited procedure and the ordinary procedure is the number of motions. In the ordinary procedure, a maximum of 7 motions can be made on each article, whereas in the basic laws this number is 2 (Bakırcı, 2018, p. 163).¹³⁵ The stages after the motions are the same as in the ordinary process. Although the bill is discussed in chapters, the articles are voted on separately.

How did this expedited procedure emerge and how did it evolve? At first, in 1996 it was confusing for all parties.¹³⁶ Metin Bostancıoğlu of the DSP, who took charge both in the inter-party committee and the sub-committee, says: “The basic laws referred here were considered as the laws that provide integrity, ... that regulate society fundamentally ... [The sub-committee] was put to it but, since the committee could find no solution, it came to the conclusion of explaining it in the preamble” (03-04-1996 Committee on the Constitution).

Metin Bostancıoğlu on behalf of the DSP group was summarizing the preamble with these words: “A fast-working, democracy-based RoP was needed ... working faster was desired. On the other hand, a fair and just RoP amendment has been introduced so that the voice of the opposition will not be muted” (TGNA, 1996, May 8). While deputies from the RP emphasized the problematic nature of passing

¹³⁵ However, each political party group reserves the right to submit one motion. In other words, there can be as many motions as there are political party groups in the Parliament.

¹³⁶ In its initial form, this new procedure was not perceived as wholly negative and did not face strong opposition in the Committee on the Constitution, even from the RP, which was the party more critical of the proposed amendments than the other parties.

fundamental legislation rapidly, without allowing sufficient opportunities for debate or the submission of motions on individual articles, they also acknowledged the intended benefits of the expedited procedure. They noted that its purpose was to save time and prevent bills addressing extensive and fundamental issues from being disrupted by numerous amendment proposals introduced during parliamentary negotiations (TGNA, 1996, April 3). Lütü Esengün, an RP deputy, concluded his speech with the following statement: “After all, I have not come to a clear conclusion on this matter if it is good or not; the best from Allah” (TGNA, 1996, April 3).

This version of the expedited procedure required unanimity in the Board of Spokespersons, as outlined in its preamble. Süleyman Arif Emre, a deputy from the RP, highlighted the practical difficulty of achieving unanimity, particularly in essential and contentious policy areas: “It can be thought that there will be such negotiations in the Board of Spokesperson, but a consensus will not be achieved. ... We are talking about an article that has little or no applicability” (TGNA, 1996, April 3). Since it was widely believed that this provision would be quite difficult to implement in practice, there were no serious objections during the discussions. Ultimately, the committee’s chairperson, Metin Emiroğlu (ANAP), concluded the debate by stating: “I do not find it appropriate to negotiate too much on this issue; because it was elaborated enough. It is a new institution, born out of necessity...” (TGNA, 1996, April 3), and the committee accepted the article.

On April 16, 1996, although the Committee on the Constitution had already voted on and approved the entire set of amendments to the RoP, the ruling party members were not fully satisfied with some of the provisions they had drafted, voted for, and accepted. They called for an emergency meeting to reconsider specific

articles and the committee reconvened in less than 48 hours after its initial approval of the proposal. During the discussions, Lütfü Esengün from the RP stated:

Someone is hurrying this up. ... Whether it is the Bureau of Parliament or some party leaders, whoever it is... 23 years have passed since the 1973 Rules of Procedure, we waited, but now we can't wait even a week here. (TGNA, 1996, April 18)¹³⁷

One of the key articles reconsidered during this meeting was Article 91.¹³⁸ In its initially approved version, the article contained the phrase “wholly amending the basic laws or RoP.” However, to expand its applicability, the wording was modified to “wholly or extensively amending” by the committee. Following this reconsideration meeting and the newly introduced amendments, the RP adopted a more critical stance toward the changes. In the first plenary session to discuss the amendments, all parties except the RP supported the amendments to the RoP. In response to opposition concerns that the negotiations had been rushed, the Deputy Speaker of the TGNA, Kamer Genç, and the Chairman of the Committee on the Constitution, Metin Emiroğlu assured members that there was no urgency in finalizing the amendments and agreed to postpone the discussion on the article to the next session to allow for a more genuine debate (TGNA, 1996, April 3).

During the plenary discussion and voting on the individual articles, both opposition and ruling party members submitted various motions concerning specific provisions. Notably, some of the opposition's motions were accepted, while others were rejected. However, when the debate reached Article 91, no members requested the floor, no motions were introduced, and the article was adopted without any

¹³⁷ The emergency meeting started with a procedural discussion initiated by the opposition. Since some of the deputies who demanded the re-deliberation were absent at the committee meeting, the opposition claimed that there was no sufficient number of members for the reconsideration meeting. However, this critique was not accepted by the committee's chairperson and the meeting continued after a break.

¹³⁸ The other one was about accelerating the phase of making a motion.

controversy (TGNA, 1996, May 16). Despite expressing strong criticism toward certain provisions within the 1996 amendments, the RP did not appeal to the Constitutional Court. This restraint was likely due to the broad consensus achieved on most of the articles, which reduced the perceived necessity for judicial intervention.

Only five years later, in 2001, the expedited procedure once again became a subject of amendment.¹³⁹ The unanimity requirement in the Board of Spokesperson was relaxed; in cases where unanimity could not be reached, a decision could now be made with a three-fifths majority of the total number of members in the plenary. Even though the two major opposition parties the FP and the DYP harshly opposed the amendment¹⁴⁰, the committee approved it by majority vote and forwarded it to the plenary. The debates in the plenary were highly contentious, culminating in a fight during the session on January 30, 2001. During the confrontation, DYP deputy Fevzi Şıhanlıoğlu died of a heart attack after being struck by MHP deputy Cahit Tekelioğlu, who was subsequently imprisoned.

Despite the intense disputes, the amendments to the RoP were passed just one week later. The opposition challenged the 2001 amendments in the Constitutional Court, filing a lawsuit with the signatures of 117 deputies from the RP and DYP.¹⁴¹ Notably, the legal challenge was initiated and signed by deputies such as Cemil Çiçek, Salih Kapusuz, Ahmet İyimaya, and Mehmet Ali Şahin, all of whom would

¹³⁹ As I mentioned above, there were several rationalization provisions, criticized by the opposition in 2001 amendments but the most controversial issue was the amendment made to Article 91 on basic laws.

¹⁴⁰ The FP opposed the amendments on similar grounds as it did in the previous Rules of Procedures amendments. However, the DYP took the opposite stance than they had in 1996, with the same deputies who prepared and persistently defended the 1996 Rules of Procedures.

¹⁴¹ Even the 1996 version was said to be unconstitutional (and Ahmet İyimaya, one of the drafters of the 1996 amendment, signed this bill of claims).

later hold significant positions during the AKP era.¹⁴² The petition argued that the necessity of the institution [the expedited procedure] does not eliminate its unconstitutionality,” and they anticipated the potential conversions in parliamentary conventions that these rule changes could bring about:

The absence of a clear definition and the special methods developed may lead to discretionary legislation that will suspend other provisions of the Rules of Procedure. In this respect, the rule is so ‘wild’ that it will swallow the other rules. It is an amendment that lacks the mechanism to prevent every legislative proposal from being approved through this rule. (Constitutional Court of Turkey, 2002, E. 2001/129, K. 2002/24)

The Constitutional Court ruled in on January 31, 2002, unanimously annulling Article 91. However, it also unanimously rejected the request for a suspension of execution, stating that “since the legal vacuum caused by the annulled rules is seen as a threat to public order and violating public interest” (Constitutional Court of Turkey, 2002, E. 2001/129, K. 2002/24). The annulment decision took effect three months after its publication in the Official Gazette on June 18, 2002—just a few months before the 2002 elections. As a result, this mechanism was no longer available when the AKP came to power in November 2002.¹⁴³

Shortly after coming to power, in 2003, the AKP sought to pass an 11-article RoP amendment nearly identical to the 2001 revision, which had been annulled by the Constitutional Court. Many former RP and FP deputies, who strongly opposed the previous amendment in 2001, now held influential positions within the AKP and supported almost the same amendment. Perhaps due to this shift, the head of the

¹⁴² The unanimity condition in the Board of Spokesperson in the 1996 version was emphasized and praised with this sentence: "it contained a mechanism that assures full participation and the necessity of reconciliation" (Constitutional Court of Turkey, 2002, E. 2001/129, K. 2002/24).

¹⁴³ On November 3, 2002 elections, only two parties, the AKP and the CHP, passed the 10 per cent electoral threshold. While the AKP was in power alone and won 363 deputies, the CHP was the only opposition party with 178 deputies.

Committee on the Constitution, AKP member Burhan Kuzu, timidly presented the proposal:

I wish there would not be such an article, but, indeed, long laws cause serious trouble to the parliament as well, unfortunately. I mean, my heart doesn't want it at all. As you know, this also caused the death of one MP during that meeting. ... we have always criticized that article. (TGNA, 2003, April 8)

Ironically, many former RP deputies who had opposed the amendment in 2001 supported 2003 amendment it after being part of the ruling party, the AKP. They now began to criticize the very Constitutional Court ruling that, in 2001, had sided with their arguments when they were in the opposition. CHP deputies criticized the former RP, new AKP deputies for contradicting their previous positions. CHP members even directly referenced statements made by ex-RP members in the parliamentary minutes, as well as the bill of reasons they had signed when petitioning the Constitutional Court (see TGNA, 2003, April 10).

Burhan Kuzu, on the other hand, takes a more moderate approach but arrives at the same conclusion:

... Maybe when it is very urgent, this method will be applied; if it is not that urgent, I think it would be better not to apply. ... it arises because of necessity. In a sense, it is similar to medicine. How you make the patient use drugs, kind of, a little, it is. Of course, it is necessary to adjust the dose very well. (TGNA, 2003, April 10)

However, as observed in the following years, this method gradually became the norm and was increasingly applied without proper restraint. Oya Araslı accurately foresaw this development in her speech at the plenary:

The envisaged non-standard legislative procedure has been arranged by allowing unlimited expansion, a field of discretion has been created, and the initiative has been left to the votes of the majority of the ruling party, ... It is clear that this situation will cause the government to accept any law it deems appropriate as the basic law ... and it will cause the ordinary negotiation

principles to be replaced by the use of extraordinary methods gradually.
(TGNA, 2003, April 10)

The RoP amendment was adopted in the plenary session on April 10, 2003. Shortly thereafter, the CHP filed for annulment, and the Constitutional Court issued a unanimous decision on April 29, 2003—remarkably swiftly. In this ruling, the Court also unanimously suspended the implementation of the relevant article, stating that it would remain suspended “until the day the detailed ruling is promulgated in the Official Gazette, in order to prevent difficult or irreversible consequences arising from the implementation of this article and to ensure the annulment decision is not rendered ineffective” (Constitutional Court of Turkey, 2003, E.2003/30, K.2003/38).¹⁴⁴ However, the AKP started negotiating the new amendment related to Article 91 at the Committee on the Constitution on May 29, 2003 and did not even wait for the detailed ruling. CHP deputies criticized the hasty debates and the amendment prepared without considering the reasons in the detailed ruling (TGNA, 2003, May 29).

Since the vagueness¹⁴⁵ of the basic law concept was one of the grounds for the Constitutional Court’s annulment, the amendment to the RoP, proposed in June 2003, replaced the term basic law with comprehensive law in Article 91. Ayhan Sefer Üstün, a deputy from the AKP, attempted to justify this change as follows: “There are different opinions on what a basic law is; ... in this respect, we thought

¹⁴⁴ The AKP deputies criticized the Constitutional Court by stating that it cannot issue a suspension of execution ruling. They also criticize the 'slowness' of the Constitutional Court, but the ruling was promulgated in the Official Gazette on 09-07-2003, in a shorter time compared to previous rulings on this issue.

¹⁴⁵ In the plenary discussions, speaking on behalf of the AKP Group, Nimet Çubukçu had even praised the advantage of the ambiguous definition of the basic law concept: "Being flexible about the definition and scope of the basic law. The necessity of evaluating this concept according to the new expectations that will arise about the dynamism of the society should not be overlooked" (10-04-2003 plenary).

we should introduce a new definition” (TGNA, 2003, June 10). CHP members interpreted this as an attempt to circumvent the Constitutional Court’s ruling. They argued that if the Court were to annul it again, the proposal would likely be reintroduced with yet another modified definition (TGNA, 2003, June 10). In this proposal, a comprehensive law was defined as one containing at least 40 articles.¹⁴⁶

A large majority in the Committee on the Constitution accepted the amendment on June 10, 2003.¹⁴⁷ However, the proposal was not brought to the plenary for discussion, likely because the government anticipated that it would be annulled again and chose to wait for the Constitutional Court’s detailed ruling. The ruling was published in the Official Gazette on July 9, 2003. This time, however, nearly two years passed before a new amendment on the expedited procedure was introduced. The comprehensive law concept was abandoned, as the Constitutional Court did not find the basic law concept problematic in its ruling. The revised amendment was finally brought to the plenary on June 30, 2005, where it was approved in a single session.

The CHP challenged this amendment before the Constitutional Court again and the Court issued its ruling on October 26, 2005. This decision was unexpected for the opposition party. Despite its similarities to previous versions that had been annulled, the Court upheld the amendment.¹⁴⁸ However, this time, the ruling revealed deep divisions and polarization within the Court even though the Court had largely reached a strong consensus on the previous RoP amendments, with most decisions

¹⁴⁶ There was also another ambiguous statement that the plenary would decide it; no special majority procedure has been specified. CHP deputy Oya Araslı also criticized this definition for reducing the concept to a mere numerical criterion based on the number of articles: “Why is it 40, but not ... 30, not 50? By splitting the paragraphs of ... each article, into separate articles, you can make it a draft that fits the measure. It is extremely easy” (TGNA, 2003, June 10).

¹⁴⁷ At this first meeting of the Committee, it is decided to establish a subcommittee. After the subcommittee's work, the Committee on the Constitution convenes for the second time on June 10, 2003.

¹⁴⁸ Except for a single sentence, which it struck down by a majority vote.

being unanimous. The request to annul the 2005 amendment was rejected by a majority vote, with four of the 11 justices dissenting.¹⁴⁹ Additionally, the Court rejected the request to suspend the execution of this provision, with only one justice, Fulya Kantarcioğlu, supporting the suspension. The ruling stipulated that the decision would take effect three months after its publication in the Official Gazette, stating that “since the legal loophole caused by the annulment ... is deemed to violate the public interest” (Constitutional Court of Turkey, 2005, E.2005/74, K.2005/73).

As the effective date of the annulment approached, a proposal to revise the annulled sentence was introduced,¹⁵⁰ and the Committee on the Constitution began discussions on January 17, 2007. The amendment was approved without any modifications in both the Committee on the Constitution and the plenary. Recognizing that another appeal would likely be futile and having no specific objections to the revised sentence, the CHP did not challenge the amendment before the Constitutional Court. Since 2007, there have been no legal challenges to the application of this exceptional provision. Although Article 91 was initially intended for exceptional use, its application had already become widespread before 2007. Consequently, during the Committee on the Constitution and plenary discussions of this relatively minor 2007 amendment, the expedited procedure and its practical implications were debated not as hypothetical concerns but as established realities.

¹⁴⁹ Unanimity was achieved only in striking down one specific sentence, which imposed a limit of two motions per article, as it was deemed unconstitutional.

¹⁵⁰ Instead of the sentence "two motions can be made by the deputies for each article, including the motions against the Constitution," the following statement is used in the new proposal: "The deputies can submit two motions on the article, including motions against the Constitution. However, the right of deputies belonging to each political party group to submit a motion is reserved. Discussions start on the proposals that the committee agrees to be discussed as a new article with the absolute majority, and the articles that are decided to be reconsidered, and the number of proposals specified in this article can be submitted" (TGNA, 2007, January 17).

Oya Araslı stated the following observations and criticisms regarding the implementation of the basic law:

The basic law has been expressed in such flexible terms in our country that almost every law has been subjected to this expedited legislative procedure within the scope of the basic law concept in the past one or two years, and hundreds of thousands of Articles of laws could be passed from the plenary in an hour, in two hours. ... The Constitutional Court did not see any objection to the definition, but unfortunately, we, as the TGNA members, succeeded in making the definition objectionable ... in practice. (TGNA, 2007, January 17)

The facilitation of the expedited procedure was not achieved only through rule amendments but also by creating de facto practices and conventions through institutional conversions. Under this procedure, bills are debated in chapters rather than individual articles. Each chapter may contain a maximum of 30 articles, meaning that as the total number of articles in a bill increases, so does the number of chapters. However, there was no minimum requirement for the number of articles per chapter, nor were there specific guidelines on how chapters would be arranged. Over time, it has become customary to debate as many articles as possible while minimizing the time spent on discussions. At one stage in its evolution, the procedure was intended for bills containing at least 40 articles; however, this requirement was later abolished in the most recent version of the rule (Bakırcı, 2015).

In its original 1996 version, the expedited procedure regulated in Article 91 of the RoP was designed to be used exceptionally for certain comprehensive laws such as the Civil Code, the Commercial Code, and the Code of Debts, that may take months to be discussed with ordinary procedure due to the high number of articles. However, in practice, this procedure was used not only for lengthy laws, such as those containing over one thousand articles but also for many laws with fewer than

20 or 30 articles (TGNA, 2006, September 20).¹⁵¹ Since this procedure was introduced to expedite the legislative process, nearly all basic laws containing up to 61 articles—representing the majority of such bills—have been debated in just two parts.¹⁵²

This demonstrates that, over time, the basic law procedure was increasingly applied regardless of the size or complexity of the legislation.¹⁵³ Following the Constitutional Court’s 2005 decision, what was originally intended as an exceptional procedure de facto became the standard, with nearly every law being debated under this framework. The original content requirements for the expedited procedure were gradually disregarded, and different regulations were bundled together, effectively making the bills de facto comprehensive (Bakırcı, 2015). After the aforementioned Court ruling, this shift became particularly evident with the adoption of the Law on Amendments to Various Laws on December 6, 2006. For the first time in the history of the expedited procedure, it began to overlap with omnibus laws, leading to both strong opposition reactions and widespread confusion. Once the requirement for a specific subject matter was no longer enforced, the tendency to process nearly any bill through the expedited procedure increased significantly (Bakırcı, 2018, p.162). This precedent was solidified under a single-party government, which had the

¹⁵¹ Opposition MPs frequently objected to the expedited discussion of many bills with few articles. Haluk Koç: “What’s the point of 16 articles?!” (TGNA, 2006, September 20). Sometimes various de-facto practices have been developed to prevent opposition parties’ complaints that laws with fewer words and fewer articles are also discussed with the expedited procedure: “they started to arrange every bill in a way to contain 25 articles. Because when there are 25 articles, it can become a basic law. [For example] article one says that the name of the institution is the Ministry of Justice, article two says that the Ministry of Justice has an undersecretary, article three ... However, aren’t these actually four paragraphs in an article? They do it like this so that it becomes a basic law” (Kaplan, 2013, p. 23-24).

¹⁵² However, even if the text of the bill consists of 10 articles, it is also customary to discuss it in at least two chapters in total.

¹⁵³ Although the *Rules of Procedure* set specific content requirements for a bill to be considered a *basic law*, in practice, the only essential criterion is that the majority in the plenary votes in favor of classifying it as such. The amendment introduced following the 2005 Constitutional Court ruling significantly facilitated this process, further empowering the plenary majority.

necessary parliamentary majority to apply the expedited procedure. As a result, this practice became more entrenched in the following legislative terms, further accelerating law-making activities.

6.2.3 Omnibus law – Bag law

I have provided a detailed explanation of the definition of omnibus law adopted in this study in Chapter 4. Omnibus legislation is not grounded in any Constitutional or Rule of Procedure provision, nor has its widespread use resulted from a specific change in rules. In fact, certain existing rules explicitly prohibit their use. Habip Kocaman (2011), the Director of Laws and Resolutions of the TGNA—one of the highest-ranking officials in the parliamentary bureaucracy responsible for legislative drafting—has even stated that omnibus bills violate the Regulation on the Procedures and Principles of Legislation Preparation. However, much like the expedited procedure, the increasing constraints on the use of decree-laws contributed to the rise of a de facto mechanism, omnibus legislation, to accelerate law-making process among other advantages it presents to certain political actors. It first gained traction during coalition governments and later became a defining feature of the AKP era (İba, 2013).

Omnibus laws have been consistently criticized by the opposition in every legislative term and, at times, even by members of the ruling party. Even the Speaker of Parliament, Cemil Çiçek, openly criticized the reliance on omnibus laws, stating: “Since the legislative activity could not be carried out effectively, we resorted to an unusual way such as omnibus legislation ... The omnibus legislation creates serious problems in terms of the quality of legislation” (Çiçek, 2014). However, despite strong objections—including those at the ministerial and prime ministerial

levels¹⁵⁴—this practice has remained the dominant form of legislation, particularly during the AKP era. This phenomenon underscores the significance of parliamentary conventions and informal practices, demonstrating that they can sometimes be just as influential—if not more so—than formal rules in shaping legislative processes.

So when and how did this informal institution, omnibus law, emerge? There are different arguments on this issue. The widespread public opinion is that it emerged during the AKP era. There are even some studies (Özcan & Kimya, 2024; Hazama & İba, 2017) claiming that it emerged at the end of the AKP's first term, more specifically after 2006.¹⁵⁵ Relatively more common and more valid argument adopted by many scholars researching omnibus laws or MPs discussing the issue is that omnibus laws first emerged during Turkey's EU harmonization process, which gained momentum from 2001 onwards. For example, an MP, Gürkut Acar stated that “Omnibus laws are regulations that came to the agenda during Turkey's EU harmonization process...” (Acar, 2013, p. 33). Bakırcı (2018) conceptualizes these laws enacted as part of the EU harmonization process as “package laws”¹⁵⁶, arguing that omnibus laws evolved from “package laws”. Even though I do not completely agree with all the criteria Bakırcı (2018) set for “package laws”, for the reasons I discussed in Chapter 4, the laws that could be characterized as omnibus laws before

¹⁵⁴ “After the months-long omnibus laws passed in July 2014, which were criticized by Faruk Çelik, Minister of Labor and Social Security, another omnibus law was brought before us in our Committee within the last month. This occurred despite statements from Government Spokesperson Bülent Arınç—who cited Prime Minister Davutoğlu—declaring that there would be no more omnibus laws.” (24th Legislative Period, 5th Legislative Year, Law No. 6637, Committee Report, HDP Dissenting Opinion).

¹⁵⁵ The debate over when omnibus laws first emerged is, in essence, a question of how omnibus laws should be defined. This issue has been examined in detail in the *Methodology Chapter*.

¹⁵⁶ See the definition of package law in the *Methodology Chapter*.

2001 were mostly close to “package laws”.¹⁵⁷ At that time, the degree of omnibusness and deviation level from the single-subject rule were relatively low.

However, even in 1996, discussions on the omnibus legislation practice were already present, even if the term itself was not explicitly used. During the debates on one of most controversial articles, Article 87¹⁵⁸ of the 1996 RoP amendments, DYP deputy Ahmet İyimaya, speaking on behalf of his party, addressed the issue of incorporating unrelated regulations into a single law. İyimaya, who later joined the AKP and held significant positions, explicitly referred to “the prohibition of law-making by incorporating unrelated regulations that should be enacted through separate laws.” He stated: “For example, ... adding a provision on, say, real estate law to a traffic law, is explicitly prohibited by this amendment” (TGNA, 1996, May 8). However, in practice, this confusing amendments regarding last-minute motions failed to prevent the use of omnibus legislation and, arguably, may have even contributed to its persistence (see discussions in TGNA, 1996, April 16).¹⁵⁹

As the advantages of this technique format became apparent, bills began incorporating provisions on a wide range of unrelated subjects, effectively turning them into de facto omnibus laws. Omnibus laws, which had existed in previous years, became widespread in the early 2000s and were firmly established within a short period. By 2001, the Turkish version of the term omnibus law had become

¹⁵⁷ A significant proportion of omnibus laws before 2001 focused on tax legislation. The technical complexities of tax regulations often necessitate amendments to multiple laws simultaneously to ensure the intended policy outcomes are achieved.

¹⁵⁸ In 1996, the following provision was added to Article 87 and has remained in force ever since: “Amendment motions that are in the nature of a new bill, which introduce additions and amendments to other laws that are not the subject of the bill or proposal under discussion, shall not be processed. Motions requesting the amendment of an article of the law subject to the bill under discussion, which is not included in the text of the Committee, but which is closely related to the bill, and which the Committee agrees by simple majority, shall be discussed as a new article” (TGNA, 1996, May 8).

¹⁵⁹ Last-minute amendments do not necessarily result in omnibus legislation. However, when omnibus legislation overlaps with last-minute amendments, the predictability of the provisions being discussed in the Parliament becomes more problematic, and the time allocated for their deliberation is significantly reduced.

commonly used in parliamentary minutes. This is also evident in the bill of claims submitted by RP and DYP deputies in their petition to annul the 2001 amendments, which included the following statement: “With just a few Board of Spokesperson meetings each year, it will be possible to enact bills approved by committees approved at jet speed before the plenary ... altogether by the 'bag method'” (Constitutional Court of Turkey, 2002, E. 2001/129, K. 2002/24).

In the years that followed, last-minute amendments also evolved from being an exception to becoming a common legislative practice, often applied to laws unrelated to the original bill under discussion. While the enabling provisions of the rule facilitated this practice for governments, its prohibitive aspect—prohibiting amendments to unrelated laws—was frequently circumvented. This became particularly evident in the case of omnibus bills, where imposing limits on the subject matter of last-minute motions effectively lost its meaning because of institutional conversion.¹⁶⁰ Although the RoP prohibit the introduction of irrelevant last-minute amendments and the bundling of unrelated provisions, these restrictions were de facto overridden in the following years, particularly during the AKP era, through the widespread use of omnibus legislation.

As both formal rules and parliamentary conventions regarding the interrelatedness of provisions within bills were increasingly disregarded, the scope of

¹⁶⁰ According to the *Rules of Procedure*, amendment motions that introduce additions or modifications to laws unrelated to the bill under discussion cannot be processed by the speaker. However, this rule becomes controversial, particularly in the case of omnibus bills. Under the so-called *new article creation* mechanism, a motion proposing an amendment to an article not included in the committee’s draft—provided that it is deemed *closely related* to the bill and approved by a simple majority of the committee—can be introduced as a new article in the plenary. If the plenary accepts the motion, the new article proceeds through the legislative process like any other provision. This mechanism facilitates last-minute amendments, allowing certain provisions to be passed with minimal debate. Although it would be more appropriate for the government not to submit motions in the plenary for its own drafts, in practice, the government frequently submits a large number of motions at both the committee stage and in the plenary, particularly in the case of omnibus bills (Bakırcı, 2015). There is no formal limit on the number of motions that the primary committee or the government may submit.

bills expanded while the level of thematic coherence declined. For instance, as early as April 21, 2005, Law No. 5335 on the Amendment of Certain Laws and Decree-Laws consisted of just 36 articles but amended 53 separate laws and decree-laws (Neziroğlu, 2008, p. 416–417). Omnibus bills may be prepared as omnibus from the outset, or they may be formed by the addition of riders during the process. More commonly, they are formed by merging multiple bills during the committee phase. A striking example is Omnibus Law No. 6495, enacted in 2013. It began as a modest 10-article government bill, which was then combined with in total 46 articles from various private members' bills proposed by AKP MPs, emerging from the committee stage with 59 articles. The Bureau subsequently reassigned it to a different primary committee, where its size increased to 76 articles. By the time it reached the plenary, 28 additional articles were introduced, and it was ultimately passed as a 104-article law (Acar, 2013, p. 33–34).¹⁶¹

One of the primary reasons for the frequent use of omnibus laws is their significant time-saving advantage. Unlike the expedited procedure, which imposes direct time limits, omnibus laws achieve efficiency indirectly by consolidating multiple legislative issues—each of which would typically require a separate bill—into a single legislative package (İba, 2011). This approach streamlines the legislative process by allowing necessary procedures, which would otherwise be carried out separately for each law, to be completed collectively in a single enactment.¹⁶²

¹⁶¹ The final version of this law spanned 51 pages, containing more than 26,000 words. Notably, Article 73 alone extended to 17 pages and comprised 8,711 words, exemplifying the sheer complexity and scale that omnibus legislation had reached.

¹⁶² If the texts of these bills had been introduced separately in the TGNA, each bill would have been referred to a relevant committee and would have been discussed independently, both article by article and as a whole. However, when combined into an omnibus bill, no matter how many amendments it

During the AKP period, the practice of omnibus laws was carried to such an advanced level that even the articles of some bills were turned into omnibus articles (Acar, 2013; Kurt, 2013).¹⁶³ Habip Kocaman (2011), Director of Laws and Resolutions at the TGNA, observes that some articles not only contain multiple amendments but are also deliberately extended to avoid increasing the total number of articles. He underlines that even “sometimes issues lacking subject integrity are packed together within the same article” (p. 108).¹⁶⁴

According to the RoP, if the proposed bill contains regulations concerning more than one area of expertise, which is often the case with omnibus bills, it may be referred to one or more secondary committees by the Bureau. While the primary committee holds the main responsibility for reviewing the bill, secondary committees are tasked with providing assistance through their reports. However, in practice, committee members frequently find themselves making decisions on legislation that falls outside their areas of expertise.¹⁶⁵ During the AKP era, more than half of the omnibus bills were referred to the Committee on Plan and Budget—one of 15

contains, it is debated only once, with individual articles discussed separately but the overall bill considered as a single entity.

¹⁶³ However, the practice of omnibus articles to accelerate the legislative process predates the AKP era, having been employed during the EU harmonization process. For instance, on March 26, 2002, during the negotiations of an omnibus bill, MP Şeref Malkoç underlined the existence of this practice: “In the article we are discussing now, 6 articles of the Law on Associations are being amended. ... such a wholesale procedure has been resorted to just to meet the March 24 deadline, so that the harmonization laws can be passed by the Parliament as soon as possible” (TGNA, 2002, March 26). Turhan Güven from the DYP stated that this article should be classified as a framework article and the opposition should have more speaking rights: “If ... 6 articles are changed in this article, ... you will give the deputies the right to speak 6 times, the groups will have the right to speak 6 times. If you say, no, it is only one article, we will discuss it later in terms of constitutional law; we will also discuss it in terms of the Rules of Procedure” (TGNA, 2002, March 26).

¹⁶⁴ According to parliamentary rules, if a single article amends multiple laws—what is known in Turkish legal doctrine as a *framework article*—the opposition should be granted as many speaking opportunities as the number of laws being amended. In practice, however, this is sometimes disregarded. The omnibus method artificially reduces the total number of articles, thereby further accelerating the legislative process (Bakırcı, 2015).

¹⁶⁵ Hasip Kaplan “How can you debate the changes to the Attorneyship Law in the Committee on Plan and Budget? It must be regulated by the Committee on Justice” (6552 committee minutes).

committees—as the primary committee. Mehmet Günal (2013), a member of this committee, commented on this practice, stating:

They send [omnibus bills] directly ... to the Committee on Plan and Budget. If the bill contains provisions on, it skips the Committee on Health, ... The opposition's rights in these committees, to submit motions, the include dissenting opinions, to participate, to collaborate and to debate the bill are being usurped. (p. 24)

While the overwhelming majority of omnibus bills have been referred to one or more secondary committees, it is exceedingly rare for all designated secondary committees to submit reports on the bills assigned to them.¹⁶⁶ Mehmet Günal (2013) described this situation as follows:

... [A bill] comes to us, our workload is heavy, still we are working on it, but we don't really know much about it;...it needs to go to the relevant committee for its technical aspects; they say 'okay'. ... when we come in the morning, there is a document on our desk, signed by the chairman ... And in the justification, they say 'we can't meet because we don't have time. (p. 17)¹⁶⁷

As previously cited, criticism of omnibus legislation is not limited to the opposition; even key figures within the ruling party have expressed concerns about its use, despite the party frequently employing this practice. In this context, it is important to mention an attempt to introduce a new RoP, which was initiated in both 2008 and 2011 but ultimately failed. Despite multiple amendments to the 1973 RoP aimed at rationalizing legislative processes, another significant reform effort for a new RoP emerged on October 16, 2008, when an interim RoP Reconciliation

¹⁶⁶ My review of 100 randomly selected omnibus laws from the AKP era reveals that only four had reports submitted by all designated secondary committees. Some bills were referred to as many as eight subcommittees, yet none of them submitted a report. It is common for bills referred to five or six subcommittees to receive reports from only one—or in many cases, none—of them. Even when a bill was assigned to a single subcommittee, the reports were often not delivered. In other words, it has become an exception rather than the rule for subcommittees to submit reports.

¹⁶⁷ He continued: "... and the members of the committee do not even know about it. ... Our colleague from the relevant committee comes and says, 'We haven't held a meeting for a year, our committee chairman doesn't hold meetings anyway, he is assigned somewhere else, the chairman of the committee will be changed and we haven't held a meeting for a year' (Güenal, 2013, p. 17).

Committee was established.¹⁶⁸ I will not elaborate on the comprehensive and significant changes proposed in this amendment to the RoP, as it ultimately did not come into force. However, it is important to highlight the provision related to omnibus legislation. The proposed amendment included a specific article explicitly aimed at displacing the practice of omnibus legislation on the level of RoP for the first time.¹⁶⁹

The draft text of the new RoP proposal, which was revised based on the consensus reached by the committee,¹⁷⁰ was submitted to the Bureau and made public. However, the official parliamentary process for its adoption never took place, and it was not taken to the legislative agenda (Pehlivan, 2010). In 2011, the proposal to amend the RoP quite similar to the one prepared in 2008 was brought and the article on the omnibus legislation remained unchanged. However, the proposal became null and void at the end of the legislative term without being discussed (Esen & Yeşilirmak, 2023).¹⁷¹ In other words, the ruling party ultimately abandoned this attempt to amend the RoP.

Since the 1971 juncture, the TGNA has pursued a rationalization path characterized by increasingly centralized agenda control. In addition to the critical

¹⁶⁸ The need for new Rules of Procedure was widely recognized, as both ruling and opposition parties expressed concerns about the inefficiency of the legislative process, the ineffectiveness of oversight mechanisms, and the weak role of committees. They also criticized the dominance of the plenary in legislative activities, which limited the ability of individual MPs to participate meaningfully in both lawmaking and oversight functions (Aslan, 2014).

¹⁶⁹ The relevant article reads as follows: "The provisions of more than one law may not be amended by a bill or a proposal, except in cases requiring amendments to more than one law due to the interconnection between them in terms of subject matter. ... Drafts and proposals that do not comply with these conditions shall be returned by the speaker of the Grand National Assembly".

¹⁷⁰ This committee included representatives from the four main parliamentary groups: AKP, CHP, MHP, and DTP.

¹⁷¹ This revised proposal was submitted to the Bureau on April 6, 2011, with the signatures of Salih Kapusuz from the AKP and Ali Topuz from the main opposition party, CHP. In the following legislative term, the same proposal was resubmitted to the Presidency, this time only with the signature of Salih Kapusuz from the AKP. Once again, the plenary did not bring it to discussion (Esen & Yeşilirmak, 2023).

junctures over time, a series of gradual changes accumulated, reinforcing an executive-centered, majoritarian approach to legislation. The informal institutions governing law-making in Turkey have largely aligned with the objectives of formal institutions, particularly in terms of rationalization, acceleration, and consolidating parliamentary majority rule in the interest of political stability. However, this trajectory has not been smooth or linear; rather, it has been marked by conflicts and struggles among key political actors, parties and institutional bodies.

6.3 Conclusion: Rule change, interpretation, and the normalization of exception

This chapter has investigated how formal procedural rules and informal conventions evolved over time to shape the institutional landscape of law-making in the TGNA. It has argued that the normalization of exceptional procedures such as decree-laws, expedited procedures, and omnibus legislation was not simply a result of rule introduction or displacement, but rather a product of complex interactions between rule-making, rule interpretation, and judicial and political adaptation.

First, the analysis showed that rule change alone is not determinative. While procedural amendments—like those introducing the expedited procedure in 1996 or modifying it in 2001—clearly expanded the range of tools available to governments, these rules were variably applied, annulled, and later reinstated. Their impact was mediated by jurisprudence (particularly from the Constitutional Court) and by the political strategies of actors who exploited ambiguities in rule enforcement to accelerate legislation.

Second, the chapter emphasized the importance of informal practices and evolving conventions. The widespread application of the expedited procedure to increasingly diverse types of bills—including those that did not meet the original

content criteria—reflects a pattern of procedural layering, drift, and conversion. Over time, what began as an exceptional tool tailored to comprehensive codes transformed into a routinized device for managing nearly all legislative content. Similarly, the emergence of omnibus legislation—despite no formal rule establishing it—illustrates how practice can precede and shape procedural expectations.

Third, the analysis highlighted that judicial decisions were both constraining and enabling forces. The Constitutional Court's interventions sometimes limited the use of exceptional procedures, but in other instances, they opened interpretive space that governments later leveraged. This judicial role underscores how legal institutions participate in procedural transformation, not merely as gatekeepers but as agents of institutional evolution.

Ultimately, Chapter 6 shows that the institutionalization of exceptional law-making in Turkey occurred through a gradual, cumulative process. It involved not only the strategic exploitation of formal tools but also the erosion of procedural thresholds, the layering and conversion of new interpretations over existing rules, and the consolidation of informal norms that favored executive-led acceleration. These developments laid the groundwork for the behavioral patterns examined in the next chapters.

Furthermore, these internal dynamics have been significantly influenced by certain external factors that both exacerbated inter-institutional tensions and triggered institutional transformations. More specifically, external pressures and alignments have played a critical role in enabling the emergence, diffusion, and normalization of exceptional legislative practices.

The next chapter will explore in greater depth the key external dynamics that have contributed to long-term shifts or punctuated moments of transformation in the

TGNA's law-making process. It will analyze how economic crises, international obligations, and policy harmonization processes—especially with the EU and international financial institutions—generated powerful exogenous demands that governments responded to with procedural shortcuts and exceptional instruments. Together, Chapters 6 and 7 illuminate how the interplay of external drivers and rule, conventions, and jurisprudence facilitated the rise of exceptional law-making in Turkey.



CHAPTER 7

TIME PRESSURE AND OVERLOAD FROM EXTERNAL DRIVERS

All the governments that initiated exceptional legislation, along with the MPs who advocated for them—as discussed in the previous section regarding their emergence and transformation—consistently framed these practices as a response to necessity. For instance, AKP deputy Musa Sivacıoğlu defended the expedited procedure by stating:

If we are to discuss each law separately, we will have to allocate one legislative term to a single law ... when, let's say, a law with 700–800 articles comes before us. So, how will the Assembly ... find a solution to urgent problems? (TGNA, 2003, June 10)

These justifications were not limited to urgency in exceptional cases; rather, proponents often referred to a consistent increase in legislative workload, even while acknowledging the legitimacy of opposition criticisms. For example, Zekeriya Akçam (AKP) reiterated the discourse of necessity in relation to criticisms of Article 91: “These are legitimate criticisms; however, this stems from a practical need; because ... the legislative activities have increased enormously in volume and quantity. We cannot surmount it otherwise” (TGNA, 2007, January 17).

Throughout these debates, both ruling and opposition MPs repeatedly acknowledged a core dilemma: the tension between time constraints and the principle of deliberation. This raises critical questions: What were the primary sources of this time pressure in the 1990s and 2000s? Why did the legislative workload increase so significantly, and why did this pressure intensify in specific periods? How did this mounting pressure shape both the formal rules and informal patterns surrounding the enactment of exceptional laws?

One frequently cited explanation lies in “external conditions”—a framing often invoked by political actors themselves. Legislatures sought to manage the urgency and volume of demands arising from such conditions by accelerating legislative processes and improving procedural efficiency. In some periods, these adaptations were implemented through broad consensus; in others, they occurred despite significant opposition. Sieberer et al. (2011) conceptualize such consensus-driven efforts to expedite parliamentary procedures as 'efficient reforms.' These reforms typically maintain the balance of power within parliament and are driven by widely acknowledged external pressures.¹⁷²

Why have the rules and conventions surrounding certain types of laws and legislative procedures evolved? Why has the dominance of exceptional laws increased over time? This section seeks to address these questions by placing particular emphasis on external conditions and their interplay with domestic institutional dynamics. The final two sub-sections will focus specifically on the role of international and supranational institutions, whose influence on the legislative process—though not compulsory for a sovereign state—has, at key moments, exerted considerable pressure. These relationships often create path dependencies and shape rule changes, contributing to the peaks and subsequent normalization of exceptional legislative practices.

A consistently high legislative workload, compounded by moments of crisis-driven urgency, frequently justifies procedural flexibility—often at the expense of

¹⁷² For example, the 1996 amendments to the Rules of Procedure—mentioned earlier—can be considered an instance of "efficient reform" in Sieberer et al.'s (2011) terms, as they were adopted through broad parliamentary consensus. The introduction of the expedited procedure during this reform period, accompanied by the requirement that all party groups in parliament approve its use, reflects a deliberate effort to balance the need for legislative efficiency with respect for parliamentary pluralism. Whether the procedural reforms in the Turkish legislative context align with this category of efficient reform or whether they lead to power redistribution remains a key question for last Chapter of this study.

deliberative depth and parliamentary pluralism. In times of economic crisis, governments tend to prioritize legal reforms in economic governance, which not only increases the legislative volume but also intensifies reliance on exceptional procedures. Similarly, accession or alignment with international and supranational organizations, such as the EU, brings with it a set of conditionalities. The need to harmonize domestic legislation with the expansive EU acquis within a limited timeframe—as previously discussed in Chapter 3 in the context of Central and Eastern European countries—exerts significant pressure on national legislatures, often necessitating procedural shortcuts. These periods frequently coincide with amendments to parliamentary rules or the strategic deployment of existing procedures to advance urgent reform agendas shaped by both external demands and domestic priorities.

Before exploring these international dimensions, this section begins by addressing the workload pressures stemming from ‘social acceleration’—a macro-level process encompassing long-term economic, social, and technological transformations—and its implications for the emergence and use of exceptional legislative procedures.

7.1 Social acceleration and upward trend in workload

The Turkish Parliament has been a highly productive legislature in almost every period. Between its establishment in 1920 and the military coup in 1960, the average number of laws enacted per day was 0.51, meaning that, on average, one law was passed every two days.¹⁷³ Notably, even as early as the 1950s, concerns were already

¹⁷³ However, when assessed based on legislative volume, these laws were generally short in length. According to Yüksel’s calculations, they averaged approximately 1.92 pages in the Official Gazette.

being raised about excessive law-making. Bülent Daver (1961), one of the prominent law professors of the period, associates the “law inflation” of this period with the establishment of a new state, the construction of new public services and administrative organization, and the regulation of the economy through intensive legal instruments due to the statist policies. However, even though the laws of this period were numerous, they were not voluminous and consisted of few articles and low word count (see Yüksel, 2019).

Between 1960 and 1980, there was a noticeable decline in the number of laws enacted—dropping from 0.51 laws per day to 0.33 laws per day (see Yüksel, 2019).¹⁷⁴ Although the averages in the 1980s remained below those of the 1960–1980 period, when decree-laws, which were widely used during this time, are also taken into account, the overall legislative output in the 1980s slightly exceeded that of the pre-1980 period. However, as this section will explore in greater detail, despite the continued presence of external pressures driving the need for legislation, legislative productivity was significantly disrupted in the 1990s—particularly between 1994 and 1999—due to various political crises.

It is analytically meaningful to compare the legislative output and law-making performance of the least and most productive legislative terms within the period under review, using the activity reports of the TGNA as a primary source.¹⁷⁵ During the 20th legislative term—the period with the lowest legislative

Although the *laws per day* average for the legislative terms examined in this study is lower than that of the first 30 years of the Republic (0.32), the average legislative volume is significantly higher, at 5.3 pages per law.

¹⁷⁴ Nevertheless, the volume of legislation increased. While the average number of *Official Gazette* pages per day occupied by laws was 1.92 between 1920 and 1960, this figure rose to 4.41 between 1960 and 1980.

¹⁷⁵ The activity reports of the TGNA do not contain very systematic data on the working hours of the TGNA and the minutes of these activities. Or rather, even if the data is systematic, these records are not kept or made available for each year or legislative period. Nevertheless, examining these activity reports is instructive for understanding the workload of the TGNA.

productivity—plenary activities from January 8, 1996, to February 11, 1999 (the term officially concluded on March 25, 1999) amounted to 2,026 hours and 37 minutes of work. In this period, the plenary held 412 meetings, 837 sessions, and generated 72,972 pages of minutes (TGNA, 1999). In contrast, during the 22nd legislative term (November 14, 2002 – June 3, 2007), which marked the highest level of legislative output, the plenary convened for 3,384 hours and 25 minutes, producing 158,465 pages of minutes across 617 meetings and 2,366 sessions (TGNA, 2007). However, while the 20th term spanned just over three years, the 22nd term covered a significantly longer period—approximately 4.5 years.

To adjust for this difference, a more meaningful comparison can be drawn by calculating average working time per day. In the 20th term, the plenary was active for 1,007 days, averaging 120 minutes of work per day. In the 22nd term, the plenary was active for 1,586 days, with an average of 126 minutes of work per day. This reveals that, despite the dramatic increase in legislative output, the total active working time of the parliament increased by only six minutes per day. This suggests that legislative productivity is not solely a function of working time, but also of procedural strategies, agenda control, and legislative tools that enable more legislation to be passed within similar time constraints.

As shown in Table 15 below, when comparing the least and most productive legislative terms in terms of the number of enacted laws, the difference in total working hours is minimal, yet the disparity in legislative productivity is substantial.¹⁷⁶

¹⁷⁶ Of course, these working hours cover all the activities of the plenary, not only the legislative debates. Nevertheless, it is not possible to simply attribute the intensive legislative activity in the 22nd Term to the parliament working more. More working hours does not necessarily mean more legislation.

Table 15. Law and Decree-law Production: 20th Term vs. 22th Term

Legislative Term	Law	Law+Decrees	Active Days	Law/Day	Law+Decrees/Day
20	131	136	1007	0.13	0.14
22	506	506	1586	0.32	0.32

Legislation takes up an overwhelming proportion of the workload of the TGNA, both in committees and in plenary (SIGMA, 2010). Other important parliamentary functions, such as executive oversight and scrutiny, are not allocated as much time as legislation, and sometimes legislative activity is even carried out during the time allocated in principle to scrutiny. The endless effort to accelerate the law-making process is a reflection of the desire to increase the legislative output and not to be overwhelmed by the volume of bills. The fact that the Parliament's time is actually limited does not prevent the government's ambition to make detailed and comprehensive laws (SIGMA, 2010). Since the desire to enact more and more comprehensive laws is at odds with the reality of limited parliamentary time, the government uses mechanisms to speed up the lawmaking process (Çakın, 2011). The most important tools that facilitated the production of more laws were exceptional legislation methods.

Throughout the 1990s—particularly in the mid-decade—the TGNA faced widespread criticism from across the political spectrum for its inefficiency in enacting legislation at a sufficient pace. Both ruling and opposition parties expressed concerns over legislative inertia. This inefficiency has been attributed, in part, to the parliament's inability to respond promptly to external changes and its lack of mechanisms to accelerate decision-making processes. Notably, even in 1993, the opposition party ANAP, while filing a case for annulment on the grounds that the

conditions for issuing decree-laws had not been met, nonetheless acknowledged the necessity of decree-law authority as a means to expedite legislative action:

As the Motherland Party, we do not oppose the issuance of decree-laws, which is a modern practice. ... This is because, in urgent cases, adapting to rapidly evolving events and changing global conditions is not feasible if reliance is placed solely on legislation that lags behind societal developments. (Constitutional Court of Turkey, 1993, E.1993/26, K. 1993/28)

However, during the 1990s, the Constitutional Court developed a body of jurisprudence that placed increasing restrictions on the use of decree-laws. Despite this tightening judicial stance, some dissenting judges, e.g. Erol Cansel, within the Court emphasized the difficulties of maintaining legislative responsiveness amid rapidly evolving external conditions and accelerating social dynamics:

Objectives such as enabling effective and swift decision-making in response to rapid changes in the economic and social structure, addressing regulatory needs of the executive branch, and strengthening executive authority have rendered this constitutional provision indispensable. (Constitutional Court of Turkey, 1991, E. 1991/17, K. 1991/50)

Evidently, efforts to enhance executive power through exceptional legislative measures in response to social acceleration emerged as a significant theme in the 1990s. This tendency has persisted over the years and gained broad acceptance. During the first plenary session, with the exception of the RP, all political parties supported the proposed amendments to the RoP. Oya Araslı, representing the CHP in the plenary discussions, underscored the urgency of legislative responsiveness, stating: “Today, issues arise before parliament at an accelerated pace. To address them effectively, it is necessary to act with the same speed” (TGNA, 1996, May 8).

Despite the comprehensive amendment to the RoP in 1996 aimed at accelerating the legislative process, criticism regarding the slow pace of law-making in the TGNA persisted. In his opening speech at a meeting of Turkish Industrialists'

and Businessmen's Association (*Türk Sanayicileri ve İşinsanları Derneği*, TÜSİAD), Turkey's most influential employers' organization at the time, ANAP Minister of Justice Oltan Sungurlu underscored these ongoing challenges and referred to the expedited procedure to overcome the challenges:

In our country, ... it is almost impossible to draft and pass laws through parliament. For this reason, we introduced an amendment to the Rules of Procedure last year. We proposed that fundamental laws be debated under a special agenda. However, this provision has yet to be implemented. Nevertheless, I hope that we will have the opportunity to enforce it next year. (TÜSİAD, 1997)

By the 2000s, the efforts to speed up the law-making process in the 1990s were deemed insufficient, as MHP deputy Mehmet Nacar asserted:

We are transitioning ... from the industrial society to the information society and from the information society to the informatics world. Certainly, we should move fast in this world. ... However, the necessary speed has not been achieved at all. ... the state and the parliament lag far behind the society. (TGNA, 2001, January 17)

Therefore, the governing parties advocated for the smooth implementation of expedited legislative procedures using arguments similar to those of the previous decade. During the procedural amendment discussions in 2001, Zeki Çakan, speaking on behalf of the ANAP Group, emphasized the necessity of these reforms, stating:

Certain changes must be made to ensure that the Assembly functions more rapidly, efficiently, effectively, and systematically... This is the age of speed—the age of technology, information, and self-renewal. ... This parliament will modernize itself by amending its Rules of Procedure, ensuring that laws are enacted swiftly for the benefit of the country and the nation. (TGNA, 2001, January 26)

After 2002, under a single-party majority government, the use of omnibus legislation and a partially expedited legislative procedure led many to characterize

the TGNA as a 'law factory' (Ekşi, 2013) or to suggest that the country experienced 'law inflation' (Özalp, 2006). Nevertheless, the pursuit of greater efficiency in legislative processes continued. The amendments introduced in 2003, 2005, and 2007 echoed similar justifications, aligning with Zekeriya Akçam's argument in the 2007 amendment in response to criticisms of exceptional legislative measures: “These criticisms are valid; however, they arise from a practical necessity. ... The volume and quantity of legislative activities have expanded enormously, and without such measures, we cannot overcome this challenge” (TGNA, 2001, January 17).

The rapid drafting of bills, their extensive scope, and the frequency of amendments within short periods have generally been linked to ongoing social transformations. Kadir Aktaş (2020), a legislative expert at the TGNA, expresses a similar perspective: “... the primary reason for the increase in legislative volume is the growing and diversifying needs of the country, as well as the evolving understanding of public service” (p. 97). In response to rapidly changing external conditions, specific legislative procedures and legal frameworks are necessary to ensure timely and comprehensive adaptation. Akın Çakın (2008), who served as the Deputy Director General of Laws at the Ministry of Justice, underscores this point: “The rapid advancements in science and technology are transforming social structures and accelerating societal change. ... Today, laws can become obsolete in less than a decade” (p. 72).

Cemil Çiçek (2011) of the AKP, who served as the Speaker of Parliament in 2011, also points to external transformations around the world when referring to the specific characteristics of the country that cause the higher workload of the TGNA than other parliaments:

Turkey is a very large country. We are now speaking of a population of 73 million, and such a vast nation has significant needs, particularly when considering the rapid global changes. In addition to longstanding demands, we are also confronted with new challenges. These circumstances inevitably necessitate revisions to existing laws and the introduction of entirely new legal and institutional frameworks in certain areas. Furthermore, technological advancements play a crucial role in law-making. ... This presents an immense challenge for regulation, as laws enacted yesterday often fail to address today's needs due to the rapid pace of technological change. (p. 15–16)

As illustrated in Figure 19 below, when the word count of enacted laws is used as a proxy for legislative workload, the data reveal a clear upward trend over the period analyzed. This increase corresponds with the prevailing discourse among both political actors in parliament and legislative bureaucrats, who have consistently emphasized rising social acceleration and an expanding legislative workload as defining features of the era.

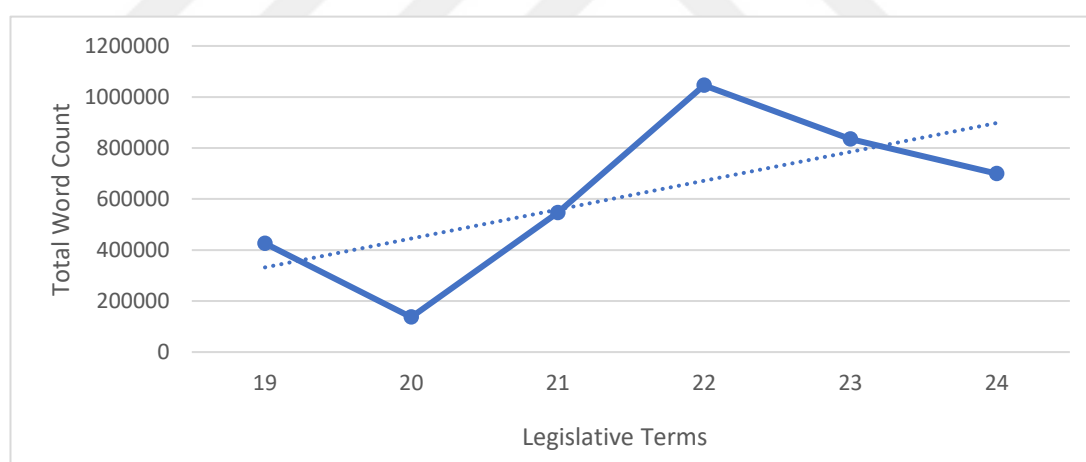


Figure 19. Upward trend in total word count of laws and decree-laws

Social acceleration affects not only the content and pace of legislation but also legislative productivity and the procedural methods employed in lawmaking. As discussed in Chapter 3, the growing demand for legislatures to operate more swiftly and efficiently in response to increased workloads and accelerating social dynamics

is not unique to Turkey. Across the globe, many parliaments have come to resemble “law manufactories” (Özalp, 2006, p. 270), seeking to regulate nearly all spheres of life and frequently revising existing legislation to keep pace with evolving societal conditions. However, the legislative workload of the TGNA is notably higher than that of most legislatures in EU member states (SIGMA, 2010). Therefore, it is not the sole factor contributing to the increasing workload. While increased legislative demands and social transformations are important in understanding the rise of exceptional legislative practices, they do not fully explain the trend.

Agreements and commitments arising from a state's international relations, its deeper economic and political integration into the global system, and its obligations to align with the policies of international organizations and conventions often necessitate new legislation to ensure harmonization with domestic law (Akman, 2015). A particularly prominent example is the EU accession process, where harmonization with the *acquis communautaire* constitutes a central component. Similarly, the binding nature of commitments made to international organizations—especially in exchange for economic assistance—has, at various points, significantly contributed to the increase in the parliamentary workload. These two dynamics warrant particular attention in the context of the law-making processes of the TGNA, as they represent key areas where external structural transformations, institutional frameworks, and the preferences of political actors intersect.

7.2 Crises response and conditionalities of international organizations

In their analysis of parliamentary speeches, Bulut and Yıldırım (2020) found that thematic agenda diversity declined in the latter halves of both the 19th and 21st legislative terms, with parliamentary discourse increasingly concentrated on

economic issues. This narrowing of focus directly corresponds to Turkey's most severe economic crises—those of 1994 and 2001. A similar pattern was also observed in the aftermath of the 2008 global financial crisis (Bulut & Yıldırım, 2020). These findings raise a crucial question: just as speeches shift toward the economy during crises, do legislative outputs—laws themselves—reflect similar patterns of crisis responsiveness? More specifically, do crises affect the volume, content, types, and procedural pathways of legislation?

The empirical findings from the previous section strongly suggest that crises do, in fact, influence the production of exceptional laws. When decree-laws are included in the analysis, two distinct peaks in the pre-AKP period become particularly evident, as can be followed from the Figure 20 below. The first occurs during the third legislative year of the 19th term, and the second during the second legislative year of the 21st term. These moments correspond closely to major economic crises in Turkey: the former aligns with the April 1994 economic crisis, and the latter with the April 2000 and February 2001 crises.

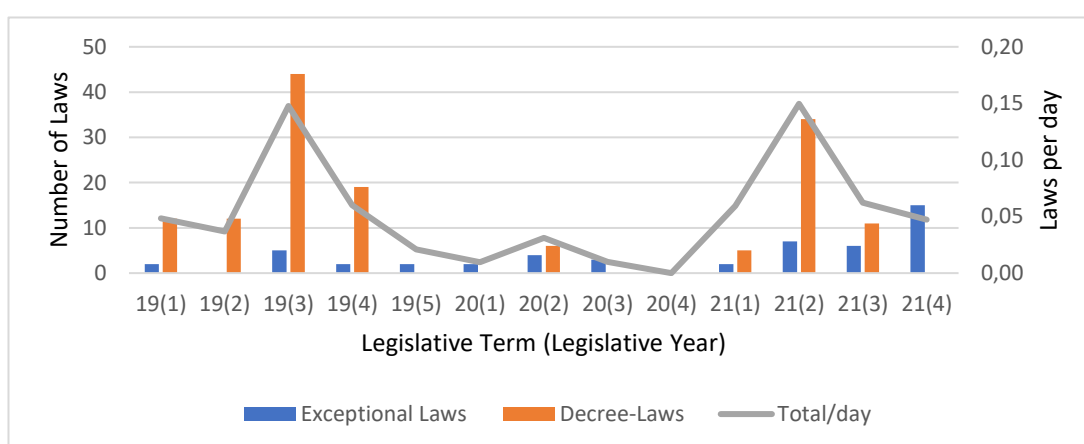


Figure 20. Peak moments of law and decree-law production (1991-2002)

In the 19th legislative term, the third legislative year (1 September 1993 – 29 July 1994) saw the highest number of laws and decree-laws enacted per day, as well as the highest total word count and average words per law. This was followed by the fourth legislative year after the crisis (1 September 1994 – 16 August 1995). A similar pattern is observable during the 21st legislative term, coinciding with the 2001 economic crisis. The fourth legislative year (1 October 2001 – 13 August 2002) recorded the highest average word count per law. The use of exceptional legislative tools—particularly omnibus legislation and the expedited procedure—increased markedly. Between 2 May 1999 and 2 February 2001, there were eight omnibus laws and one basic law. In contrast, from 2 February 2001 to 13 August 2002, there were fourteen omnibus laws and seven basic laws—nearly doubling in each category within a shorter period after crises.

What has been the impact of the crises on the law-making processes, types of laws, parliamentary procedures and changes in these procedures and patterns in Turkey? In this section, I examine how crises—primarily economic in nature—have influenced the legislative process in Turkey. I focus in particular on the interplay between domestic crisis management and the role of international actors, such as the IMF, and the World Bank, which have often played a significant role in shaping the legal and institutional responses to such crises.

One type of influence is policy transfer. Policy transfers from other countries or international organizations may occur due to the global conjuncture, power asymmetries, economic pressures, or crises (Kencesoy, 2023). While policy-makers often look to how other countries have addressed similar challenges—as part of efforts to identify effective solutions or to legitimize their own proposed measures—policy transfer may also take place through more coercive mechanisms. Although

direct imposition is relatively rare, policy diffusion can still occur under varying degrees of external pressure.

Importantly, such external influence should not necessarily be construed as a threat. One prominent example of non-coercive but obligation-based policy transfer is conditionality (Dolowitz & Marsh, 1996, 2000). Conditionality refers to the requirement that access to certain forms of international support, aid, or incentives is contingent upon meeting specified minimum standards. Failure to comply may result in the denial or withdrawal of that support (Cizre & Yeldan, 2005). A case in point is the IMF. While countries are not compelled to borrow from the IMF—and the IMF does not impose loans arbitrarily—countries that do seek financial assistance may be required to implement specific reforms as a condition for receiving aid (Kencesoy, 2023).

The IMF and the World Bank have increasingly pursued long-term structural transformation programs, particularly in response to the debt demands of economically distressed countries. In doing so, these institutions often impose a range of conditions aimed at reshaping national economic policies. Beyond immediate fiscal stabilization, their influence extends to promoting new models of capital accumulation and encouraging deeper integration with the global economy. These conditional arrangements serve not only to address short-term economic imbalances but also to advance broader agendas of economic liberalization and institutional reform.¹⁷⁷

¹⁷⁷ Beginning in the 1970s, the IMF recommended that countries move away from the import-substitution model and promote financial liberalization, export-led economic growth, import liberalization, and a reduction in the share of the public sector in the economy. This is called “structural adjustment”. With globalization, the influence of the IMF and the World Bank on developing countries has increased.

In times of economic crisis, policymakers in Turkey have generally followed an established path by turning to the IMF. Although Turkey has experienced various economic crises—both domestic and as a result of global shocks—since the establishment of the Republic, it was particularly after the global crises of 1977–78 that the Turkish economy began to undergo recurring cycles of “growth, crisis, and adjustment” (Aydın, 2013; Yeldan, 2006, p. 196).¹⁷⁸ Instability and recurring economic crises led to periodic engagements with the IMF (Öniş, 2006).

In 1979, Turkey signed a standby agreement with the IMF, and following the January 24, 1980 Decisions, the country was able to secure the external financial support necessary to address its economic crisis and mounting debt burden (Sönmez, 2011). During this period, governments frequently resorted to decree-laws as an instrument for implementing structural adjustment policies and responding swiftly to the economic crisis.¹⁷⁹ In effect, the transition to a new economic model was initiated mainly through decree-laws. Following the 1980 military coup—and excluding state of emergency decrees—the first decree-law enacted was the Decree-Law on the Transactions of Bankers in Insolvency. The military government subsequently issued numerous decree-laws concerning critical economic institutions and sectors, including banks, state-owned enterprises, the Central Bank, and the Stock Exchange.

Following the end of the military regime and the securing the parliamentary majority in 1983 elections, Turgut Özal emerged as the dominant figure in Turkey’s political and economic landscape. Having worked at the World Bank during the

¹⁷⁸ Such as 1980-81, 1983, 1988, 1994, November 2000 and February 2001 crises

¹⁷⁹ While all decree-laws issued between 1972 and 1975 focused on amendments to the Civil Servants Law No. 657, the decree-laws issued during the oil crisis years of 1978 and 1979 were predominantly aimed at managing the economic downturn. By the 1980, these decree-laws included measures to open the economy to foreign markets, facilitate borrowing through treasury bonds, regulate the banking system and public procurement processes, restructure state-owned enterprises, and initiate a fundamental shift in economic policy by moving away from import-substitution strategies.

1970s, he facilitated access to IMF and World Bank support, enabling Turkey to secure much-needed financial resources to address the economic crisis of the late 1970s.¹⁸⁰ Although the ANAP had the majority in the parliament to pass its reform agenda, he often sought to accelerate reforms by bypassing parliamentary procedures. He was known for subordinating constitutional norms, and legislative conventions in order to expedite the implementation of neoliberal policies (Öniş, 2004).

Decisions regarding the privatization of state economic enterprises were predominantly enacted through decree-laws, particularly after 1986 (Öniş, 2004).¹⁸¹ Significant regulatory changes with far-reaching implications for the Turkish economy in the 1990s—such as the full liberalization of financial capital movements and the opening of the economy to global competition in 1989—were also enacted through decree-law mechanisms, most notably with Decree No. 32 (Öniş, 2004; Sönmez, 2011).¹⁸²

According to Öniş (2004), while the economic policies of the 1980s appeared relatively successful in the short term, many of the decisions made during the Özal era significantly contributed to the economic crises of 1994, 2000, and 2001.¹⁸³ Despite the death of Turgut Özal and subsequent changes in government, Turkey continued to experience recurrent economic crises throughout the 1990s, during

¹⁸⁰ Özal was a very influential actor in the process that paved the way for Turkey's membership of the Customs Union in the 1990s, which contributed to full scale liberalization of the economy (Öniş, 2004).

¹⁸¹ Again within the scope of IMF agreements, although Decree Law No. 233, which allowed the privatization of state-owned enterprises, was issued in 1984 and privatization was made a priority with Decree Law No. 308 issued in 1988, not as many institutions were privatized in practice as targeted (Sönmez, 2011, p. 152).

¹⁸² During 1980s structural adjustment programmes were not only stabilisation packages trying to rescue the country from economic crisis but as an economic development strategy integrating Turkey with the world economy (World Bank, 1988).

¹⁸³ In fact, according to some opinions, IMF policies were seen as responsible for some of the crises experienced during this period (Köse & Yeldan, 1998).

which decree-laws remained the executive's principal legislation instrument. One such example is Decree-Law No. 473 on the Amendment of the Law on the Encouragement of Savings and Acceleration of Public Investments, published in the Official Gazette on January 6, 1992. Some of these decree-laws took the form of omnibus legislation, addressing multiple legal frameworks simultaneously. A notable example is Decree-Law No. 513, published on September 13, 1993, which amended a broad range of laws, including the main laws regarding the Central Bank, banking, public investments, public housing, capital markets and privatization.

As another form of exceptional legislation, most of the omnibus laws enacted during Turkey's 19th legislative term were economically motivated. Among these, regulations concerning public receivables and taxation held particular significance, reflecting key policy measures aimed at mitigating the effects of the economic crisis.¹⁸⁴

In 1994, Turkey experienced one of the most severe economic crises in the history of the Republic. In response, the government introduced the Stabilization Program on April 5, 1994, leading to a deepening of the relationship between Turkey and the Fund. During the 1990s, the IMF agreements increasingly adopted a more stringent form of structural conditionality (IMF, 2001). There was a growing emphasis on ensuring that the agreed-upon conditions were codified and guaranteed through formal policy documents and legislation. Following the 1994 crisis, the IMF played a more active role in overseeing and facilitating the implementation of reforms (Alper & Öniş, 2003).

Following the 1994 crisis, the path toward privatization was facilitated through a decree-law. This decree-law, which had a package or omnibus character,

¹⁸⁴ Their law numbers are 3787, 3824, 3917 and 3946.

was later submitted to parliament as a government bill and subsequently adopted by the plenary.¹⁸⁵ On June 3, 1994, Decree-Law No. 534 on the Organization and Duties of the Undersecretariat of Foreign Trade was published in the Official Gazette, with the stated aim of “determining export, import, bilateral and multilateral trade and economic relations, investment and incentive policies; organizing, implementing, monitoring, and developing foreign trade activities within the framework of these policies, as well as development plans and programs; and establishing domestic and foreign organizations”.

On the same day, Decree-Law No. 535 on the Organization and Duties of the Undersecretariat of Treasury was enacted, with the purpose of “assisting in the formulation of economic policies and organizing, implementing, monitoring, and improving the execution of activities within the scope of these policies”.

Remarkably, within the single month of June 1994, more than ten such decree-laws¹⁸⁶ were issued, reflecting the intensified use of executive instruments to implement structural reforms and institutional reorganization in the aftermath of the 1994 economic crisis. In 1994 and 1995, omnibus laws, mainly regarding taxes and privatization, to combat the crisis also continued¹⁸⁷ as well as the decree-laws amending Capital Markets Laws, Commercial Code and Customs Laws.¹⁸⁸

Crises are not limited to the economic sphere; other forms of emergencies also tend to prompt the use of non-standard legislative and governance methods. Just

¹⁸⁵ The title of this law, which is a package law published in the Official Gazette on March 1, 1994, amending various laws on privatization, is as follows: “Law No. 1211 on the Central Bank of the Republic of Turkey, Law No. 3182 on Banks, Law No. 2983 on the Encouragement of Savings and Acceleration of Public Investments, Law No. 2985 on Public Housing, Law No. 3238 dated 7.11.1985, Law No. 2499 on the Amendment of the Capital Markets Law, Law No. 1117 on the Repeal of Certain Articles of the Tobacco Monopoly Law and the Addition of Additional Articles to the Law on the Privatization of State Economic Enterprises (3974)”

¹⁸⁶ The number of these decree-laws were 530, 531, 532, 533, 538, 540, 541, 542, 543, 544, 545.

¹⁸⁷ These are Law No. 3986, 4008, 4046, 4108.

¹⁸⁸ Decree-Law no. 558, 559, 564.

as the COVID-19 pandemic in the 2020 constituted such an emergency, certain natural disasters in Turkey—particularly earthquakes—have similarly created crisis conditions. The 1999 earthquake, which occurred just a few months after the general elections and resulted in the deaths of 17,480 people according to official figures, caused widespread devastation and a multifaceted national crisis. Only a few months later, on November 12, 1999, another major earthquake struck and 845 more people lost their lives. During this period, the earthquake and its aftermath dominated the national agenda, creating a severe humanitarian crisis and necessitating a large-scale reconstruction effort. The economic impact of the 1999 earthquakes was also significant, particularly because the disaster struck the Marmara Region—Turkey’s most industrialized and economically vital area. The destruction of infrastructure and industrial facilities in this region contributed heavily to the broader economic disruption (Öniş, 2006).

Decree-laws were extensively utilized as a key instrument in managing the post-earthquake recovery and reconstruction process. During the 21st legislative term, the legislative year with the highest number of decree-laws was, by a significant margin, the second legislative year—spanning from September 1, 1999, to June 30, 2000.¹⁸⁹ This period coincided with the immediate aftermath of the 1999 earthquakes, underscoring how states often resort to exceptional legislative tools in response to large-scale humanitarian and infrastructural crises.¹⁹⁰ While the earthquake connection is not always apparent from their titles, the content of many

¹⁸⁹ In the forth year of the 21st legislative term, there were no decree laws. In the 3rd legislative year, all but one of the decree laws adopted were at the very beginning of the legislative year, i.e. before the 2001 crisis. This is not because decree-laws was not wanted to be used despite the crisis conditions. One of the most influential reasons is the Constitutional Court's decision on the use of decree-laws in 2000. Since then, the use of decree-laws has been subject to strict criteria. Another reason is that the laws aiming at combating the crises were passed by the Parliament largely by consensus in 2001.

¹⁹⁰ Some of these decree-laws are Decree-Law no. 574, 575, 576, 582, 587, 588.

decree-laws from this period—some of which took the omnibus form—clearly addressed post-disaster needs.¹⁹¹ In addition to these decree-laws, several omnibus laws were also enacted in response to the earthquake.¹⁹² Given the severe economic consequences of the 1999 earthquakes, the decree-laws enacted during this period had pronounced economic dimensions.

Beyond earthquake-related economic legislation, the majority of non-standard laws introduced during the 21st legislative term were also economic in nature. In October 1999, Customs Law No. 4458 entered into force as the first law enacted using the expedited procedure. A number of additional economic regulations were introduced through omnibus laws.¹⁹³ However, it was particularly the two major economic crises that occurred during this period—the 1999 and 2001 crises—that significantly intensified the reliance on exceptional legislation.

Even before the conflict between Prime Minister Ecevit and President Sezer triggered and made the crisis visible on February 2001, the crisis conditions were already in place (Öniş, 2006). Turkey had already experienced a significant financial crisis in November 2000, and its economic policy was closely tied to an ongoing IMF program (Alper & Öniş, 2003). Following the economic crisis of November 2000, discussions began on January 17, 2001, in the Committee on the Constitution regarding a proposed amendment to the RoP aimed at facilitating the implementation of the expedited legislative procedure. This amendment was adopted on February 7, 2001—just weeks before the eruption of the February 21, 2001 economic crisis, which was triggered by a concurrent political crisis. Even prior to the February 2001 crisis, economic instability and ongoing negotiations with the IMF had created a

¹⁹¹ These are as follows: Decree-Law no. 578, 583, 584, 585, 586, 590, 591, 592, 599.

¹⁹² These are the Law No. 4481 and the Law No. 4731.

¹⁹³ These are Law No. 4444, 4447, 4503, 4568, 4605.

climate in which urgent legal reforms were considered essential. The parliamentary minutes from this period clearly reflect the influence of both the economic crisis and the IMF agreements on the push to amend the RoP. During the plenary discussions in early 2001, Lütfü Esengün of the FP, then the main opposition party, remarked on the proposed amendments—underscoring the context of economic urgency in which these procedural changes were being debated:

Why are these amendments to the Rules of Procedure being made? Now, [a government bill] will come, neither the deputies will understand what it is, nor the people in front of the TV will understand. ... Who will understand? The IMF will understand, because what the IMF says will be done. (TGNA, 2001, January 26)

These statements underscore the extent to which international financial institutions, particularly the IMF, influenced legislative priorities during crisis periods—not only in the content of laws but also in shaping the procedural rules designed to accelerate their passage. Similarly, Aslan Polat, speaking on behalf of the FP Group, explicitly outlined the scope of IMF influence on domestic law-making.

Referring to the conditions attached to a new loan agreement, he stated:

The IMF has given an instruction: ‘I will give you a loan of 6 - 7 billion dollars; however, I used to come every three months, but now I will come every month to check on you because of the importance of the issue, and you will have enacted some basic laws’. ... it says, enact the Energy Market Law immediately. The government is obliged to enact it because it has promised to do so. (TGNA, 2001, February 7)

In the aftermath of the February 2001 crisis—widely regarded as one of the most severe economic crises in Turkey’s history—external actors such as the IMF and the EU played a significant role in shaping the country’s economic policy direction, both clearly pushing for greater fiscal discipline (Öniş, 2004). Within this

framework, economic omnibus laws continued to dominate the legislative agenda, serving as a central instrument for implementing broad and complex reforms.

One example is Omnibus Law No. 4684, titled “Law on Amendments to Certain Laws and Decree Laws” adopted on June 20, 2001. This law consists of four sections: Provisions on public banks, Provisions on the liquidation of certain funds, Provisions on Amendments to Certain Tax Laws, Provisional and, the Housing Development Administration (TOKİ). In essence, the law is entirely economic in nature. Similarly, Law No. 4761, adopted on June 12, 2002, is another comprehensive piece of economic legislation. Approximately half of its content focuses on public procurement reform, while the remainder introduces amendments to various fiscal laws, including those governing income tax, corporate tax, expenditure taxes, stamp duty, and fees.¹⁹⁴ The Public Procurement Law No. 4734 and the Public Procurement Contracts Law No. 4735, both of which are economy-focused pieces of legislation, were adopted in the final year of the 21st legislative term through the expedited procedure.

The AKP government, which came to power in November 2002, strongly committed itself to fiscal discipline and neoliberal reforms inherited from the previous period (Öniş, 2006). In the 22nd legislative term, from the very first legislative year of the first legislative term, a large number of regulations were introduced through omnibus laws on neoliberal reforms.¹⁹⁵

Privatization emerged as a key pillar of economic policy in the early 2000s. The AKP, in its party program, explicitly stated: “In order to accelerate the

¹⁹⁴ Between January 2002 and April 2002, the following economic-based omnibus laws were also passed. Law No. 4736, 4743, 4747, 4751.

¹⁹⁵ Some of the topics of these laws are housing sector, public procurement, recruitment of contracted personnel instead of permanent staff and sale of real estate belonging to the Treasury. The law numbers are 4916, 4924, 4964 and 4966.

privatization process, legal and administrative arrangements will be made, and the Privatization Administration will be rendered more flexible and dynamic to shorten the decision-making process” (cited in Ertuğrul, 2009).¹⁹⁶ With the advantage of single-party rule, the AKP government implemented a wave of privatizations that surpassed all previous periods. Between 2005 and 2014, privatization revenues averaged over 5.5 billion USD annually. When considering data through 2023, no other decade in the history of the Republic has generated such high levels of privatization revenue (Republic of Turkey Privatization Administration, 2023; Özelleştirme geliri, 2021).

During the AKP period, references to the IMF continued to shape discussions around procedural reforms, particularly those related to the expedited legislative procedure. When the 2003 amendment to the RoP was under consideration, Burhan Kuzu—AKP deputy and the Chair of the Committee on the Constitution—explicitly linked the origin of the expedited procedure to prior IMF-related legislative demands. In a speech during the plenary session on April 10, 2003, he stated: “why did such an amendment arise during the 57th [DSP-MHP-ANAP] government? As you know, there were agreements with the IMF and many laws had to be passed quickly” (TGNA, 2003, April 10).

In 2005, during the debates on the RoP, the CHP accused the government of rushing to fulfill the IMF's instructions. Atila Emek said:

[before the election] you said you would kick out the IMF but you surrendered! You are bringing the banking bill ordered by the IMF to the parliament in a hurry and changing the Rules of Procedure in order to hide many things from the eyes of the public. (TGNA, 2005, June 30)

¹⁹⁶ Following the 2002 elections, the AKP government's Emergency Action Plan reiterated this commitment: “Privatization efforts will be accelerated in order to create the necessary conditions for the free market to function more effectively and to enhance efficiency and productivity in the economy” (cited in Ertuğrul, 2009).

In response, Salih Kapusuz of the AKP defended the government's actions:

I would like to remind our friends who, at every opportunity, put international institutions and organizations ... on the table as a means of attack: Turkey is a founder and partner in some of them ... it is the goal of the AKP that Turkey becomes a country that meets the world, talks to the world, shares its developments with the world ... (TGNA, 2005, June 30)

As discussed in Chapter 3, the literature indicates that in the aftermath of the 2008 global financial crisis, non-standard legislation and exceptional measures to address the economic downturn peaked in many countries during 2008 and 2009. Unlike in many other countries, there was no surge in procedural innovation or exceptional legislative activity in response to the crisis. There was no procedural change after the 2008 crisis because Turkey already had well-established non-standard legislation in 2008. Omnibus legislation had become a normalized legislative practice, and the expedited procedure could be employed with little concern about constitutional challenges—especially given the political alignment among the President, the Prime Minister, and the parliamentary majority, all from the ruling AKP. Decree-laws also remained available within the legal framework for use if deemed necessary.

Contrary to global trends, there was no observable increase in the use of exceptional legislation during this time. More interestingly, Turkey experienced a notable decline in legislative activity during this period. The two legislative years between October 1, 2007, and September 30, 2009, marked the lowest average word count per law during the 23rd legislative term. More strikingly, the legislative years spanning October 1, 2008, to September 30, 2010, represented the lowest in terms of both the number of laws enacted and the average number of words per law across the

entire AKP period. These two legislative years also recorded the fewest exceptional laws issued under AKP administration.

While the impact of the 2008 global financial crisis on Turkey's real economy lies beyond the scope of this study, it is important to note that the Turkish government did not officially declare an economic crisis, nor did it frame the situation as such at the legal or institutional level. The prevailing political discourse, typified by then-Prime Minister Erdoğan's repeated assertion that "the crisis will pass us by" throughout 2008 and 2009, reflected a strategy of minimizing the crisis's perceived domestic significance.¹⁹⁷ Moreover, 2008 marked the formal end of Turkey's standby agreement with the IMF, which the government publicly declared it would not renew. This shift significantly reduced the level of external institutional pressure on economic policymaking. Simultaneously, Turkey's candidacy negotiations with the EU, another key external actor, had slowed considerably, further easing the influence of international conditionality on domestic legal processes.

7.3 European harmonization: Comprehensive reforms and compressed timelines

Much like its relationship with the IMF and the World Bank, Turkey's engagement with the EU has been long-standing and complex. A North Atlantic Treaty Organization (NATO) member since 1952, Turkey has embraced Westernization as one of its foundational principles and has maintained a capitalist economic structure. Turkey first applied for association with the European Economic Community (EEC)

¹⁹⁷ Despite this, economic legislation remained prevalent. For example, in the summer of 2008, the following economic omnibus laws were adopted: Law No. 5766, 5784, 5793, 5795.

in 1959 and formalized this relationship with the signing of the Ankara Agreement in 1963, which identified full membership as the ultimate objective. However, Turkey's relations with the EEC were frozen following the 1980 military coup, only to be resumed in 1986. In 1989, Turkey formally applied for full membership, but the EEC responded by stating that no new members would be admitted before 1992 and that Turkey needed to achieve further progress in economic, social, and political development before accession could be considered. According to the Ankara Agreement, the "Transition Period"—designed to last 22 years to facilitate Turkey's gradual integration into the EU—was officially completed in December 1995. Subsequently, at the Helsinki Summit in December 1999, Turkey was granted formal candidate status (Directorate for EU Affairs, 2020).

Following the granting of candidate status to Turkey, the government issued a press release on 21 September 2000 announcing its intention to align national legislation with European Community standards, particularly in the areas of human rights, democracy, and the rule of law. The statement emphasized that “government bills on legal reforms will be discussed in the Turkish Parliament as a matter of priority” (EC, 2000). Throughout the early 2000s, the European Commission's Progress Reports acknowledged that Turkey had begun to make strides toward alignment but noted that the country had not yet fulfilled the Copenhagen political criteria. The 2001 Progress Report explicitly stated that “the reform process needs to be intensified and accelerated” (EC, 2001). In March 2001, the EU Council of Ministers adopted the Accession Partnership for Turkey, which further outlined the priorities for reform (Directorate for EU Affairs, 2020). Subsequently, the Seville EU Summit in June 2002 noted positively that “the recent reforms adopted in Turkey are welcomed” (EC, 2003).

These widely welcomed reforms were adopted rapidly through omnibus legislation, marking a pivotal phase in the institutionalization and widespread use of omnibus laws in Turkey. During the DSP-MHP-ANAP coalition government period, in February and March 2002, two significant EU harmonisation packages were passed: Law No. 4744 on “Amendments to Certain Laws”, and Law No. 4748 on “Amendments to Various Laws”. These laws, which bundled together various legal amendments to meet EU requirements. Bakırcı (2018) attributes the emergence of omnibus legislation during this period to the EU accession process. According to him, omnibus legislation began to be used in the early 2000s specifically to ensure timely compliance with the Copenhagen Criteria. Bakırcı (2011, 2018) further notes that the appearance of this legislative type in 2001 was driven by both the overlap with the legislative recess period and the urgency imposed by the compressed timeline of the EU membership agenda.

Bakırcı (2018) argues that the early use of omnibus laws¹⁹⁸ in the context of EU accession did not provoke significant opposition, largely because their purpose was explicitly tied to meeting the requirements of EU membership. According to Bakırcı, this external legitimacy shielded the practice from political backlash during its formative years. His observation is supported by the political climate of the time: between 1995 and 2005, even the Felicity Party (*Saadet Partisi*, SP)—a political group often assumed to be ideologically opposed to EU integration—demonstrated a generally favourable stance toward EU-related reforms.¹⁹⁹ Another potential dissenter to EU accession, the Nationalist Action Party (*Milliyetçi Hareket Partisi*,

¹⁹⁸ He prefers using the term of “package laws” for the omnibus laws related to the EU harmonization.

¹⁹⁹ As Mustafa Kamalak, speaking on behalf of the SP parliamentary group, stated: “As the Felicity, we say yes to the European Union in principle. Not because we find the European Union ideal, not because we see it as a panacea for all problems, but because the pressures in Turkey have reached an unbearable level, because the national will is constantly excluded” (TGNA, 2002, August 1).

MHP), was in fact part of the governing coalition when Turkey was officially recognized as a candidate country. Although MHP members voiced criticism of specific regulations, the coalition government to which the party belonged implemented a wide range of comprehensive pro-EU reforms during its term in office.²⁰⁰

Contrary to Bakırcı's (2018) argument, although opposition parties in parliament generally supported Turkey's EU membership and did not significantly contest the substantive content of the EU harmonisation packages, they consistently criticized the procedural aspects—particularly the use of omnibus formats and the limited deliberation afforded during parliamentary proceedings. The first harmonisation package, Law No. 4744 on Amendments to Certain Laws, serves as an illustrative example. While the law's omnibus structure was not explicitly challenged, unease emerged due to the speed with which it was debated and enacted. Notably, SP deputy Mehmet Bekaroğlu drew a parallel between the rapid adoption of EU harmonisation legislation and the earlier passage of IMF-backed laws, implying a broader trend of externally driven, fast-tracked lawmaking. In a speech during the plenary session, he remarked:

The Parliament is functioning under pressure. Just as we were told that if economic laws were not enacted by February 4, the IMF would make adverse decisions regarding Turkey and the loans would not be disbursed... Under such pressure, we passed those laws in this parliament without proper debate, discussion, or even holding meetings in the relevant committee. (TGNA, 2002, February 6)²⁰¹

²⁰⁰ Even if the party, sometimes as a group and sometimes through its private members, opposed some of the harmonisation laws, especially those on minority rights. Nevertheless, they were not anti-EU. İrfan Keleş from the MHP states the following: "We cannot act with a surrenderist mentality that will disrupt the unitary structure of our country ... Of course, we should enter the European Union, ...; however, ... it must be negotiated with dignity and honour, and the rights of our nation must be protected" (TGNA, 2002, August 2).

²⁰¹ Therefore, the omnibus laws introduced as part of the EU harmonisation process were not the first of their kind. Even if we accept Bakırcı's characterization of them as "package laws," it would be inaccurate to claim that the use of package laws emerged solely during this period.

Starting from the second harmonisation package, such laws were criticised in terms of law-making technique by using the term "bag" (*torba* in Turkish) directly. In his commentary on the committee report of the draft law no. 4748, Şeref Malkoç of the SP (who would switch to AKP in 2012) stated:

This government bill is not appropriate in terms of law-making technique. ... Consolidating amendments concerning different laws and various articles of the same law into a single article—as if inventing a 'bag method'—is incompatible with the principle of the rule of law and contradicts the spirit of the Constitution. (TGNA, 2002, March 26)

Similarly, Turhan Güven of the DYP expressed concern over both the form and content of the bill, highlighting the unprecedented scope of the proposed amendments:

There are so many articles in the draft law that pertain to numerous different laws and various ministries ... The title itself is quite striking: ... 'Various Laws.' ... In my forty years in this profession, I have never encountered such a title in a draft law. (TGNA, 2002, March 26)²⁰²

Omnibus legislation did not originate with the AKP government; however, its use expanded significantly during the AKP period, in parallel with the continued momentum of EU harmonisation efforts. Between 2003, January 2 and 2003, July 30 four omnibus laws—Laws No. 4778, 4793, 4928, and 4963—were enacted as part of the EU harmonisation packages. Notably, all of these laws carried the identical title: "Law on Amendments to Various Laws", reflecting both their omnibus nature and the broad scope of legal changes being introduced. This trend continued into 2004 with the adoption of two additional harmonisation packages. Law No. 5101, also

²⁰² In the period under analysis, the title "Various Laws" does not appear; however, the term "Some Laws" is used, which conveys a similar meaning. In fact, Turhan Güven, in the continuation of his speech, acknowledged this wording by stating: "Maybe it would be more accurate to say 'some laws,' but that cannot be considered as anything other than a rushed expression" (TGNA, 2002, March 26).

titled "Law on Amendments to Various Laws", and Law No. 5218, titled "Law on the Abolition of the Death Penalty and Amendments to Some Laws", further exemplifies the use of omnibus legislation to facilitate rapid legal alignment with the EU standards.

During the AKP's first term in office, the deliberation of EU harmonisation packages in parliament was typically brief, with many bills being approved in a single session. At the time, only two party groups—the AKP and the CHP—were represented in the legislature, and the main opposition party, the CHP, supported the harmonisation laws, frequently without requesting to take the floor or submitting formal proposals during voting. Despite this support, the CHP still expressed concerns about the legislative process, particularly the increasing use of omnibus legislation and hasty enactment of bills. For instance, Oya Araslı (CHP) stated: “These laws are prepared in a process that does not provide sufficient opportunity for the deliberative participation ... They are brought to the plenary in a hurry” (TGNA, 2003, July 15). Similarly, CHP deputy Haluk Koç warned that the legislative process had become rushed and superficial, reducing parliament to a mere rubber-stamp institution: “It is really necessary to discuss the usefulness of legislating in a hurry—pressurised, compressed, in a race against time. ... Believe me, we do not even know what we have enacted during the last one-month legislative period” (TGNA, 2003, July 15).

On the other hand, the AKP deputies legitimized omnibus legislation practice with the EU membership possibility. Cemil Çiçek (2011) of the AKP, who served as the Speaker of Parliament and the Minister of Justice, described the relationship with omnibus legislation and the use of every means of agenda power in Turkey and the EU Harmonization very well as follows:

The European Union process is based on a timetable, ... certain laws have to be passed ... by certain dates. ... This is a process that challenges the law-making process in the classical sense and makes it necessary to ignore certain procedures and principles. ... Before Turkey entered the negotiation process, Verheugen, who was in charge of Enlargement, came to Turkey and set a target of passing six laws within a month and a half. 'If you pass this, Turkey can be given a negotiation date at the leaders' meeting in December.' ... In order to get a negotiation date in December, Turkey had to hold an extraordinary meeting and face the problem of enacting such important laws in a short time. ... Of course, I cannot say that every omnibus law is based on this, but in the end, the introduction of such a procedure resulted from a necessity. (p. 16-17)

In its effort to pass comprehensive legislation within specific timeframes and to capitalise on positive signals from the EU, the AKP strategically employed the full extent of its agenda power. Various procedural tools—including extraordinary sessions, reordering of legislative items on the agenda, and the use of omnibus legislation—were often used simultaneously to expedite the passage of EU-related reforms.²⁰³ Additionally, the working hours of the parliament were frequently altered, with night sessions arranged through majority-backed motions, particularly during debates on laws linked to the EU harmonisation process.²⁰⁴ At times, all of these agenda-setting tools—extraordinary sessions, reordering of items, extended working hours, and omnibus legislation—were employed simultaneously within a single legislative debate.²⁰⁵ Nevertheless, even these measures were sometimes

²⁰³ İrfan Gündüz from the AKP: "Due to a situation arising from the necessity to enact the laws committed by the previous governments and our government in the ninth European Union Harmonisation Package before the preparation of the EU progress report, we called an extraordinary session of the Parliament" (TGNA, 2006, September 19).

²⁰⁴ The speech of CHP's Uğur Aksöz emphasises this: "Our Rules of Procedure regulate working at night very exceptionally. ... When does it work at night? When there are very important laws, there is urgency, there is public interest, ..." and claims that the law under discussion does not meet these criteria (TGNA, 2006, September 19).

²⁰⁵ For example, in 2006, at the beginning of an extraordinary session where an omnibus law within the scope of EU harmonisation was to be discussed, a motion was made and accepted as follows: "Since there was no unanimity among the political party groups at the meeting of the Board of Spokesperson ... regarding the rearrangement of the order in the agenda of the extraordinary call, the working days and hours, the draft laws to be discussed as basic laws according to Article 91 of the Rules of Procedure and their discussion in sections..." (TGNA, 2006, September 19).

deemed insufficiently fast, prompting the additional use of the expedited procedure to meet pressing deadlines or external commitments.²⁰⁶

As previously discussed, the groundwork for the relatively smooth implementation of the expedited procedure was laid during the DSP-MHP-ANAP coalition government in 2001.²⁰⁷ The 2001 amendment to the RoP, particularly the easing of conditions for applying the expedited procedure, was introduced in the context of Turkey's EU accession process. Supporters of the reform frequently drew comparisons with legislative practices in EU member states. As Necdet Saruhan (DSP) emphasized during parliamentary debates: "Turkey is a signatory to many international conventions. We want to join the European Union. ... we need to carry out legal reform—but the basis of that legal reform, as in all Western democracies, is to work fast" (TGNA, 2001, January 26). Even opposition parties that voiced reservations about the expedited procedure acknowledged the need for legislative acceleration in the context of EU membership. Ahmet İyimaya, speaking on behalf of the DYP group, noted:

... basic laws are mandatory for accession to the European Union. ... It is not possible for any opposition party to ignore this need. A temporary compromise could be reached for this purpose ... but what is the point of imposing a rule that does not exist in the parliamentary tradition? (TGNA, 2001, January 26)

The EU Progress Reports of the early 2000s expressed clear, albeit brief, support for procedural reforms aimed at enhancing legislative efficiency. For example, this was noted: "The parliament has made efforts to improve its efficiency

²⁰⁶ Geçmez (2013) also notes in his analysis of basic laws enacted up to 2013, the impetus to conduct legislative activity in a faster and more efficient manner arose primarily from the structural transformations necessitated by the EU accession process.

²⁰⁷ Under the DSP-MHP-ANAP coalition government, within the framework of the EU Harmonisation, the "Turkish Civil Code" No. 4721 was adopted on 22 November 2001 through the expedited procedure.

by amending its Rules of Procedure” (EC, 2002). When the AKP came to power and sought to reinstate the annulled article related to the expedited procedure, Burhan Kuzu—Chairman of the Committee on the Constitution and a key figure within the party—justified the move by referencing the EU harmonisation process. During a parliamentary session, he stated: “Within the framework of the harmonisation package with the EU, ... there was a need for such an expedited procedure” (TGNA, 2003, April 10).

Kuzu went further by drawing comparisons to legislative practices in other countries, including the use of procedures such as expedited legislation, package laws, the guillotine procedure, and confidence votes. While acknowledging their undemocratic implications, he nonetheless defended their use under certain conditions:

I am not saying that these are good; ... don't think that I agree with them. ... But what are you going to do? Given the scope of the law, its complexity—certain things, unfortunately, become necessary for the parliament to produce results in a short time. (TGNA, 2003, April 10)

He continued, highlighting the gap between democratic ideals and legislative realities: “What is ideal, what is right, what I would like... Finland, the Netherlands, Sweden... this is the ideal. ... But with this method, I don't know how we can pass 400 articles” (TGNA, 2003, April 10). These remarks reflect a candid admission that, even from the perspective of the ruling party's own constitutional authority, the expedited procedure was viewed as a “necessary evil”—a pragmatic but democratically problematic tool.

Following the annulment of the expedited procedure provision by the Constitutional Court, the AKP reintroduced very similar amendments to the RoP in 2005. The justifications offered echoed earlier arguments, particularly those rooted in

the EU accession process. Nimet Çubukçu (AKP) stated: “Due to the goal of becoming a member of the European Union, the said regulations have been introduced in order for our parliament to work more effectively and efficiently” (TGNA, 2003, April 10).

Similarly, Haluk İpek (AKP) framed the reforms as a response to the pressures of legislative modernisation: “All European countries are discussing this issue in sections. We, too, live in an age of development, ... fast technology, in an age when many harmonisation laws will come, and we have to make the parliament work very fast” (TGNA, 2003, May 29). In the period that followed, numerous laws directly or indirectly related to EU harmonisation were adopted using the expedited (basic law) procedure. The preambles of many such bills explicitly cited alignment with the EU *acquis* as the primary legislative objective.²⁰⁸

In parallel with the arguments advanced by AKP deputies, the EU itself did not express significant concern regarding the legislative procedures or law-making practices of the TGNA. Although procedural issues—such as the use of expedited procedure, omnibus legislation, and procedural conversions—were frequently debated within the Turkish Parliament, these matters were rarely addressed in the EU’s Progress Reports. Despite each report containing a dedicated section on the legislature, the reports from the late 1990s and early 2000s offer no critical evaluation of the types of laws or legislative procedures employed. The 2001 Progress Report evaluated the amendments positively, despite strong domestic criticism from opposition parties: “A total of 117 new laws were adopted between

²⁰⁸ For example, the AKP announced the ninth Reform Package in 2006 and the Law No. 5543 on Settlement, Law No. 5544 on Vocational Qualifications Authority, Law No. 5545 on Private Education Institutions, Law No. 5548 on Ombudsman Institution were discussed and adopted in a short period of time through an expedited procedure by calling an extraordinary meeting while the Parliament was on recess in September 2006 on the grounds of EU Harmonisation.

October 2000 and June 2001. In the same period, the parliament simplified its RoP and initiated the establishment of a Parliamentary Committee on EU integration” (EC, 2001).

Rapid legislative enactment was encouraged by the EU, which the AKP government tried to respond to. At the end of 2003 the new government was praised for its determination to "accelerate the reform process, which has brought far-reaching changes to the political and legal system", stating that "... over the past 12 months, it has demonstrated an impressive legislative performance which constitutes significant progress towards compliance with the Copenhagen political criteria" (EC, 2003).

The Council of the EU confirmed that Turkey had sufficiently fulfilled the Copenhagen Political Criteria, leading to the formal launch of accession negotiations in October 2005 (Directorate for EU Affairs, 2020). However, by this time, geopolitical tensions—particularly between Turkey and the Cyprus-Greece bloc—had already begun to cast a shadow over Turkey’s EU accession prospects. The accession of Cyprus to the EU in 2004, prior to the resolution of the Cyprus dispute, significantly complicated the negotiation process and contributed to a shift in the tone of EU member states toward Turkey.²⁰⁹ From 2006 onwards, this growing skepticism was mirrored by a marked deceleration in the pace of domestic reforms in Turkey.²¹⁰ This divergence was increasingly reflected in the tone and content of the

²⁰⁹ In 2004, the Annan Plan was rejected by the Greek Cypriots. Turkey's search for an alternative solution did not succeed. In 2007 France stated that it will not allow opening of five chapters. In 2009, Greek Cypriots declared that the normalisation of relations was set as a precondition for the progress in 6 chapters (Directorate for EU Affairs, 2020).

²¹⁰ Although Turkey gradually drifted away from the prospect of membership almost as soon as it gained candidate country status, relations with the EU have continued intensively and many laws have been drafted within the scope of EU negotiations or in line with the EU acquis. In all years of the period analysed by this study, Turkey has officially stated that EU negotiations are a strategic goal for Turkey and these statements have been included in the Progress Reports every year. The EU's

EU Progress Reports, which became more critical over time. For instance, the 2008 Progress Report acknowledged the government's rhetorical commitment to EU accession but criticised the lack of substantive follow-through.²¹¹

The issue of the RoP—along with the types of legislation and legislative procedures—was largely absent from the EU Progress Reports under the "Legislature" heading in earlier years. However, beginning by 2008, this topic began to receive consistent attention. The renewed focus was tied to repeated attempts to draft and adopt new RoP for the TGNA, which were brought to the agenda on multiple occasions but never finalized. From 2009 to 2015, every Progress Report included references to these ongoing efforts, reflecting the EU's growing interest in the procedural framework governing parliamentary law-making in Turkey.²¹² It is evident from the EU Progress Reports that a proposal for revising the RoP of the TGNA was supported by the EU. However, the persistent inability of the government and opposition parties to reach a consensus on this draft has been consistently noted and mildly criticised in successive reports. For example, the 2010 Progress Report stated: "No progress has been made in improving the Rules of Procedure of the TGNA. The draft finalised in February 2009 by the ... Reconciliation Commission is still pending due to the lack of consensus among political parties" (EC, 2010).

influence on legal regulations in Turkey has also continued, although never again to the extent it was in the early 2000s.

²¹¹ "The government has expressed its commitment to the EU accession process and political reforms. However, despite its broad political mandate, the Government has failed to put forward a coherent and comprehensive political reform programme." (EC, 2008)

²¹² The use of decree-laws in 2011, which had not been used for a decade, was also criticised not only in terms of procedure but also in terms of content: "Decree-laws were issued in 2011 that transferred some powers back to the centre, particularly in land use planning and urban transformation" (EC, 2012).

The 2013 and 2015 EU Progress Reports²¹³ contained more detailed and pointed criticisms of the legislative processes in the TGNA:

Comprehensive reform of the TGNA's Rules of Procedure, which had been abandoned twice since 2008 due to lack of consensus among political parties, has been resumed. However, political reform efforts and the ability of the TGNA to perform its key functions of legislating and overseeing the executive continue to be hampered by a persistent lack of dialogue and spirit of compromise among political parties. There was insufficient preparation and consultation - both within and outside the parliament - prior to the adoption of key sensitive legislation. There has been no progress in the long-standing debate on the need for systematic consultation with civil society and other stakeholders in the law-making process. (EC, 2013)

Although the functioning of the legislature had been closely monitored by the EU and opposition parties in Turkey had criticised the use of omnibus legislation—including in the context of EU harmonisation laws—since the early 2000s, explicit criticism of the omnibus law practice did not appear in the EU Progress Reports until 2015. The 2015 Progress Report marked a turning point in this regard, stating:

Key laws are often drafted and adopted without adequate consultation with stakeholders and without sufficient parliamentary debate. ... Omnibus laws were again widely used to amend legislation in different policy areas. The lack of a stable and forward-looking agenda has hampered the involvement of MPs and stakeholders. (EC, 2015)

The increasing procedural criticism coincided with broader concerns about democratic backsliding. Shortly thereafter, in November 2016, the EU officially froze accession negotiations with Turkey, reflecting a significant deterioration in relations.

²¹³ Especially after 2013, Turkey has been regularly criticised by the EU for falling short of meeting the criteria in areas such as the rule of law, rights and freedoms, especially freedom of expression, and even falling further away with some new legislation. Nevertheless, as the country with the largest refugee population in the world, the main agenda in relations shifted to this issue from 2015 onwards and Turkey was praised in this regard (EC, 2015). Although membership negotiations were officially suspended by the EU in 2016, the relationship continues, especially on migration, and the EU is still a factor taken into account when drafting some laws.

Considering the process in its entirety, although the EU did not intentionally or explicitly advocate for the use of exceptional legislative procedures by the TGNA, the EU accession process and its associated deadlines significantly contributed to the prevalence of such legislation in Turkey. During the AKP period, opposition parties consistently criticized the use of omnibus legislation and the hasty deliberation of bills—even in cases where they largely supported the content. These criticisms, recurring across legislative sessions, reflect the growing tension between the urgency of aligning with EU legal standards and the erosion of deliberative legislative processes under the increasing normalization of omnibus lawmaking.

However, as discussed earlier, none of the so-called “external” pressures were entirely external—hence the quotation marks. Political actors have actively shaped and instrumentalized these external processes to serve their own political agendas. These dynamics were not only reactions to external demands but also functioned as strategic justifications for advancing both EU-aligned reforms and unrelated domestic legislation that aligned with the AKP’s priorities. For example, in a discussion on an EU harmonisation package, Yaşar Yakış, speaking on behalf of the AKP, stated against the critiques: “This is a package not because we intend to ... make room for the issues that the AKP sees as priorities in terms of its own interests ...; it is purely a natural necessity of the race against time” (TGNA, 2003, July 30). The use of agenda power and exceptional legislation has routinely been framed as a response to time constraints and the imperative to meet EU harmonisation targets. Ultimately, all of these “external” processes—as well as political actors’ efforts to derive partisan advantage from them—unfold within a particular institutional context.

7.4 Conclusion: Exogenous factors and opportunity structures for temporal control

This chapter has examined how external drivers of time pressure—particularly social acceleration, crises, and international obligations—have contributed to the rise of exceptional legislative procedures in Turkey. While these pressures do not act directly on parliamentary rules, they shape the tempo and intensity of legislative demands, creating conditions that make exceptional tools more attractive or, at times, seemingly necessary.

The first section explored the concept of social acceleration, linking long-term trends of legislative overload to broader transformations in state-society relations, technological change, and economic complexity. These developments have led to a persistent increase in the volume and technicality of legislation, pushing parliaments to process more material in less time, often under constrained deliberative conditions.

The second section addressed how crisis response and the conditionalities imposed by international organizations, especially in times of economic instability or structural adjustment, introduced acute time constraints. These moments often justified exceptional procedures as emergency solutions, yet the repeated reliance on them suggests a more structural adaptation to permanent crisis-like conditions.

Finally, the chapter analyzed the legislative impact of the EU harmonization, particularly during the 2001–2005 period of rapid legal reform. The need to implement wide-ranging and detailed changes within compressed timeframes resulted in an intense legislative workload. While politically framed as a democratization agenda, this process often led to the accelerated adoption of omnibus packages and the sidelining of deliberative practices, reinforcing executive dominance over the parliamentary process.

Taken together, these findings show that time pressure from external sources does not just stress legislative institutions—it actively reconfigures their internal functioning. In Turkey’s case, external demands became internalized as justification for procedural change and overuse of exceptional legislation. However, the mere presence of time pressure does not mechanically produce exceptional law-making; rather, it creates opportunity structures that are interpreted and exploited by political actors under specific institutional conditions.

The next chapter will pick up this line of inquiry by shifting the focus from exogenous factors to endogenous drivers of exceptional legislation. It will analyze how institutional configurations and actor strategies have adapted to these pressures over time, embedding exceptional practices within the ordinary workings of the legislature. In Chapter 8, I will examine the key institutional conditions, turning points, continuities, and transformations that have enabled the routinization of exceptional legislative procedures. I will then explore why political actors increasingly favor exceptional legislation and the strategic advantages these methods offer. Understanding both the institutional enablers and the political incentives behind exceptional legislation is crucial to comprehending the proliferation of “exceptional laws” in Turkish legislative practice.

CHAPTER 8

INSTITUTIONS, ACTORS, AND THE STRATEGIC USE OF LEGISLATIVE TIME

Building on the analysis of formal and informal rule changes and external pressures, this section focuses on the institutional configurations and political actor constellations that have shaped the use of exceptional legislative procedures in Turkey. While external shocks and policy demands may have triggered moments of legislative acceleration, they do not sufficiently account for the long-term normalization of omnibus legislation, expedited procedures, and decree-laws. This sub-chapter situates exceptional law-making within a broader framework of institutional interaction, examining how actor strategies are conditioned by institutional rules, veto structures, party dynamics, and government types. Specifically, it examines how changes in institutions within political system, the tensions and collaborations between them, parliamentary behavior, rule interpretation, and political strategy have influenced the rise, fall, persistence, and variation of exceptional laws over time. This chapter seeks to uncover why the production of exceptional laws has never fallen below 30%, what drives their dominance, and how their use evolved during key legislative periods, particularly under the AKP government.

Through this actor- and institution-centered lens, Chapter 8 offers a detailed explanation of how procedural tools originally intended for extraordinary contexts became ordinary instruments of lawmaking. While sub-chapter 8.1 explores the enabling conditions created by institutional design, Sub-chapter 8.2 turns to the motivations and tactical behavior of actors—such as MPs, parties, ministers, and

bureaucrats—who actively shape, and exploit exceptional procedures from within the legislative process.

8.1 Institutional configurations

This sub-chapter examines how certain institutional features of the Turkish political system condition the frequency and form of exceptional law-making. It focuses on two critical components of the institutional configuration, claiming the most important affecting the changes in exceptional law-making patterns: government types and their stability, veto points within and beyond the legislature. These elements are central to understanding the strategic incentives of actors and their capacity to deploy or resist exceptional procedures. The analysis highlights that contrary to some expectations, it is not weak coalition governments but rather strong single-party governments that more frequently resort to exceptional tools—thanks to their greater control over legislative scheduling, agenda-setting, and amendment restrictions. Additionally, the chapter assesses how the presence or erosion of institutional veto points—such as the presidency and the Constitutional Court—affects the opportunity structures for exceptional law-making. Together, these factors reveal how institutional context shapes not only the possibility of exceptional legislation, but its strategic appeal to dominant actors.

By identifying key variables such as government types and stability and veto power in relation to the government, the chapter explores the extent to which the strategic use of exceptional legislation is facilitated—or constrained—by the underlying architecture of parliamentary politics. The analysis foregrounds how majoritarian rule, and elimination of veto powers have interacted to normalize practices originally conceived as exceptional.

8.1.1 Government types and stability in office

As detailed in Chapter 5, the AKP era has generally been more legislatively productive than the 1991–2002 period, as illustrated in Figure 21 below. While 587 laws were enacted during the pre-AKP period, 841 laws were passed during the 22nd, 23rd, and 24th legislative terms under AKP rule. However, when decree-laws are included, the gap narrows: the total number of laws and decree-laws was 741 in the pre-AKP period and 876 under the AKP. The more substantial difference lies not in the quantity but in the volume of legislation. During the pre-AKP years, the average number of words produced in laws per day was around 300; in contrast, the AKP period averaged approximately 600 words per day—indicating a twofold increase in legislative volume.

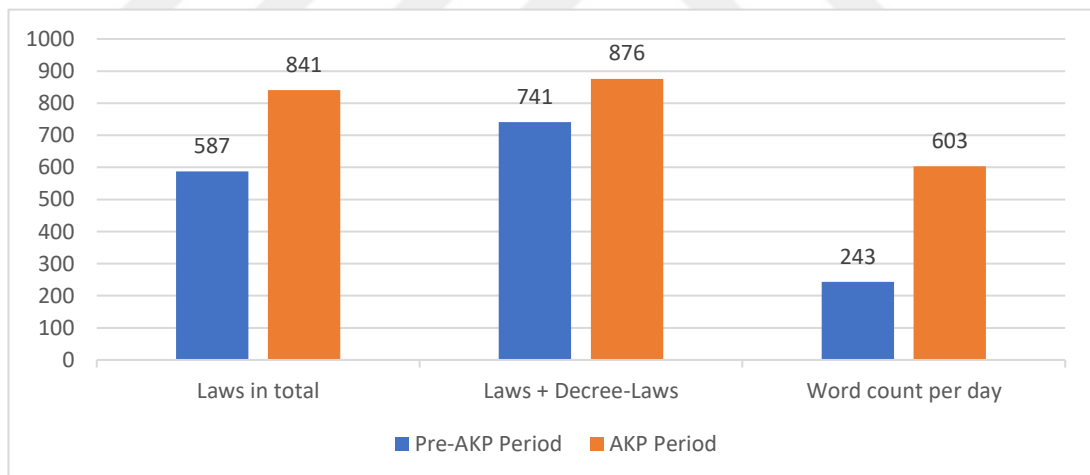


Figure 21. Law production: pre-AKP vs. AKP period

One key factor behind the significant increase in legislative productivity during the AKP period is its status as a single-party majority government. As demonstrated earlier, this increase in productivity parallels the widespread use of exceptional laws during the same period. To better understand this dynamic, it is

useful to compare legislative patterns across different government types—namely, single-party majority, coalition, and minority governments. Additionally, comparing governments of the same type across different terms offers further insight. As illustrated in Table 16, the 1991–2015 period saw substantial variation, with 14 different governments taking office, including coalitions, minority governments, and majority single-party cabinets.

Table 16. Governments and Government Types (1991-2015)

Legislative Term	Inauguration Date	End Date	Which Government	Parties in Government *	Government Type
19	21.11.1991	25.06.1993	49	DYP-SHP	Majority
	26.06.1993	5.10.1995	50	DYP-SHP	Majority
	6.10.1995	30.10.1995	51	DYP	Minority
	31.10.1995	6.03.1996	52	DYP-CHP-Independents	Majority
20	7.03.1996	28.06.1996	53	ANAP-DYP	Minority
	29.06.1996	30.06.1997	54	RP-DYP	Majority
	1.07.1997	11.01.1999	55	ANAP-DSP-DTP	Minority
	12.01.1999	28.05.1999	56	DSP	Minority
21	29.05.1999	18.11.2002	57	DSP-MHP-ANAP	Majority
22	19.11.2002	14.03.2003	58	AKP	Majority
	15.03.2003	29.08.2007	59	AKP	Majority
23	30.08.2007	6.07.2011	60	AKP	Majority
24	7.07.2011	29.08.2014	61	AKP	Majority
	30.08.2014	28.08.2015	62	AKP	Majority

Note: The first written party is prime minister's party

In the three legislative years of the AKP period, only 5 different governments took office, whereas nine different governments were formed in the three pre-AKP legislative years. The AKP period consisted of only one-party majority governments. But the nine pre-AKP governments were very diverse. While 5 were coalition majority governments, four were minority governments. Out of these four minority governments: two were single party minority governments (51st and 56th) and two

were coalition minority governments (53rd and 55th). Figure 22 below presents the average number of laws produced per day, as well as the combined daily output of laws and decree-laws, across the respective governments analyzed.

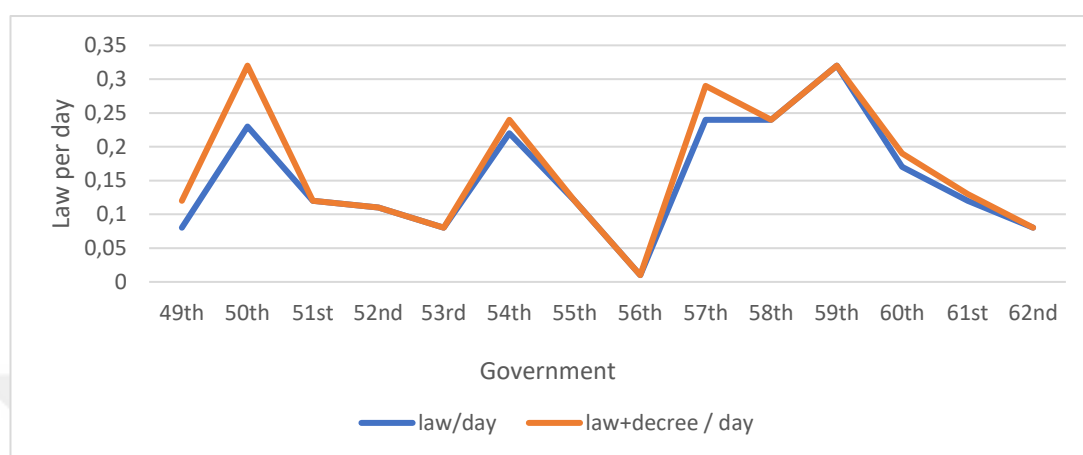


Figure 22. Law and decree-law production by government

As demonstrated in Chapter 5, while the number of laws decreased in the 23rd and 24th legislative terms, the volume of legislation remained stable. Therefore, any perceived decline in legislative performance during the 60th, 61st, and 62nd Governments—corresponding to these terms—should be discounted when evaluating legislative productivity by volume. Excluding these three governments, the most productive periods in terms of legislative output were the 50th, 54th, 57th, 58th, and 59th Governments. Notably, while the 58th and 59th were single-party AKP governments, the other three were coalition governments.

This challenges the AKP's frequent narrative that pre-AKP governments—particularly coalitions—were inefficient in law-making. On the contrary, coalition governments that were not minorities and served full terms displayed relatively high productivity. For instance, the 49th, 50th, 54th, and 57th coalition governments achieved an average of 0.2 laws per day (512 laws in 2,559 days). In fact, the 50th

and 57th Governments outperformed several AKP legislative terms in the sense of the number of laws enacted, especially when decree-laws are included.

In contrast, the lowest legislative productivity was recorded during minority governments, particularly the 56th (0.01 laws/day) and the 53rd (0.08). The 51st and 55th Governments, also minority cabinets, had higher productivity (0.12 laws/day), with the 55th Government being the most stable and productive among them—passing 52 laws over 561 days. The remaining three minority governments collectively lasted 241 days and enacted just 13 laws, averaging only 0.05 laws per day—substantially below all other governments in the period under review.

In the 20th legislative term, only one government—the 54th—was not a minority government.²¹⁴ Its average law production per day (0.22) was at least twice that of the other governments in the same term. Notably, decree-laws were issued only during its tenure; minority governments were unable to issue any, as doing so requires prior authorization by an empowering law passed in the plenary.

Why are non-single party majority governments—coalitions or minorities—relatively less productive or slower in legislating? Coalition governments must negotiate internally, as initiating government bills requires signatures from all ministers, often from different parties. This need for consensus slows down legislative processes and can be strategically prolonged to maximize bargaining power. Minority governments face even greater limitations: lacking a parliamentary

²¹⁴ The minority coalition government, the 53rd Government, took office with the support of the DSP and received a vote of confidence, but the RP, the party with the highest number of votes at the time, appealed to the Constitutional Court on the grounds that the number of votes of confidence received was a sufficient majority as stipulated in the Rules of Procedure. When the Constitutional Court found the RP's claim justified, the Prime Minister of the 53rd Government was forced to resign and the 54th Government was formed under the leadership of the RP. This government was also forced to resign in 1997 during the so-called "February 28 process". A minority coalition government was formed in its place. It was the longest-running, productive and stable minority government. Nevertheless, after about a year and a half, this government was also dismissed by a motion of no confidence. The 56th Government, formed by a single party (DSP) to hold office for a few months until the previously decided snap elections, was also a minority government.

majority, they must persuade opposition parties to pass legislation, a process that is time-consuming and uncertain.

In minority governments, this lack of majority also extends to parliamentary committees. Depending on inter-party coalition negotiations, key institutional positions—such as committee chairmanships or even the speaker of parliament—may be held by parties other than the prime minister's. In the 1990s, despite a high electoral threshold, the fragmentation of votes often necessitated the formation of coalitions involving two or more parties. Sometimes, the party with the most seats—such as the RP after the 1995 elections—remained in opposition. Although RP had a majority in committees due to seat share, it held no committee chairmanships, which wield significant control over legislative agendas.

Unlike strong single-party governments, the pre-AKP period is full of governments that had to bargain to some extent, could not set the agenda as they wanted, sometimes could not pass the laws they wanted, or could not pass them when they wanted and fast enough. For all these reasons, there was a decline in legislative performance in the 1990s. In contrast, single-party majority governments—like those under the AKP—can pass laws without inter-party bargaining or delay. Their control extends to the plenary, committees, the speaker's office, and all other procedural levels. This structural dominance allows for faster legislative processes and contributes to the high legislative productivity observed during the AKP period (Bulut, 2017).

Between 1991 and 2002, no single-party majority governments were in office. Therefore, to contextualize the AKP's productivity, I refer to earlier periods of

single-party rule. Based on Yüksel's (2019) findings²¹⁵, the ANAP governments between 1983 and 1991, which were also single-party majorities, exhibited higher legislative productivity than the fragmented coalition and minority governments of the 1990s. However, the average productivity of the 22nd, 23rd, and 24th legislative terms—under AKP rule—still exceeds that of the 1983–1991 period.

Interestingly, the 21st legislative term, governed by a coalition, had higher productivity than the ANAP-led single-party terms of the 1980s. More notably, the average word count per day during the 21st term was nearly double that of the 18th term (Yüksel, 2019). This suggests that coalition governments do not necessarily produce fewer laws than single-party governments, and that significant variation can exist within the same government type. These findings indicate that government type alone does not fully explain patterns of legislative productivity.

Not only the type of government but also the stability of that government—often reflected in the number of governments formed within a legislative term—can significantly influence legislative productivity. These two factors are interrelated: coalition or minority governments are generally less stable and therefore more prone to shorter durations, whereas single-party majority governments are more likely to endure the full legislative term. When only one government governs throughout a legislative term, it is more likely to implement its program effectively and maintain consistent legislative output, as less time is spent on transitions and institutional reorganization (Yüksel, 2019).

²¹⁵ According to Yüksel's (2019) calculation, in the 17th legislative term (November 1983–October 1987), the average number of laws per day was 0.28 and the word count per day was 286. In the 18th legislative term (December 1987–September 1991), the average number of laws per day was 0.24 and the average word count per day was 189.

This effect is particularly pronounced when a change in government entails a change in the ruling party or coalition, as it typically triggers a full reshuffling of parliamentary bodies and internal distributions. Such transitions occurred only during the 19th and 20th legislative terms within the scope of this study. In these periods, both the plenary and committees experienced de facto disruptions in legislative activity during government formation. In contrast, during the 22nd and 24th legislative terms, although more than one government was formed, they were all single-party governments under the same ruling party. As a result, institutional continuity was preserved, minimizing disruption to the legislative process.

The 19th and 20th legislative terms, which saw a total of eight different governments, were also the least productive in terms of legislation. The 20th term in particular had the lowest legislative rate of all terms analyzed. This can be attributed largely to the heightened political instability of the period. According to EU Progress Reports, one of the major impediments to successful economic reform in the 1990s was the frequent change of governments, which not only weakened political stability but also hindered policy continuity (EC, 1998; EC, 1999). This situation began to improve following the 1999 elections. The coalition government formed thereafter was considered relatively stable, with its consensus-based approach to economic policy praised by both the IMF and the EU.²¹⁶ During the 21st legislative term, the 57th Government (DSP–MHP–ANAP) functioned as a stable majority coalition, which contributed significantly to the observed increase in legislative productivity.²¹⁷

²¹⁶ “The coalition government has maintained an unprecedented compromise on the basic principles of economic policy. By succeeding in getting important economic reform proposals through parliament, the government demonstrated its commitment and determination to implement its ambitious reform program” (EC, 2000).

²¹⁷ As noted in the relevant reports, most coalition governments during the period examined in this study had relatively short tenures. However, there are two notable exceptions. The most stable of these was the 57th Government, which, during the 21st legislative term, served as a single government for

The 2001 economic crisis was later attributed, even in the EU Progress Reports, to internal discord within the coalition government. As one report noted, “Progress on reforms ... initiated in 1999 ... was hampered by differing priorities within the coalition government” (EC, 2004). Against this backdrop, the AKP’s ability to establish and maintain a single-party majority government was welcomed by both the EU²¹⁸ and the World Bank. It was widely anticipated that such political stability would facilitate a more rapid and effective reform process—and indeed, this expectation was largely fulfilled. The World Bank echoed the EU’s perspective, emphasizing the advantages of cohesive executive leadership in pushing through needed reforms:

A series of weak coalition governments failed to achieve the consensus to undertake the measures needed for growth and stability. ... Together with the election in 2002 of the first majority Government in over a decade, appear to have set Turkey on track for greater economic stability. (The World Bank in Turkey, 2005)

Although two separate governments were formed during the AKP’s first term, they can be regarded as functionally continuous. The 58th Government was initially headed by Abdullah Gül, but following the lifting of Recep Tayyip Erdoğan’s political ban, a new cabinet—the 59th Government—was established under his leadership. Erdoğan then served as Prime Minister through the 59th, 60th, and 61st Governments until his election as President in August 2014, after which

over three years. The other case involves the 49th and 50th Governments, which can be considered together, as there was no change in the ruling party between them. These two administrations collectively governed for approximately four years. The transition from the 49th to the 50th Government was primarily necessitated by an institutional shift: following the death of President Turgut Özal, then-Prime Minister Süleyman Demirel assumed the presidency, and Tansu Çiller—also from the same party—succeeded him as Prime Minister. Thus, the 49th and 50th Governments represented successive administrations led by the same political party.

²¹⁸ “The snap elections in November 2002 led to the formation of a single-party government that continued the reform process” (EC, 2004).

Ahmet Davutoğlu led the 62nd Government.²¹⁹ In 2016, Davutoğlu was compelled to resign due to internal tensions with Erdoğan and growing divisions within the party. In sum, the AKP era was marked not only by the continuity of single-party majority governments but also by a stable and centralized leadership structure. What has been the effect of this strong party structure on exceptional laws? To assess its impact on the rise of exceptional law-making it is helpful to start with the decree-law mechanism and briefly examine how often it has been used since its introduction.

Following the 1971 constitutional amendment that introduced decree-laws, Turkey saw a series of unstable governments—primarily coalitions and minority cabinets—until the 1980 military coup. During this nine-year period, only 34 decree-laws were issued. In stark contrast, 140 decree-laws were enacted under the coup regime, and an additional 280 during the subsequent ANAP single-party governments between 1983 and 1991. This suggests that decree-law use was closely associated with strong governments. Importantly, these governments did not resort to decree-laws due to a lack of legislative productivity; they also passed a high volume of regular laws, indicating that decree-laws were used not as substitutes but alongside ordinary legislation.

By contrast, during the tenure of five weaker minority or coalition governments (the 51st, 52nd, 53rd, 55th, and 56th), no decree-laws were issued. Over their combined 787 days in office, only 75 laws were enacted—an average of just 0.1 laws per day. Prior to the AKP era, governments that frequently used decree-laws also had approximately twice the legislative output of those that did not. In

²¹⁹ In 2014, the term of office of President Abdullah Gül was due to expire. Following a constitutional amendment, the president was to be elected directly by the people for the first time. Recep Tayyip Erdoğan, who was Prime Minister at the time, ran and won. Therefore, there was a change of government and Ahmet Davutoğlu from the same party became Prime Minister.

short, low decree-law use correlates with low legislative output, while periods of high legislative productivity often saw parallel increases in both laws and decree-laws.

Yüksel (2019) posits that widespread use of decree-laws and emergency decrees may reduce legislative productivity, arguing that in their absence, more regulations would have to pass through parliament, increasing the number of enacted laws. However, the empirical pattern in Turkey suggests otherwise: high decree-law usage has historically accompanied—not displaced—high volumes of lawmaking. Thus, decree-laws and ordinary laws appear complementary rather than substitutive in practice.

As previously noted, the limited use of decree-laws by minority governments is largely due to institutional constraints: they lack the simple majority required to pass empowering laws. Therefore, only the stable coalition governments (the 49th, 50th and 57th Governments) could issue considerable numbers of decree-laws: 24, 63 and 50 respectively. Other than them, only the 54th government coalition (RP-DYP) could issue 6 decree-laws; the other governments could issue none.

Decree-laws tend to be used by already powerful governments that are also legislatively productive. During the 19th and 20th legislative terms, various types of governments were in office, including coalitions and minority governments. The data shows that governments with a higher average number of laws per day also had a higher average number of decree-laws per day. For example, the 50th Government (a DYP–SHP coalition), which brought together the two largest parties in parliament, issued 63 decree-laws and passed 165 laws, giving it the highest rate of exceptional procedures per day. Similarly, the 57th Government (DSP–MHP–ANAP coalition)

during the 21st legislative term passed 232 laws and issued 50 decree-laws, ranking second in both categories across all legislative terms between 1991 and 2015.

In contrast, AKP governments issued no decree-laws except in 2011, when 35 were issued during a short, concentrated period that bridged the end of one legislative term and the beginning of another. Both periods were governed by strong single-party governments under Prime Minister Erdoğan. This suggests that decree-laws in Turkey have not been fallback tools for weak governments but have been used by strong governments when rapid legislative action was needed. The 2011 decree-laws were also large in scope.

With regard to other types of exceptional legislation, omnibus laws became more common during the DSP–MHP–ANAP coalition and quickly became institutionalized during the AKP's first term. Prior to that, although there were no formal legal barriers to omnibus legislation, their use was limited. In the 19th and 20th legislative terms, only 20 omnibus laws were passed over a span of 10 years. In comparison, 23 were passed in the 21st legislative term alone.

As for the expedited procedure, it is difficult to compare its use across different government types because it was only introduced in 1996. Moreover, in its original form, it required unanimous consent from all party groups, which was practically unworkable given the fragmented party system of the 1990s. It would be so complicated even under strong majority government so it could only be used once before 2001. Therefore, comparing its use before and after 2001 is not meaningful, as the rule itself was fundamentally changed and only became practically usable later.

In the final phase of the 57th Government, in 2001, the expedited procedure was introduced into the legislative system. However, due to its subsequent annulment by the Constitutional Court, it was not used at all during the 58th Government. Both

the 57th and 59th Governments were in power for only short periods, which helps explain the relatively low average use of exceptional procedures during their tenures.

Table 17. Omnibus and Expedited Laws by Government (2001-2015) ²²⁰

Government	Parties in Government	Laws in total	Omnibus	Omn./All Laws	Exp. Procedure	E.P./ All Laws
57th	DSP-MHP-ANAP	232	23	0.10	7	0.03
58th	AKP	28	3	0.11	0	0.00
59th	AKP	478	64	0.13	19	0.04
60th	AKP	202	32	0.16	51	0.25
61st	AKP	110	36	0.33	64	0.58
62nd	AKP	23	7	0.39	12	0.52

As shown in the Table 17—excluding the governments of the 19th and 20th legislative terms due to the minimal use of omnibus laws and the absence of the expedited procedure—the share of omnibus laws among all legislation has steadily increased over time. The peak number of omnibus laws was passed under the 59th Government, the first government led by Erdoğan. Yet, even then, omnibus laws constituted only 10% of all legislation, indicating only a slight increase from the previous coalition government. In contrast, by the time of the 61st Government, following 2011, every third law was an omnibus law.

All these data show that the type and stability of government in Turkey affect the patterns of law production, the legislative process and the patterns of exceptional law use, in an opposite way Huber (1992), Döring (2003), Palau et al. (2014), Pokorny and Saghy (2021) presented. The more powerful and stable a government becomes, the more frequently it resorts to exceptional legislative mechanisms—rendering their use in the Turkish case particularly problematic from the perspective

²²⁰ Under the 59th Government, two omnibus laws were enacted using the expedited procedure; this number increased to 18 under the 60th Government, 33 under the 61st, and seven under the 62nd. In calculating the total number of such laws, I did not exclude this intersection set—that is, omnibus laws that were also processed through the expedited procedure.

of legislative democracy. However, the application of exceptional legislation was not always a smooth or straightforward process, even for the most powerful governments. The prevalence, types, and procedural forms of exceptional legislation varied considerably over time. One of the primary reasons for this variation lies in the complex and often contentious struggle between extra-parliamentary veto players and ruling parties—a dynamic that will be examined in greater detail below.

8.1.2 Veto points

The TGNA is structured in a highly majoritarian manner, such that actors outside the ruling party—particularly during periods of single-party majority government—have very limited influence over the legislative process. Especially under conditions of sustaining political polarization, the opposition’s ability to contribute meaningfully to law-making is further diminished. Consequently, in the Turkish context, extra-parliamentary actors have, at times, exerted greater influence than parliamentary opposition parties—both in shaping formal legislative rules and in influencing legislative practices.

Why were decree-laws rarely used after 1993, except during extraordinary circumstances such as the 1999–2000 earthquakes and financial crises? Why did the AKP refrain from using decree-laws until 2011? Why was the expedited procedure underutilized until 2005, despite being formally introduced earlier? This section seeks to address these questions by analyzing the role of institutional veto points in enabling or constraining the use of non-standard legislative mechanisms. While these veto points are considered in their formal-institutional dimensions, the analysis also accounts for the evolving preferences and strategic orientations of the actors who lead and shape these institutions. In doing so, it highlights how both institutional

constraints and actor-driven dynamics interact to influence the application of exceptional legislative procedures.

In this respect, there are two main veto points. One is the Constitutional Court, which, if applied for, can review the constitutionality of all laws, constitutional amendments and RoP and, if necessary, annul them. The other is the President of the Republic, who holds the power to return laws passed by the plenary to parliament for reconsideration before they enter into force.

8.1.2.1 President

Although Turkey transitioned to a form of presidentialism after the 2017 constitutional referendum, the period analyzed in this study (1991–2015) was governed under a parliamentary system. During this time, the prime minister served as the head of government, while the president—until 2014—was elected by the Parliament and held more limited formal powers compared to the prime minister. Nonetheless, presidents remained politically influential, often due to their prior roles as prime ministers and longstanding affiliations with political parties. Table 18 below presents the prime ministers and presidents in office during each government within the analyzed timeframe. For coalition governments, the prime ministers' parties are listed first. The table also includes the presidents' former party affiliations, as well as their respective terms of office.

Between 1991 and 1993, the former Prime Minister Turgut Özal served as President until his death. He was succeeded by Süleyman Demirel, another former Prime Minister from the DYP, who held the presidency from 1993 to 2000. Throughout the period analyzed in this study, all Presidents—except one—were former party leaders and former prime ministers. The sole exception was Ahmet

Necdet Sezer, a former president of the Constitutional Court. In 2000, Sezer, who had no party affiliation and was not a member of parliament, was elected president with broad cross-party consensus.

Table 18. Parties of Prime Ministers and Presidents (1991-2015)

Gover nment	Parties in Government	Prime Minister	President **	Preside nt's Ex- Party	Presidency Start date	Presidency End date
49	DYP-SHP	Demirel	Özal	ANAP	9.11.1989	17.04.1993 (death)
50	DYP-SHP	Çiller	Demirel	DYP	16.05.1993	16.05.2000
51	DYP	Çiller	Demirel	DYP		
52	DYP-CHP- Independent s	Çiller	Demirel	DYP		
53	ANAP-DYP	Yılmaz	Demirel	DYP		
54	RP-DYP	Erbakan	Demirel	DYP		
55	ANAP-DSP- DTP	Yılmaz	Demirel	DYP		
56	DSP	Ecevit	Demirel	DYP		
57	DSP-MHP- ANAP	Ecevit	Sezer	-	16.05.2000	28.08.2007
58	AKP	Gül	Sezer	-		
59	AKP	Erdoğan	Sezer	-		
60	AKP	Erdoğan	Gül	AKP	28.08.2007	28.08.2014
61	AKP	Erdoğan	Gül	AKP		
62	AKP	Davutoğlu	Erdoğan	AKP	28.08.2014	continued

Note: If more than one president served during that government's term, the name of the one who served longer is written.

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Throughout the period analyzed in this study, all Presidents—except one—were former party leaders and former prime ministers. The sole exception was Ahmet Necdet Sezer, a former president of the Constitutional Court. In 2000, Sezer, who

had no party affiliation and was not a member of parliament, was elected president with broad cross-party consensus.

In 2007, a controversial episode occurred during the presidential election. Abdullah Gül, the AKP's candidate, secured an absolute majority in the third round of parliamentary voting. However, the opposition challenged the validity of the session, and the Constitutional Court annulled the election outcome on procedural grounds.²²¹ In response, the AKP called early elections and introduced constitutional amendments to reduce the parliamentary term from five to four years and to establish the direct popular election of the President.²²² The AKP returned to power with an increased vote share, and Gül was re-elected as President in the new legislative term, serving a full seven-year term.²²³ In 2014, Recep Tayyip Erdoğan became the first President of Turkey to be elected by direct popular vote.²²⁴

In the Turkish system, presidents cannot propose legislation. Their influence on the legislative process is limited to two main tools: approving laws or returning them to parliament for reconsideration and submitting an application for annulment to the Constitutional Court. A bill passed by parliament becomes law but must be

²²¹ It was on the grounds that a special quorum was required for the presidential election, but that this quorum had not been met.

²²² Sezer returned the amendments to parliament for reconsideration even though his official term of office had expired and he was obliged to continue in office because a new president could not be appointed. As the Parliament did not revise the amendments, Sezer was obliged to approve them, but decided to put the package of amendments to a referendum and to file an annulment case with the Constitutional Court. The Constitutional Court did not annul the amendments and they were accepted in the referendum.

²²³ The first round was held on April 27, and Abdullah Gül received 352 of the 357 votes cast. When the Constitutional Court canceled the second round on May 6, he received 352 out of 358 votes, but again there was no quorum (367).

²²⁴ In the original versions of the 1961 and 1982 Constitutions, the president-elect was disassociated from his party and ceased to be a member of the TGNA. This is a reflection of the principle that the president is politically independent. After 2014, the president was directly elected by the popular vote for 5 years and was limited to two terms. Furthermore, in the event that the Parliament decides to renew the elections (early elections) during the second term of the president, the president can run for another term. In other words, after 2014, both the influence, power and term of office of the presidency have increased. In 2017, with the constitutional amendment that changed the political system of the Republic of Turkey, the president could also be the party president. However, the post-2017 period is beyond the scope of this study.

formally approved by the president and published in the Official Gazette to enter into force.²²⁵ The Constitution grants the president 15 days to either approve or return the bill. Presidents can leverage this period to delay the implementation of laws they oppose.²²⁶ As shown in Chapter 5, the significance of this 15-day window becomes clear considering that many laws complete the entire legislative process in fewer than two weeks.

The more impactful tool available to the president is the power to returning a law to parliament for reconsideration. This is not an outright veto; it can be exercised only once. The president may return the entire law or specific articles for reconsideration. If parliament re-adopts the law without changes, the president is then constitutionally obliged to approve and publish it. Although this mechanism cannot block legislation indefinitely, it can impose significant delays by forcing the bill to undergo the entire parliamentary process again. Table 19 presents how often this return power was exercised during each legislative term, along with the proportion of total laws returned.

Table 19. Number and Percentage of Laws Returned by the Presidents

Legislative Term	Law Adopted	Law Returned	Return Rate
19	242	18	7%
20	136	5	4%
21	240	8	3%
22	570	64	11%
23	205	3	1%
24	136	3	2%

²²⁵ In this respect, it is slightly different from the veto power, it has more of an advisory character and carries a delaying function, but at the same time, given the symbolic influence of the president, it should be noted that in practice it is a greater power than the written rule.

²²⁶ For example, in the 19th legislative term, the president used this deadline to the fullest in almost all of the laws he returned during the rule of his former party (Duran, 2012). It can be said that the situation was similar in other legislative periods.

During Demirel's 7-year term, which covers the majority of 19th and 20th legislative terms, 13 laws were returned (Yavuz, 2012).²²⁷ In 2000, Sezer assumed the presidency and became a particularly active user of the power to return laws to parliament. He exercised this authority frequently both during the remainder of the 21st legislative term and throughout the AKP's first term in office. Between May 16, 2000, and the end of the 21st term, Sezer returned seven out of 150 enacted laws. During the 22nd legislative term, under the AKP government, he returned 64 out of 570 laws. Of the 61 laws returned in that term, 49 were eventually re-enacted—32 without any changes and 17 with amendments—while 12 remained pending on the parliamentary agenda (Yıldız, 2012)

Regardless of the outcome, the president's power to return legislation serves as a tool for delaying its enactment. Such delays can be significantly extended when they coincide with recess periods, changes in government, or shifting legislative priorities.²²⁸ Sezer holds the distinction of being the president who most frequently exercised the right to return laws in the history of the Republic. During his tenure, he functioned as an effective institutional counterweight to the government, particularly in the context of exceptional legislation. Parliamentary minutes from the period reflect sustained tension between Sezer and successive governments over the use and content of such laws. By 2006, Muzaffer Kurtulmuşoğlu of the ANAP publicly voiced concern, stating:

For important laws, you always said, let's bring this one here as a basic law and let's silence the opposition. Of course you can silence them, you have the

²²⁷ During Kenan Evren's 7-year presidency, which ended on November 9, 1989, 26 laws were returned; during Özal's less than 4-year term, which ended with his death in April 1993, 19 laws were returned. In the 19th term 10 laws were returned by Özal, 8 by Demirel (Yavuz, 2012).

²²⁸ For example, of the 5 laws that were returned in the 20th legislative term, one was reconsidered and approved after being returned, but was later annulled by the Constitutional Court. Two of them did not reappear on the parliamentary agenda in that period. Of the two laws adopted for the second time, it took 168 days for one of them to be approved again and 223 days for the other (Ertan, 2012).

power; but this power is not always enough ... The vast majority of the bills that were hastily submitted to the TGNA as basic laws were returned by the President of the Republic for further consideration. (TGNA, 2006, September 28)

Sezer's presidency coincided with a period of intensive legislative activity, driven both by his own legalist approach and by external factors such as the IMF agreements and the EU harmonization process—initiatives that intensified during the AKP's first term and the preceding coalition government. His frequent use of return powers, however, frustrated ruling parties and even drew criticism from the EU institutions, which viewed extra-parliamentary veto players as obstructing the swift implementation of the harmonization agenda: "President Sezer used his veto power on many laws related to political reforms ... The strained relations between the President and the government contributed to the slowdown of political reform efforts" (EC, 2007).

After 2007, the use of the presidential return power declined sharply. This coincided with the continuation of single-party rule by the AKP and the election of presidents—first Abdullah Gül and later Recep Tayyip Erdoğan—who were both former prime ministers and key figures within the ruling party. Although Gül occasionally voiced public criticism of certain legislation, he rarely exercised his return authority. During his tenure of seven years, only six out of 318 were returned—five of which involved only partial returns of specific articles.²²⁹ In the one-year period between Erdoğan's presidential inauguration and the end of the 24th term, no laws were returned at all.

²²⁹ Gül returned only the entire "Law on the Amendment of the Law on the Prevention of Violence and Disorder in Sports".

This shift had a clear effect on legislative patterns. Following the end of Sezer's presidency, the share of exceptional law volume in overall legislative volume (excluding decree-laws) rose dramatically—from 34% under Sezer to 82% in the subsequent period. These findings challenge the notion that exceptional legislation is primarily used to circumvent institutional veto points. Rather, they suggest the opposite: as institutional checks on government power weakened, the use of exceptional legislative procedures expanded considerably.

As previously noted, the president must approve a law if it is re-adopted by the Parliament, but retains the right to apply to the Constitutional Court for annulment of all or a part of it. This power was also frequently exercised prior to 2007. During the 19th legislative term, the presidents (Özal and then Demirel) filed three annulment cases. Demirel initiated three more in the 20th term. During the 21st term, Sezer, appointed during the coalition that nominated him, filed six cases to the Court. In the 22nd term, Sezer filed nine more applications for annulment, with at least partial annulments granted in eight of them (Constitutional Court, 2024). As a former president of the Constitutional Court, Sezer leveraged his constitutional powers effectively, forming a notable veto point against parliamentary majority.

By contrast, following the transition to AKP-aligned presidents after 2007, this avenue of institutional constraint was effectively neutralized. Neither Gül nor Erdoğan applied to the Constitutional Court for the annulment of any laws during their respective presidencies. How does the Constitutional Court respond to annulment applications concerning laws and the RoP? In the following section, I will examine the role of the Court in shaping the legal framework governing exceptional legislation and, consequently, its influence on broader legislative patterns.

8.1.2.2 Constitutional court

The aim of this study—both in general and in this chapter—is not to undertake a legal assessment of the constitutionality of non-standard legislative instruments and procedures. Rather, it seeks to analyze how such instruments have proliferated over time despite their controversial character, with particular emphasis on the role of the Constitutional Court as a key institutional veto player. To this end, the chapter begins by examining the Court’s approach to decree-laws, which possess a longer historical trajectory than other forms of exceptional legislative procedure.

In the 1980s, the Court generally refrained from imposing strict limitations on the use of decree-laws, as reflected in one of its rulings, which stated that “there is no direct or indirect limitation or obstacle prohibiting the issuance of decree laws” (Constitutional Court of Turkey, 1989, E. 1989/4, K. 1989/23).²³⁰ However, in a notable dissent in 1988, Ahmet Necdet Sezer—then a member of the Court— and Yekta Güngör Özden warned against the excessive use of decree-laws, stating:

The decree-law route should not be followed, except in cases of necessity and urgency ... The fact that decree-laws are preferred to laws and that they are more easily put into effect makes them attractive, and as a result, the legislative work is neglected and the executive has become superior to the legislative. (Constitutional Court of Turkey, 1988, E. 1988/38, K. 1989/7)

This restrictive view began influencing the Court’s majority by 1989, when urgency, necessity, and essentiality were formally introduced as criteria for assessing decree-laws (1989, E.1989/4, K.1989/23). The Court's new jurisprudence was further consolidated in its 1993 ruling (1993, E.1993/26, K. 1993/28), which emphasized that decree-laws could only be issued under exceptional, urgent circumstances and

²³⁰ It follows: "It is impossible to regard every article of the Constitution which stipulates that regulations must be made by law as an absolute and exclusive requirement for the issuance of laws, to find the use of decree-laws objectionable" (Constitutional Court of Turkey, 1989, E. 1989/24, K. 1989/23).

required narrowly tailored, short-term empowering laws. From then until 2002, the Court consistently struck down decree-laws and empowering laws that failed to meet these standards.

Why did the Court change its approach to decree-laws? The Court's shift reflected not only the perceived overuse of decree-laws in the 1980s and early 1990s, but also a change in the composition of the Court. By 1993, most judges from the earlier era had been replaced. Yekta Güngör Özden—who shared Sezer's restrictive stance—had become the Court's president, enforcing a more cautious judicial approach.

Still, there were dissenting opinions throughout this period. Several justices objected that the Constitution did not explicitly mention urgency or necessity criteria as prerequisites for decree-laws. The Constitution clearly states that only fundamental rights and freedoms cannot be regulated by decree laws. For this reason, according to Erol Cansel, a member of the Constitutional Court, "the introduction of abstract criteria such ... will lead to various interpretations that may vary according to everyone, means the closure of the way of issuing decree-laws" (Constitutional Court of Turkey, 1991, E. 1991/27, K. 1991/50). Similar dissent was voiced in a 2000 case by three justices opposing the majority's annulment decision (2000, E. 2000/45, K. 2000/27).²³¹

Following the rise of the AKP in 2002, the decree-law mechanism remained largely dormant until 2011, as the AKP could enact legislation efficiently through its parliamentary majority and procedural tools like omnibus legislation and expedited

²³¹ The dissenting opinion follows: "Although not included in the text of Article 91 of the Constitution, the Constitutional Court decisions have added elements such as materiality, necessity and urgency to the validity conditions of empowering laws. ... The important, urgent and imperative circumstances foreseen for the exercise of the power to issue decree-laws are not defined." (Constitutional Court of Turkey, 2000, E. 2000/45, K. 2000/27).

procedure. By 2011, however, the party had consolidated significant influence over the Constitutional Court, particularly after the 2010 constitutional amendments. That year, it issued a series of comprehensive decree-laws. Although the opposition challenged these laws, the Court—now more divided—rejected the annulment request (Constitutional Court of Turkey, 2011, E. 2011/60, K. 2011/147), though nearly half the justices dissented, citing earlier jurisprudence.

While this reflects the Constitutional Court's evolving stance on decree-laws, how has the Court approached other forms of exceptional legislation over time? For transition into the Court's broader approach to exceptional laws beyond decree-laws, it is helpful to consider its stance on omnibus decree-laws first. In the 1990s, the Constitutional Court struck down several omnibus decree-laws and their enabling laws, citing concerns over their broad, vague scope and failure to specify clear subject matter, duration, and limits—requirements mandated by the Constitution. As a matter of fact, some decree-laws and their enabling laws were omnibus in nature.²³² This jurisprudence effectively restricted the use of omnibus decree-laws throughout the 1990s because the Constitution requires that the subject, validity period and scope of the empowering laws must be clearly specified.²³³ However, this cautious stance shifted notably by 2011. While opposition parties challenged the omnibus

²³² Even the title of the Law no. 4113 dated 8.6.1995 on the "Law on the Authorisation of Amendments to Certain Provisions of the Law on Patents, Utility Models, Trademarks, Geographical Indications, Industrial Designs, Fresh Vegetable and Fruit Trade, Wholesale Markets, Chambers of Commerce and Industry, ... the Establishment of the Union of Touristic Hoteliers and Tourism Operators of Turkey, ... and the Capital Markets Law and the Customs Law", which I have not included in its entirety as it would be too long, is a clear example of an omnibus empowering law.

²³³ Nevertheless, some members of the Constitutional Court voted against some annulments. For example, in the case of the annulment of the empowering law brought by the ANAP in 1995, Güven Dinçer, a member of the Court, opposed the majority decision of the court as follows: "The fact that the empowering law authorises the amendment of many laws and the re-drafting of some others is considered as the main reason for annulment. On a technical issue in the field of commerce, which necessitates complementary and integrated regulations ... has resulted in cancellation ... [It] renders ineffective a constitutional system of regulation which constitutes the basis of the government's rapid and effective decision-making process in the economic field" (Constitutional Court of Turkey, 1995, E. 1995/39, K. 1995/45).

nature of the 2011 empowering laws, the Constitutional Court dismissed these objections and did not annul the legislation. This marked a shift from the Court's earlier jurisprudence, reflecting a changing institutional attitude toward legislative bundling.

Political opposition to omnibus legislation was already visible when they began to proliferate during the DSP-MHP-ANAP coalition government. For example, in 2002, Şeref Malkoç of the SP group expressed hope that the Constitutional Court would step in, declaring: "Eight different laws are being introduced in a single bill. ... I think that when this bill becomes law, if it is submitted to the Constitutional Court for some of its articles, the Court will find this law-making technique ... unconstitutional" (TGNA, 2002, March 26). Despite frequent annulments based on substantive grounds, the Constitutional Court has never invalidated an omnibus law strictly on the basis of its format, type or legislative procedure.

Nevertheless, the Court has engaged in debates over de facto changes to parliamentary procedures—particularly when opposition parties claimed that the TGNA had bypassed or informally altered the RoP. Initially, under the 1982 Constitution, the Court interpreted Article 148 narrowly, limiting formal review to whether the final vote was carried out with the constitutionally required quorum (e.g., 1986, E. 1985/11, K.1986/29; 1992, E.1992/26, K.1992/48). But in the early 1990s, the Court began broadening its interpretation.

Although there were dissenters²³⁴ both in the political arena and within the Constitutional Court, throughout the 1990s and early 2000s, the Court invalidated

²³⁴ Starting from this first decision, the main argument of dissenters were as follows: "If there is a violation of the rules in the application of the Rules of Procedure, the solution is political and within

various parliamentary practices for effectively amending or circumventing the RoP without formal amendment (Bakırcı, 2014).²³⁵ This jurisprudence can be summarized as²³⁶:

The practices and decisions of the Grand National Assembly of Turkey, which are in the nature of amending a rule of the Rules of Procedure or introducing a new rule into the Rules of Procedure, shall be deemed to be rules of the Rules of Procedure. (Constitutional Court of Turkey, 1996, E. 1996/19, K. 1996/13)

The Court abandoned this expansive interpretation in 2008 clearly (Bakırcı, 2014).²³⁷ A notable case involved procedural objections during committee deliberations over an omnibus bill—specifically regarding the last-minute addition of unrelated provisions and multiple amendments made under a single framework article. While the Speaker returned the bill to the legislative committee following opposition protests, the committee disagreed, and the bill was re-submitted to the plenary (Constitutional Court of Turkey, 2008, E. 2008/71, K. 2008/183). In the end the Court case filed for the annulment of the law, but the Court did not annul. Similarly, by the time of the 2015 decision on Law No. 6518, the Court had fully reverted to its narrow stance, affirming that formal review is limited to the final voting stage (Constitutional Court of Turkey, 2015, E. 2014/87, K. 2015/112). As Deveci (2015) notes, this shift effectively allows any government with a

the Parliament. ... Misinterpretation and misapplication of the provisions of the Rules of Procedure cannot be considered as an amendment of the Rules of Procedure and the introduction of new rules of procedure ... (Constitutional Court of Turkey, 1991, E. 1991/17, K. 1991/50). Therefore, it was considered that it was not within the jurisdiction of the Constitutional Court.

²³⁵ In a lawsuit filed against the adoption of a decree law to the agenda within 48 hours of its submission to the Bureau of the Parliament, the court interpreted this decision of the parliament as a "de facto amendment of the Rules of Procedure" and the Court considered itself authorised to assess whether it was unconstitutional or not (Bakırcı, 2014).

²³⁶ For some of these judgements (see Constitutional Court of Turkey, 1996, E. 1996/20, K. 1996/14; 1996, E. 1996/21, K. 1996/15; 1999, E. 1999/12, K. 1999/5).

²³⁷ In its 2008 decision, which is interpreted as a change of jurisprudence, the Court emphasised that: "The second paragraph of Article 148 of the Constitution stipulates that the review of laws in terms of form is limited to the issues of whether the final vote was taken by the prescribed majority or not ..." (Constitutional Court of Turkey, 2008, E. 2008/71, K. 2008/183).

parliamentary majority to bypass procedural safeguards, so long as it ensures proper quorum in the final vote.

As the third exceptional type of lawmaking, the Constitutional Court's stance on the expedited procedure should also be examined. While it is not possible to discuss the Court's approach to the 1996 version of the expedited procedure—since opposition parties did not appeal for annulment—the Court did review several amendments to this procedure starting from 2001. In the 1990s and early 2000s, the Constitutional Court consistently emphasized deliberation, participation, and pluralism in its decisions on parliamentary procedures. At the same time, the Court acknowledged the necessity of rationalizing parliamentary time due to increased workload and time pressures. For example, in its ruling regarding the 2001 amendments (E.2001/129, K.2002/24), it stated:

An unlimited debate environment and endless questions will hinder the work of parliament and the effective and healthy fulfilment of the legislative function. However, ... limiting the question-answer procedure to ten minutes and restricting MPs' right to ask questions to the extent that it prevents proper functioning of the legislative role is unacceptable in a democratic state.

However, in the same ruling, the Court warned against marginalizing opposition voices:

A regime in which the rights of the minority against the majority and the opposition against the government are not protected cannot be considered democratic. Democracy requires a balance and compromise between the two, and the rule of law gains stability through a structure that limits political power and binds state activity to rules. (Constitutional Court of Turkey, 2002, E.2001/129, K.2002/24)

In its 2003 decision (E.2003/30, K.2003/38), the Court acknowledged that comprehensive bills with numerous articles might require special rules for debate and voting. Yet it also criticized the lack of clarity in defining what constituted a "basic

law," warning that legal certainty depends on general, objective, and clear rules. Although some members dissented on specific articles, the Court unanimously annulled the provision on the expedited procedure.

Interestingly, in the same 2003 decision, the Court did not object to the provision allowing the plenary to bypass Advisory Board consensus with a three-fifths majority. It held that setting a higher quorum was at parliament's discretion. This opened the door for the AKP to lower the requirement further. In 2005, the party amended the procedure to allow expedited debate with a simple majority—effectively reducing the threshold from 330 to just 139 votes in a 550-seat parliament.²³⁸

Thus, what began as a procedure requiring unanimous consent in 1996 evolved into a tool that a parliamentary majority could use unilaterally by 2005. This prompted strong dissent within the Court. Justice Fulya Kantarcıoğlu, for example, wrote:

The fact that the opposition is neutralised and the government is able to enact any law it wishes without any obstacle through a special procedure ... constitutes a more serious violation of the principle of democratic rule of law. (Constitutional Court of Turkey, 2005, E. 2005/74, K. 2005/73)

Despite these concerns, the Constitutional Court upheld the 2005 amendment, noting that the AKP had incorporated language directly from the Court's earlier rulings—particularly those clarifying the scope and nature of "basic laws." By aligning the rule text with prior jurisprudence, the AKP reduced the risk of annulment. The Court acknowledged this in its 2005 decision (E.2005/74,

²³⁸ This situation, which was one of the subjects of the annulment case in 2005, was responded to in the Court's decision as follows: "In the case of failure to achieve unanimity in the Advisory Board, leaving the resolution to the plenary is a natural consequence of the exercise of legislative power" (Constitutional Court of Turkey, 2005, E. 2005/74, K. 2005/73).

K.2005/73), stating that the revised article sufficiently defined the scope and foreseeability of basic laws.²³⁹ However, dissenters²⁴⁰ like Osman Alifeyyaz Paksüt voiced strong concerns:

... when the legislature enacts ... often far-reaching regulations that will leave their mark on the life of society and the country for many years to come, it is expected that these legislative documents ... will have been carefully considered, debated and that the widest possible consensus on their necessity and appropriateness will have been achieved. Although this basic democratic requirement may not always be compatible with the need to make the best use of limited time, the justification of speed and efficiency in legislation cannot be a reason for eliminating the possibility of open and free debate. (Constitutional Court of Turkey, 2005, E. 2005/74, K. 2005/73)

Complaints about the Court's veto power continued in 2008. The EU Progress Report that year noted that CHP had appealed to the Court to annul 16 laws—some related to EU reforms—suggesting that judicial review was being used to slow down legislation.²⁴¹ However, the Court's 2008 decision (E.2008/71, K.2008/183) marked a further turning point. By rejecting the principle of reviewing “de facto amendments” to the RoP, the Court signaled that it would no longer scrutinize how the expedited procedure was being applied to omnibus bills. This

²³⁹ In its 2005 decision, the Constitutional Court concluded that it was not a violation of the Constitution to combine up to 30 articles of a bill and discuss them in sections and to limit the question and answer period on the sections to fifteen minutes, since it was stated that the articles would be voted on separately ((Constitutional Court of Turkey, 2005, E. 2005/74, K. 2005/73).

²⁴⁰ In 2002 and 2003, i.e. in two different legislative periods when different political ideologies were in power, the Court's approach to the basic law was approximately the same and they were cancelled unanimously. However, in the 2005 judgement, the members of the Constitutional Court were divided in two. Approximately half of the members voted against. How this situation emerged is a separate research topic, but the change in the composition of the members may have been effective in this situation. In 2002 and 2003, 9 of the 11 members who signed the judgement were the same. There was only one year between the two resolutions. However, in 2005, 6 of the 11 members were new judges who were not signatory to the previous judgements. Even if these judges were appointed under the AKP, they were selected by President Sezer from among candidates nominated by certain institutions. Therefore, it cannot be said that the AKP directly appointed the judges of its choice, but on the other hand, it is possible that it exerted influence on the Constitutional Court through various means.

²⁴¹ The 2008 Progress report states that “CHP applied to the Constitutional Court on 16 laws adopted in 2008, some of them related to EU-related democratization reforms”. For example, the annulment of the ombudsman institution, which was to be introduced as part of the EU harmonization laws, was evaluated as follows: “The Constitutional Court annulled the Law on the establishment of the Ombudsman system, which would serve as a bridge between the administrative units of the state and citizens” (EC, 2009).

paved the way for the widespread use of both tools in combination, which was first applied in 2007.

The 2010 constitutional referendum, which restructured the judiciary and increased executive influence over the Constitutional Court, the Council of State and the High Council of Judges and Prosecutors, which had been criticized as tutelage institutions. This further eroded judicial oversight. Following this, the Court dismissed annulment cases related to decree-laws, and its rulings no longer obstructed the use of exceptional procedures. Consequently, in 2011, the number of exceptional laws surged.

From the 60th Government onward, i.e. from 2007 onwards, the expedited procedure became a dominant mode of lawmaking. Between 2007 and 2011, 25% of laws were adopted using this mechanism. Between 2011 and 2015, this figure exceeded 50%. This dramatic increase was facilitated not only by a stable single-party majority but also by the declining ability of institutional veto players—especially the Constitutional Court—to check exceptional legislation. One of the reasons for this is that, in the ongoing struggle between veto players and the government, the government has gradually gained the upper hand and managed to exert considerable control over these institutions.

The Constitutional Court does not possess the authority to initiate judicial reviews of legislative amendments on its own initiative. While the President holds the power to refer such matters to the Court, the majority of annulment applications are typically driven by opposition parties in parliament. However, the influence of parliamentary actors on exceptional legislation extends well beyond their capacity to file appeals. The composition of the legislature and the nature of inter-party relations play a more substantial role in shaping the use and evolution of exceptional

legislative practices. Therefore, to fully grasp the dynamics of exceptional lawmaking in Turkey, it is essential to consider the political advantages these procedures offer to governing actors. The following section will examine these strategic motivations in greater detail.

8.2 Actors' motivations, strategic timing and electoral cycles

This sub-chapter examines the strategic motivations and behaviors of political actors who actively shape the trajectory of exceptional legislation in Turkey. Moving beyond structural and institutional preconditions, the focus here is on the intentional and tactical use of non-standard legislation by those operating within the system—particularly ministers, majority MPs, legislative bureaucrats, and opposition members. The analysis reveals how the use of omnibus bills, expedited procedures, and last-minute amendments often stems not from urgent necessity but from the search for procedural advantages, and electoral gains. The chapter also explores how these practices have evolved into routine mechanisms for bypassing opposition scrutiny and maximizing executive-legislative synergy, especially under conditions of single-party dominance. Ultimately, exceptional procedures serve both as instruments of governance and as strategic arenas in which political actors pursue policy, prestige, and power.

8.2.1 By-passing the opposition

The opposition often plays a central role in what is perceived as “wasting” time during legislative activities in parliament. Members of the ruling party frequently use the parliamentary floor to respond to opposition criticisms. A particularly striking example occurred in 2005: when the opposition party boycotted legislative

negotiations and abstained from participating in the plenary, the ruling party passed 24 laws—comprising hundreds of articles—within 48 hours. These were subsequently dubbed by the press as the “Saturday and Sunday laws.” One of these laws, passed under the expedited procedure, was approved in just five minutes (Yancı-Özalp, 2006, p. 268–269).

To prove that one of the main dynamics of exceptional legislation is being in the position of opposition or government, it is necessary to demonstrate the contradictory approaches of different parties. Deputy Speaker Kamer Genç (DYP), a coalition member at the time, supported the 1996 reforms: “The time of this Assembly should not be wasted; it must be used as efficiently as possible” (TGNA, 1996, May 8). Regarding the expedited procedure in particular, its initial adoption faced little resistance, largely because its implications were not fully understood. Lütfü Esengün noted, “I have not reached a clear conclusion as to whether this is good or not; the best from Allah” (TGNA, 1996, April 3). One could speculate that parties miscalculated the consequences of the reform or their likely future positions within the system. Given the fragmented party system, high electoral volatility, and a minority government in power all parties may have anticipated potential entry into government.

Only the RP explicitly warned of the long-term risks of the 1996 reforms. RP member Lütfü Esengün stated: “We are in opposition today and may suffer under these changes, but all parties should understand that ... governments change. While we are in the opposition today, we are defending the rights of future oppositions” (TGNA, 1996, April 18). Despite this, the RP did not obstruct the amendments—likely due to their parliamentary strength and anticipation of future governance, which materialized shortly thereafter.

By 2001, however, the consequences of the expedited procedure had become clear, prompting changed attitudes among former supporters. Esengün, now with the SP, maintained his critical stance: “Those in power today will be in opposition tomorrow. Do not make these mistakes while ... assuming you will always remain in power.” He warned: “... think prudently. Time will pass, and you will find yourselves in opposition, filled with regret” (TGNA, 2001, January 26).

The DYP, which had previously supported the 1996 amendments, now reversed its position. DYP representative Ahmet İyimaya cautioned: “Fast-track legislation is dangerous. Legislative bodies are meant for deliberation ... Fast legislation does not equate to quality legislation” (TGNA, 2001, January 26). He added that the proposed rules would turn parliament into a “voting factory,” ignoring the virtue of procedures and diminishing legislative creativity and productivity of the processes. Kamer Genç, who had once supported fast-track reforms when his party was in power, now offered a scathing critique:

Can you imagine a 150-article bill being debated with only 20 minutes per group ... and 10 minutes of questions? If you make an amendment declaring the TGNA is closed ... it would be more honest! When this proposal was accepted like this, the TGNA will be doomed to bureaucrats. (TGNA, 2001, January 26)

Thus, parties that facilitated the 1996 reforms later reversed their stance, revealing a miscalculation of their future political positions. Another misjudgment occurred in 2001. The coalition partners—ANAP, DSP, and MHP—who amended the RoP to expedite legislation, were soon marginalized. ANAP and DSP never again secured enough votes to enter parliament after 2002. MHP returned after 2007, but only as an opposition party.

Cemil Çiçek (FP), addressing the 2001 amendments, stated: “RoP should not be changed in accordance with the wishes of the executive. ... Although we claim to have a separation of powers in Turkey, legislative agendas are increasingly shaped by the interests of the executive” (TGNA, 2001, January 17). He was also one of the deputies signed the petition to apply to the Constitutional Court. However, he later joined the AKP and held top government roles, he did not oppose similar 2003 reforms. Oya Araslı (CHP) recalled his earlier opposition:

I am not the only one who said democracy was about to be murdered. Mr. Çiçek, who is currently our Minister of Justice, and Mr. Arınç, who is currently the Speaker of the TGNA, said the same in their petition to the Constitutional Court ... As Mr. Çiçek put it: ‘This is a civil coup.’ Aren’t those your words, Mr. Çiçek? (TGNA, 2003, April 10)

Meanwhile, AKP’s Salih Kapusuz pointed out that the expedited procedure had been introduced in 1996 by committees that included CHP members like Araslı, arguing that the only difference was the 2003 shift to allow decisions by a three-fifths majority rather than by consensus. Kapusuz, who had once criticized the expedited procedure as an ex-RP and ex-FP member, now defended them, stating: “It is necessary to keep such a door open ... to ensure democracy functions in Turkey” (TGNA, 2003, April 10).

Such contradictions were also evident in the 1990s. In 1991, the SHP filed an annulment case against ANAP’s empowering laws, arguing that they bypassed the Parliament and infringed on opposition rights. The law was annulled (see Constitutional Court of Turkey, 1991, E. 1991/17, K. 1991/50). In 1993, ANAP took similar legal action against an SHP-led coalition, criticizing that they failed to make parliament function properly and apply to exceptional legislation instead to bypass it even though they criticized decree-law mechanism on every occasion and they

deemed unconstitutional. The response of the deputy speaking on behalf of the incumbent party, SHP, was: “You obstructed every law, without any principle, just to prevent the parliament from working. Well, the government has to carry out state functions. What else was the government to do but seek empowering laws?” (Constitutional Court of Turkey, 1993, E.1993/26, K. 1993/28).

In the majority of annulment cases relevant to this study, the Constitutional Court ruled in favor of the opposition during the 1990s, regardless of which party submitted the application. For instance, following the 1999 elections, opposition parties contested a de facto procedural change that limited article-by-article debate to ten minutes and applied to the Constitutional Court. The Court decision stated: “Obstruction, within legitimate limits, is a conventional tool of parliamentary opposition and a right of opposition ... It dissolves the dominance of the ruling majority and sustains pluralist democracy through compromise” (Constitutional Court of Turkey, 1999, E. 1999/37, K. 1999/49).

In conclusion, temporal struggles—particularly the tension between governments’ efforts to expedite legislation and the opposition’s assertion of procedural rights—lie at the heart of the law-making process. The majority often frames opposition tactics as obstructionist, while the opposition sees them as essential checks. The ruling parties sometimes even interpret this as preventing the realization of democracy and the demands of the people. AKP deputy Fehmi Hüsrev Kutlu stated: “We don’t have much time to comply with the EU Acquis... We support the removal of minority dominance over the majority” (TGNA, 2003, May 29).

On the other hand, the opposition demands that the legislative negotiations should not result in a *fait accompli*. Instead, they argue that the potential

consequences of proposed regulations must be thoroughly evaluated and debated.

During a plenary session on a bill debated under expedited procedures, Mustafa

Gazalcı from the CHP stated:

Withdraw this bill, which we do not know what it will bring to our country, and which is being rushed under the label of basic law as though it were a fire sale. Let us instead discuss and deliberate upon it properly. (TGNA, 2006, September 20)

The use of exceptional legislative types and procedures is not solely intended to circumvent opposition obstruction or to reduce the risk of rejection; it also serves to accelerate the process. Although the ruling party, the AKP, enjoying a single-party majority, did not initially resort to decree-law mechanism due to its access to other fast-track tools, this mechanism re-emerged in 2011. Just prior to the June 2011 elections, the AKP passed Empowering Law No. 6223—valid for six months—and began issuing decree-laws eight days before the election. These continued through the electoral period and parliamentary recess, culminating in over 30 decree-laws by November 2, 2011. These included sweeping structural changes to several ministries and many public institutions. Thus, thousands of pages of legislation were enacted without parliamentary debate, minimizing opportunities for opposition critique and using the time saved for electoral and post-electoral legal measures.

For another type of exceptional legislation, Hazama and İba (2017) analyzed 40 omnibus laws, 21 of which amended at least 17 different laws. Despite the extensive scope of these bills—including some amendments introduced during committee or plenary sessions—half were passed within just 48 days from submission to final enactment (p. 323). Given that the Parliament considers multiple bills concurrently and performs functions beyond legislation, this pace reveals the extraordinary speed of the process. İba (2013) metaphorically described the reckless

velocity and lack of oversight: “You know that not every car has a sixth gear ... the omnibus law is like a car stuck in sixth gear, driven by a drunk driver” (p. 58).

While acceleration is the most frequent aim, slowing down the law-making process can also serve political strategy, particularly to mitigate opposition pressure. The flexible nature of omnibus bills facilitates both aims. After the Soma mining disaster on May 13, 2014, which killed 301 miners and drew intense public criticism of the government, the opposition demanded immediate legal reforms to prevent similar tragedies, ensure accountability, and compensate victims’ families. During this crisis, while the opposition pushed for expedited legislative action, the government—politically weakened by the disaster—deliberately decelerated the process (see TGNA, 2014, June 17).

While agenda control is sometimes used to delay, governments mostly use it to expedite legislation. Many proposals are placed on the agenda just before debate begins, leaving insufficient time for review. Most omnibus bills do not begin as such; they evolve into composite laws during committee stages at the initiative of ruling party MPs, rather than with opposition input (Hazama & İba, 2017). This process undermines predictability and transparency, granting significant agenda power to the executive (SIGMA, 2010).

The accelerated passage of complex, multi-topic bills makes it nearly impossible for the MPs to grasp their content. Law-making, particularly under the AKP, has been reduced to a binary act of voting, with minimal deliberation. Müslim Sarı (CHP) once asked: “What are we raising or lowering our hands for? As members of the Committee on Plan and Budget, what are we approving without knowing the fiscal impact? What are you, the chair, approving or managing?” (TGNA, 2014, June 4).

Even government MPs are often uninformed. Erkan Akçay (MHP) noted: “Neither the opposition nor ruling party MPs are given the opportunity to properly study or discuss the bills. The necessary time is not provided” (TGNA, 2014, June 17). AKP MP Tülay Bakır echoed this: “Before these bills come to the plenary, we should be ... informed. We come here not knowing anything ... As a ruling party MP, I have no role beyond raising my hand” (cited in Haspolat, 2016, p. 436).

In sum, exceptional legislation have proven to be highly effective instruments for neutralizing the opposition’s role through and for expediting legislative process in the TGNA. Through tools such as expedited procedures, omnibus bills, decree-laws and last-minute amendments, the parliamentary process becomes compressed, preempting scrutiny and minimizing the opposition’s influence on both content and timing. The increasing use of these procedures also reflects a broader attempt to circumvent procedural safeguards and institutional constraints embedded within the legislative process itself. Recognizing that bypassing the opposition constitutes one of the most significant advantages and motivations of holding power, the following section will examine the specific instruments used to achieve this bypass and analyze their strategic value for the government.

8.2.2 Agility to shape political agenda

How are opposition rights and deliberative practices exercised within legislative committees? While the plenary stage is often criticized for being dominated by the majority and lacking substantive debate, it remains possible in theory that the committee stage could serve as a more democratic and participatory forum. First of all, in the TGNA, the committee stage is a mandatory component of the legislative process. Each bill must be referred to a committee whose area of specialization

aligns most closely with the policy domain of the proposed legislation. Committees are largely structured in parallel with the ministerial system, and legislative bureaucrats within the parliament play an influential role by advising the speaker of the parliament in determining the appropriate committee referral. Ultimately, the speaker holds the final authority in assigning bills to committees.

The committee and plenary stages both reflect partisan competition more than expert scrutiny (SIGMA, 2010). As Kaplan (2013) observed: “In the committees, whatever the ruling party says is what happens” (p. 25). Committees often mirror the plenary: party discipline prevails, government members support bills with little scrutiny, and opposition members focus on criticism or delay. The lack of a stable committee or plenary agenda not only hampers parliamentary participation but also excludes civil society, professional organizations public participation (SIGMA, 2010). The combination of an ambiguous agenda and bill content leaves little room for meaningful engagement—even within the ruling party—before legislation is finalized (İba, 2013).

Rahmi Aşkın Türeli (CHP) as a member in Plan and Budget Committee says: “Most bills we receive now are omnibus in nature” (TGNA, 2014, June 4). Omnibus bills—which encompass provisions across multiple policy areas—pose a significant challenge to the committee structure. When such bills are referred to a single committee, many of their articles fall outside that committee’s area of expertise, limiting the effectiveness of scrutiny. Although such bills are often formally referred to one or more subcommittees to address this gap, in practice, this secondary committee mechanism is rarely functional. In many cases, subcommittees did not submit the reports they were mandated to produce; in some instances, they did not

even convene to discuss the referred bill.²⁴² As a result, the specialized knowledge and deliberative potential of parliamentary committees are underutilized in the evaluation of many complex, multi-topic legislative proposals.²⁴³

As demonstrated in Chapter 5, the vast majority of the laws in my dataset were adopted by the plenary in a single day. Similarly, during the period under examination, numerous laws in my sample completed the entire parliamentary process in under two weeks. This occurred despite the heavy legislative workload, the simultaneous consideration of multiple bills, and the fact that parliament did not convene on a daily basis. These conditions raise concerns about the depth and quality of deliberation throughout the process.

The lack of thorough parliamentary deliberation might be less problematic if legislative proposals were subjected to meaningful public consultation prior to their introduction in the TGNA. Although this study focuses on the post-submission stages of the legislative process, it is important to note that numerous *de facto* acceleration mechanisms exist that circumvent or expedite pre-parliamentary consultation processes. These include bypassing engagement with non-governmental organizations, professional associations, public institutions, trade unions, and

²⁴² Mehmet Günal, a deputy from the MHP, describes the situation as follows: ‘... we know the financial aspect of it, but the technical aspect of it has to go to the relevant committee ... if we insist so much, they send it to the relevant committee, the next day ... when we arrive in the morning, there is a letter on our desk, signed by the chairman of “Committee A”, “Committee B”, ... [in the justification] it says “we can’t discuss it because we don’t have time”. Our colleague from the relevant committee comes and says, ‘we haven’t held a meeting for a year, our Committee chairman doesn’t hold meetings anyway, he is on duty in such and such a place, the Committee chairman will change and we haven’t held a meeting for a year’ (Güenal, 2013, p. 17).

²⁴³ For instance, in Law no. 6552 if there had been articles only about Labour Law and some directly related laws that are put on the agenda after Soma Massacre, then the authorized committee would be the Committee on Health, Family, Labour, and Social Affairs. But because of the majority of other articles that are not related to Soma massacre it is sent to Committee on Plan and Budget. Süleyman Çelebi says that it is a disaster to negotiate this important law before it is discussed and reported at the Committee on Health, Family, Labour, and Social Affairs, which should be the primary committee of this law (TGNA, 2014, June 4).

independent experts, or selectively involving pro-government stakeholders instead (see Kazım Kurt, 2013; Özkoç, 2011).

In many cases, use of exceptional legislation overlaps with other agenda manipulation strategies. One common practice is the systematic neglect of Regulatory Impact Assessments²⁴⁴, which are often avoided due to their cost and time requirements, despite being vital for evidence-based lawmaking. Government-supported bills are frequently introduced under the guise of private member bills²⁴⁵, to sidestep formal requirements and accelerate the drafting process.

Furthermore, committee majorities have full discretion over their agendas and can alter the order in which they are considered (Akman, 2015). Similarly, the plenary majority has wide latitude in setting the legislative agenda, a dynamic observed under both coalition and single-party governments. During the 21st legislative term, Ali Rıza Gönül of the DYP (then in opposition) remarked:

Bills listed from the first to 35th place on this agenda have consistently been introduced as group proposals under the pretexts of ‘urgency, necessity, inevitability, and priority,’ yet each week, new proposals push previously prioritized bills further down—sometimes from the fifth or eighth to the 35th place. Why did what was deemed urgent and important one week become unimportant the next? (TGNA, 2002, March 21)

Another frequently bypassed safeguard is the rule requiring at least 48 hours between a bill’s committee review and its debate in the plenary. This exception-

²⁴⁴ The purpose is to make an assessment on what kind of effects the bill is expected to have on the economy, environment, social life, education, family life, etc. (Keskin, 2011). However, since it is a long, difficult and costly endeavour, it is rarely carried out. This situation narrows the possibilities of the parliament and the public to scrutinise the government (Özkoç, 2011; SIGMA, 2010).

²⁴⁵ It is called ‘government bill disguised as an individual member bill’ (Bakırcı, 2018; Bakırcı et al., 2023). These laws proposed by the ruling party deputies are also called ‘handout bills’ in the literature (Akman, 2015, p. 289). With this method, it is possible to avoid the Regulatory Impact Assessment obligation, although it is not very common in practice. Moreover, when a legislative proposal is presented as a government bill, it must be signed by all ministers and ministries must give their opinions. When it is presented as an individual member bill, these obligations are eliminated, which saves a significant amount of time (Bakırcı, 2018; Hazama & İba, 2017). Since it is known that these are in fact regulations prepared and supported by the government, they are very likely to be put into discussion immediately in practice due to the effect of party discipline (Akman, 2015).

based circumvention was starkly illustrated in a debate between AKP and CHP deputies. Faruk Çelik (AKP) stated: “We all know the country faces serious problems. That’s why we are in a hurry ... In principle, we support the 48-hour rule, but exceptions do not invalidate the rule. We are in power; we must ensure that parliament functions.” To this, Oya Araslı (CHP) responded: “But you have turned a state of emergency into a routine.” Çelik replied, “It is a state of emergency,” to which Araslı concluded: “Yet you made it a routine” (TGNA, 2003, January 22).

As discussed throughout this study, when considered alongside other agenda manipulation tactics and the use of exceptional legislative procedures, parliamentary majority in Turkey possesses an expansive and largely uncontrollable degree of agenda power. Both the pre-parliamentary and parliamentary phases of the legislative process can be accelerated by the government through practices that stretch, and at times circumvent, formal rules and customary procedures. This capacity allows the executive to respond rapidly to sudden developments in the political landscape or external environment.

Even under ordinary procedures, various tools of agenda control and acceleration are actively employed. However, these are increasingly supplemented by non-standard and exceptional practices, particularly after 2007, which have further marginalized the opposition and exacerbated unpredictability in legislative processes. One of the most potent tools in this context is the strategic use of last-minute amendments by government and ruling party MPs, especially during deliberations on omnibus bills.

While committees in the TGNA are not authorized to propose legislation themselves, they do have the authority to “discuss various proposals on the same subject by combining them” and to “correct errors in bills and proposals, and

eliminate incompatibilities” (Deveci, 2015, p. 63). Nevertheless, the addition of unrelated or irrelevant articles during the committee stage violates the RoP (Deveci, 2015). In practice, however, legislative proposals often undergo significant changes in committees—primarily through expansion—resulting in a final version that differs greatly from the original.

As elaborated in Chapter 6, omnibus laws frequently violate the Regulation on the Procedures and Principles of Legislation Preparation. Although the binding nature of this regulation on MPs is debatable, it unquestionably applies to bureaucrats involved in legislative drafting within ministries. Possibly as a result of this regulatory constraint, many government-initiated bills begin as relatively narrow, ordinary bills. However, once they reach at the committee stage, these bills often grow substantially in size and scope. In Hazama and İba’s (2017) sample of 40 bills, half experienced an increase of at least 13 articles between their original and final versions (p. 323–324).

An even more extreme example is Law No. 5728, Law on Amendments to Various Laws and Some Other Laws for the Purpose of Harmonisation with Basic Criminal Laws, adopted on 23 January 2008. The bill originally contained only seven articles. Through the addition of new provisions at both committee and plenary stages, the final version comprised 583 articles (Hazama & İba, 2017, p. 322). While this is an exceptional case, it demonstrates the extent to which legislative content can be dramatically expanded—and is not an isolated incident.

Although formal rules require that new amendments introduced during committee or plenary stages be closely related to the original bill, in practice, amendments may be submitted at any time without prior notice (SIGMA, 2010). In the context of omnibus laws—where subject-matter boundaries are inherently

broad—this rule becomes functionally meaningless. While opposition-proposed amendments at any stage of the legislative process pose no threat to democratic deliberation—in fact, they represent one of the few remaining opportunities for opposition input—their likelihood of being adopted is minimal due to the ruling party’s majority. In contrast, late-stage amendments submitted by the government or majority MPs function as highly effective tools for agenda control. They not only curtail opposition oversight but also severely limit public scrutiny (Hazama & İba, 2017).

The broad scope for submitting motions during the plenary stage adds an additional layer of uncertainty to the legislative process (SIGMA, 2010). Although relatively fewer new articles are introduced at this stage compared to committee deliberations, the practice remains both possible and frequent, particularly in the context of omnibus laws (İba, 2011). Amendments introduced in the final stages of plenary deliberation are especially troubling for democratic scrutiny. Unlike those introduced in committee—which can still be debated or opposed during the plenary—amendments submitted in the plenary itself leave opposition parties with no meaningful opportunity to respond. They are caught entirely off guard, unable to prepare counter-arguments or even to publicize their position. There is virtually no time to organize public dissent or targeted advocacy against particular provisions.

Rahmi Aşkın Türeli described the consequences of this practice as follows:

Especially on the last day, ... —and particularly during the final hour—many motions were voted on and passed without any discussion. ... we had no idea what they contained. There was no time to examine them, no debate took place, and no input was obtained from the bureaucracy, relevant institutions, professional chambers, or non-governmental organizations. (TGNA, 2014, June 17)

Last-minute amendments are particularly vulnerable to misuse by special interest groups, as they can evade both parliamentary scrutiny and public awareness (SIGMA, 2010). According to İba (2013), this tactic allows such issues to be “camouflaged” within the broader legislative package (p. 58). These additions are often introduced during late-night sessions when attendance is low and public monitoring minimal, especially for provisions that are expected to provoke political or public backlash (Acar, 2013).

These informal strategies reflect a broader governmental tendency to expedite legislative drafting, allowing for rapid responses to emerging political or public issues. At times, they have also served as tools to preempt or neutralize judicial rulings, especially when the Constitutional Court has ruled—or is expected to rule—against the legal framework instituted by the ruling party. In a 2014 committee debate, MP İzzet Çetin criticized this tactic, stating:

Let no other article come. This is out of hand ... As soon as we entered the room, [a new article was introduced] to revoke ... public employees’ right to challenge appointments, promotions, and relocations in court—an issue currently under Constitutional Court review. ... If the government attempts to evade judicial oversight through legislation, the regime can no longer be called a democracy; it becomes fascism. (TGNA, 2014, June 17)

Such practices are not confined to recent years or domestic court decisions. Similar patterns were evident during the AKP’s first term, especially in response to rulings from the European Court of Human Rights (ECtHR). A notable example involved the rapid amendment of the Settlement Law following an ECtHR decision. Then-MP Kemal Kılıçdaroğlu remarked:

If 1,500 people had not filed applications with the European Court of Human Rights, and if the Republic of Turkey had not faced a financial liability of 14 billion YTL, the AKP would not have introduced this bill. ... Whenever the ECtHR issues a decision, the AKP government immediately brings a bill to parliament and enacts it. (TGNA, 2006, September 19)

Certain periods within the legislative calendar are particularly conducive to the introduction of late-stage amendments and the bundling of diverse regulations into omnibus bills. As İba (2013) aptly observed, “When June approaches toward the end of the legislative year, you can be sure that there will be an omnibus bill like ‘Pandora’s Box’” (p. 58). These periods often see an increased reliance on omnibus bills, not only as a means of legislative efficiency but also as a mechanism to incorporate unrelated provisions, often with minimal debate. The summer recess becomes a convenient rationale to create a de-facto time pressure for the use of exceptional legislation in the plenary and for the insertion of last-minute amendments—both at committee and plenary stages—thereby shielding certain legislative measures from thorough scrutiny and public visibility.

As illustrated in Table 20, the number of omnibus bills peaks in the fourth quarters of legislative years—that is, in the period immediately preceding or overlapping with the scheduled parliamentary recess.

Table 20. Timing of Omnibus Laws by Quarter in the AKP Period

Quarter/Legislative Term	22nd term	23rd term	24th term	Total (AKP period)
First quarter	7	0	2	9
Second quarter	13	11	14	38
Third quarter	21	6	9	36
Fourth quarter	26	15	19	60

Note: Omnibus bills debated through expedited procedure are included

This trend is consistent across all legislative terms during the AKP period. In other words, the likelihood of bills evolving into omnibus legislation increases in response to time pressure as the legislative year draws to a close. Table 21 below presents the quarterly distribution of the use of the expedited (basic) procedure.

Table 21. Timing of Expedited Laws (AKP Period)

Quarter/term	22nd term	23rd term	24th term	Total (AKP period)
First quarter	3	3	9	15
Second quarter	2	12	19	33
Third quarter	13	15	19	47
Forth quarter	9	21	29	59

Finally, Figure 23 below provides a broader view by displaying the distribution of all laws passed during the AKP period—not just those involving exceptional procedures—by legislative quarter. This allows for a comprehensive understanding of how the timing of legislative workload increase and procedural choices intersect in practice.

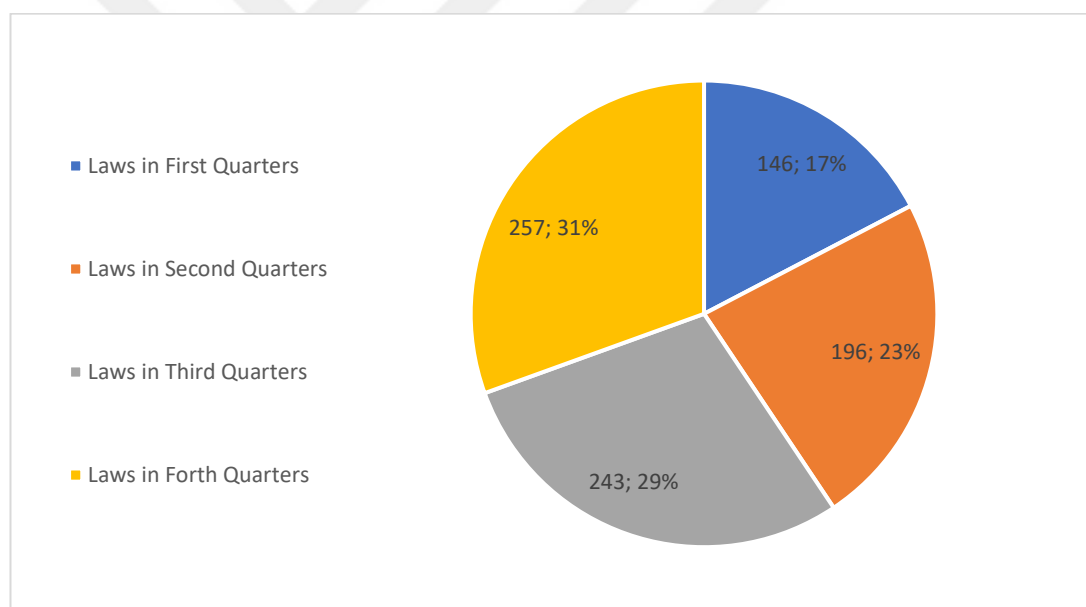


Figure 23. Quarterly law distribution in AKP period

As the data indicates, the fourth quarters of legislative years are consistently the periods of highest legislative productivity. This seasonal concentration of activity reflects a genuine increase in workload, as parliament attempts to finalize pending legislation before the recess. This time pressure partly explains the increased reliance on exceptional legislative procedures during these periods. However, a closer

comparison reveals an important asymmetry: while 31% of all laws during the AKP period were enacted in the fourth quarters, 38% of expedited procedures and 42% of omnibus bills were concentrated in the same period. This discrepancy suggests that exceptional legislation is not a mere response to time pressure but time pressure is also strategically manipulated to justify and facilitate the use of exceptional legislation.

Although the descriptive tables and figures presented above focus on temporal fluctuations and the timing of exceptional legislative activity—rather than its overall increase—they nonetheless highlight clear patterns of strategic use. These timing patterns emerge not by coincidence but because they offer systematic advantages to the government and ruling party. The strategic deployment of exceptional procedures at specific points in the legislative calendar—such as just before recess—serves to reduce deliberation, limit opposition oversight, and expedite politically salient legislation. Another salient example of such temporal manipulation is the distinct timing of exceptional legislative activity around electoral periods, which will be addressed in the subsequent section.

8.2.3 Gaining advantage for elections and clientelism

The final legislative years—when the political climate shifts toward an impending election—have consistently been marked by heightened legislative activity during the AKP period, as illustrated in Figure 24.

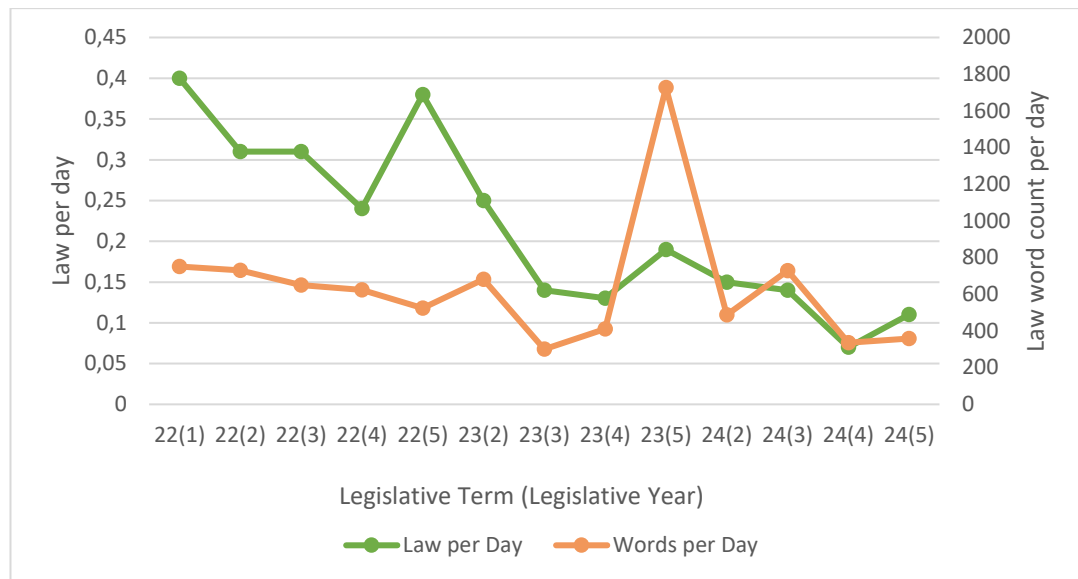


Figure 24. Law production by legislative year in AKP period

However, this trend contrasts sharply with the pattern observed under coalition governments, where legislative output typically declined significantly in the final legislative years as illustrated in Figure 25.

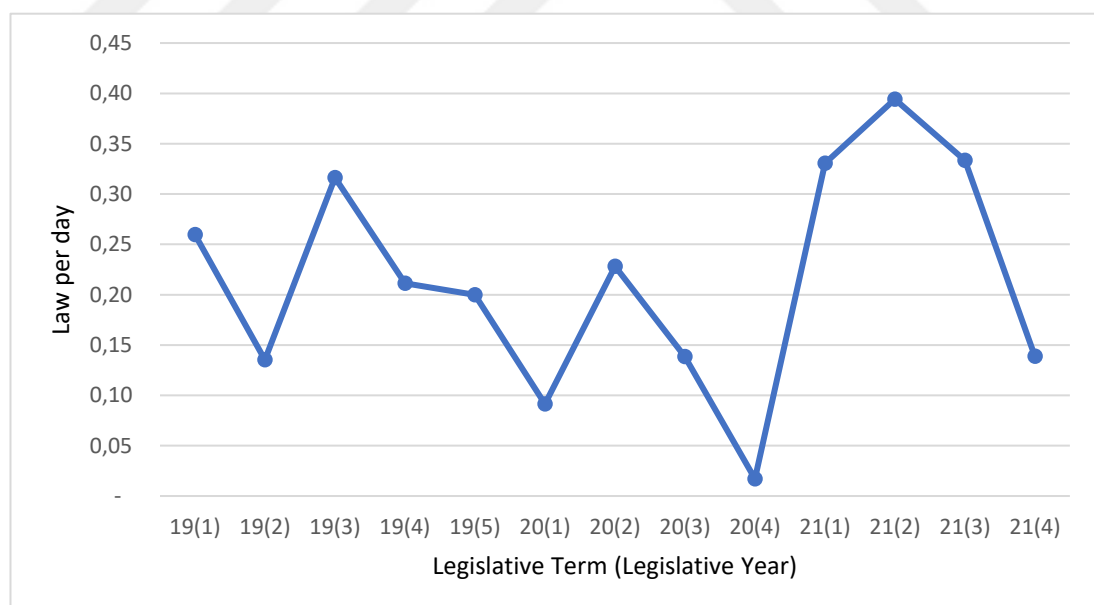


Figure 25. Daily law and decree-law output in pre-AKP legislative years

Coalition governments entering an election atmosphere often experience heightened instability, which either results in early elections or renders the government

increasingly ineffective. During such periods, legislative activity is frequently sidelined, as it becomes more difficult to secure stable majorities for the passage of laws. One key factor contributing to this decline is the open political competition among coalition partners, who prioritize electoral positioning over legislative cooperation. As a result, the legislative agenda is either stalled or significantly reduced in scope and productivity.

When this comparison is extended to account for the volume of legislation—measured by word count—and disaggregated by legislative term, further insights emerge. In Table 22 below, the average word count for exceptional laws enacted during election periods is calculated by dividing the total word count of such laws by two quarters (the length of each election period). Similarly, for non-election periods, the total word count of exceptional laws is divided by the remaining number of quarters in that legislative term. These figures provide a more nuanced understanding of how not only the frequency but also the legislative weight of exceptional laws varies across electoral cycles.

Table 22. Word Count Differences: Electoral vs. Non-Electoral Quarters

Legislative Term	Word Count per Quarter in Electoral Periods	Word Count per Quarter in Non-electoral Periods	Word Count Difference
19	3295,5	2475,4	820.1
20	0	2411,813	-2411,81
21	9653,5	11291,5	-1638
22	21069,5	16737,65	4331,85
23	134429,5	30902,4	103527,1
24	25398,5	24116,65	1281,85

In the pre-AKP period, the average word count of exceptional laws was lower than that of exceptional laws passed during non-election periods. This suggests that, prior to the AKP, governments tended to adopt less comprehensive or narrower in scope exceptional laws in the run-up to elections. By contrast, under the AKP, this

pattern reverses. In all three AKP election periods analyzed, the average word count of exceptional laws is significantly higher than the average for non-election quarters. In other words, under AKP rule, election periods have become peak moments for the enactment of large-scale, wide-ranging exceptional legislation.

This transformation is closely linked to the strategic utility of omnibus bills, which allow single-party majority governments to consolidate multiple regulations into a single legislative vehicle. This is particularly advantageous during periods of heightened time pressure, such as the run-up to elections. Governments uncertain about their post-election status are incentivized to expedite the passage of pending reforms by merging them into omnibus bills and pushing them through parliament before the session ends (İba, 2011). The ability to legislate extensively and rapidly enables the government to project strength, competence, and effectiveness in the eyes of voters, thereby reinforcing its electoral appeal.

This dynamic applies not only to the government as a whole but also to individual MPs. Even in cases where the ruling party is expected to retain power, individual MPs face uncertainty regarding their renomination or re-election. In response, MPs may seek to boost their visibility and political relevance by increasing the number of their legislative proposals or by lobbying for their inclusion in omnibus bills. This behavior serves both to gain favor with party leadership and to signal responsiveness to voter demands.

According to the SIGMA (2010) report on the TGNA, parliamentary oversight of the executive remains limited, and one of the most time-consuming responsibilities of MPs is constituency service. Direct engagement with constituents—whether through field visits or interactions at MPs' parliamentary offices—is a defining feature of Turkish legislative practice. On average, nearly one

million people visit the TGNA annually. Managing these visits consumes substantial time and energy not only for MPs but also for their advisors and support staff (SIGMA, 2010). Constituency service—including the use of parliamentary influence to resolve personal or localized problems—directly impacts MPs’ re-electability. One consequence of this political culture is the tendency to translate constituent demands into legislative provisions.

Omnibus laws, by their very structure, increase the likelihood that such demands—regardless of their policy domain—can be incorporated into legislation. This flexibility allows constituents, via their direct contact with MPs, to see their interests reflected in legal texts, especially during periods of intensive law-making. MHP deputy Emin Haluk Ayhan (2011) vividly described the legislative atmosphere during such times: “Hundreds of proposals, demands, citizens in front of the commission, in front of the rooms of our Plan and Budget Committee members—this should be included in this— ... proposals in the air ...” (p. 212).

Election periods are thus not only politically sensitive moments but also times when parties and MPs place increased emphasis on responding to public demands and priorities. Legislative activity during these periods serves a dual purpose: it becomes both a campaign instrument and a strategic tool for enhancing electoral competitiveness. As such, the content of legislation is more likely to align with public concerns. In the Turkish context, economic issues—due to their direct and immediate impact on daily life—are consistently the most salient for the electorate (Bulut & Yıldırım, 2020).

A clear example of the strategic use of omnibus legislation during election periods is the enactment of Law No. 6637 at the end of the 24th legislative term. Among the provisions added was the creation of 47,000 new teaching positions. The

law also introduced electoral incentives such as a state contribution toward marriage expenses for individuals entering their first marriage before age 27, a birth allowance for families with children, and financial support for first-time homebuyers. These measures were interpreted by critics as part of the AKP's pre-election strategy. In a plenary session, Nazmi Gür denounced this approach, stating:

It is really unpleasant that before every election, the government places before us a sackful of laws that it needs and that, so to speak, will bring a sackful of votes. These populist, vote-seeking practices may secure you votes in the short term, may bring you to power once again, ... but they erode the principle of the rule of law and compromise the future of the country. (TGNA, 2015, March 26)

These legislative measures are not only viewed as populist, but also as disproportionately benefiting AKP supporters. In this sense, omnibus legislation serves as a means of targeted resource redistribution aimed at voter consolidation. For instance, People's Democratic Party (*Halkların Demokratik Partisi*, HDP) members criticized the marriage incentive for being ideologically charged and exclusionary, noting that limiting eligibility to first marriages before the age of 27 discriminates by encouraging early marriage and denying support to those who marry at older ages (Committee Report on Law No. 6637, Dissenting Opinion by HDP Members). Similarly, the CHP members also criticised the maternity leave as follows: "We consider maternity leave as a right within the framework of citizenship law. However, we oppose the transformation of maternity leave into an instrument of [the AKP]" (Committee Report on Law No. 6637, Dissenting Opinion by CHP Members).

While such electoral legislation intensifies during election periods, it is not limited to them. Bulut (2017) found that most major Turkish parties scored above the global average on clientelism, with the AKP leading the trend. Consequently, in

addition to broad-based electoral incentives, exceptional legislation often includes provisions tailored to specific interest groups, individuals, or businesses. The government's control over the legislative agenda—and its reliance on omnibus bills—greatly facilitates the passage of such clientelistic measures.

Opposition efforts—including public protests, critical parliamentary statements, and Constitutional Court rulings—have generally failed to prevent the passage of such clientelistic provisions. İzzet Çetin, for instance, criticized the persistence of such practices: “The government continues to loot public assets for its cronies, even in blatant disregard of a Constitutional Court ruling on the Privatisation Law No. 4046. This insistence drives us mad” (TGNA, 2014, June 17).

Although such practices existed prior to the AKP, the combination of single-party majority, exceptional legislative tools, and extensive agenda control has made it significantly easier for the AKP to legislate in this manner. During plenary debates on Law No. 6637, for instance, a last-minute amendment—unrelated to the bill’s original content—was introduced and passed despite procedural objections. This provision, which exempted value-added-tax on oil transport, was described by Hasip Kaplan (HDP) as a covert attempt at resource transfer: “They must explain to which companies, which countries, and how billions of dollars will be gained through a last-minute motion in an omnibus bill” (TGNA, 2015, March 26).

In another case, during commission discussions, Mehmet Günal (MHP) drew attention to a clause retroactively compensating contractors for fuel costs under specific tender conditions. “Who is this contractor? ... This is a pinpoint transfer of resources,” he remarked. Similarly, Rahmi Aşkın Türeli (CHP) added: “We are drafting pinpoint laws for specific people or companies. ... This is completely incompatible with the principle of the rule of law” (TGNA, 2014, June 17).

Numerous exemptions benefiting the construction sector—long considered the engine of economic growth under the AKP—have also been embedded in omnibus legislation. During the debate on Law No. 6637, CHP MPs observed:

The AKP governments have produced wealth for their own contractors through continuous housing projects. ... Recent studies indicate a housing surplus in Turkey. With this regulation, the government is attempting to resolve this excess supply, effectively preventing a construction bubble from bursting and causing an economic crisis.

Clientelist resource transfers can even extend to the redrawing of district boundaries. In the debates on Law No. 6552, CHP deputy Kamer Genç criticized a provision that shifted land from CHP-governed Kadıköy to AKP-governed Ümraniye. He stated: “Some beautiful and valuable land is being transferred from Kadıköy to Ümraniye. Why? Because there are valuable plots owned by Ağaoğlu there, and the Ümraniye municipality will allow them to be zoned for construction”.

Exemptions and exceptions created through omnibus legislation do not only benefit private companies or politically aligned foundations; public institutions also actively seek to capture these legal advantages. For instance, bureaucrat Uğur Sancarbaba (2011) observes that in draft laws submitted to the Ministry of Finance for review by the Council of Ministers, common requests from public agencies include: the creation of new administrative units, expansion of staff, demands for special budgets and greater administrative and financial autonomy, efforts to bypass financial discipline, increased personnel benefits, the establishment of revolving funds to supplement employee pay, exemptions from the Public Procurement Law, and various exceptions to tax legislation (p. 78–79).

A particularly revealing case concerns Anadolu Agency (AA), a public news agency frequently criticized by the opposition parties and civil society for its partisan

coverage during elections. In Law No. 6637, enacted at the end of the 24th legislative term, a provision was introduced exempting Turkish Radio and Television Cooperation (TRT)'s procurement of news and production services from AA from the Public Procurement Law. Opposition MPs from the MHP criticized this clause, asserting that it effectively enabled the state broadcaster TRT to absorb AA's financial losses using public funds. They further claimed that this exemption was designed to allow covert financial transfers via pre-election media productions, undermining the principle of impartiality and reinforcing partisan staffing practices within TRT.

Omnibus laws' flexibility to combine unrelated articles has also enabled the ruling party to pursue a strategic legislative politics that blends broadly acceptable provisions with controversial or clientelistic measures. HDP deputy Adil Zozani described this tactic as "pain opportunism," referring to a bill ostensibly introduced to address the aftermath of the Soma mining disaster but which included numerous unrelated provisions: "This package was presented ... as if a remedy for the families of miners who died in Soma disaster. ... [Yet], apart from those families, it contains everything else" (TGNA, 2014, June 17).

Similarly, MHP deputy Alim Işık condemned the inclusion of a wide array of unrelated and questionable measures under the same bill related to Soma disaster:

We have ended up laundering money for pro-government media, enabling massive transfers from the public treasury to private interests, overriding court decisions on privatization, and even legitimizing zoning violations and land grabs ... that will provide rent for some people. (TGNA, 2014, September 9)

CHP MP Özgür Özel captured the legislative dilemma faced by the opposition:

You package what we strongly support with what we fundamentally oppose, forcing us into a corner. Either we say nothing and let everything pass, or we

object and are blamed for obstructing beneficial measures ... It is just like the September 12 referendum: bitter medicine inside, sugar all around. (TGNA, 2014, June 17)

The 2010 constitutional referendum, referenced by Özel, was itself an omnibus reform: while it included popular items such as the prosecution of 1980 coup leaders and positive discrimination for women, it also contained controversial measures expanding executive control over the judiciary. Crucially, the referendum was held as a single up-or-down vote on the entire package, preventing voters from evaluating each amendment on its individual merits.

Indeed, the constitutional referendum held on September 12, 2010, also took the form of an omnibus reform. Alongside widely supported provisions—such as enabling the prosecution of the September 12 coup leaders and introducing positive discrimination for women—the package included controversial amendments designed to expand the AKP's influence over high judicial bodies. Crucially, the electorate was not given the opportunity to vote on each amendment individually; rather, the entire set of constitutional changes was presented as a single package subject to a binary “yes” or “no” vote.

This tactic of blending appealing and objectionable elements into a single legislative proposal has become a recurring feature of AKP's legislative strategy. As MHP deputy Erkan Akçay stated during discussions on Law No. 6637:

This has become a classic tactic of the ruling party. Include 25–30 or even 50 articles—5 or 6 of ... which are positive—but then slip in 7 or 8 toxic provisions that the opposition cannot accept, and try to force them through by breaking the resistance. (TGNA, 2015, March 12)

8.3 Chapter conclusion: From institutional design to strategic practice

Chapter 8 has examined how institutional configurations and actor strategies jointly shape the prevalence and patterns of exceptional lawmaking in Turkey. Drawing on empirical findings and theoretical insights, this chapter has argued that the normalization of non-standard procedures—such as omnibus legislation, the expedited procedure, and decree-laws—cannot be understood solely through exogenous factors or formal rule changes. Instead, it results from a dynamic interplay between institutional structures and the strategic behavior of political actors operating within those frameworks.

Sub-chapter 8.1 explored the institutional architecture that facilitates the frequent use of exceptional procedures. Government type and stability, and the presence (or erosion) of veto points were shown to be critical in creating an environment conducive to procedural flexibility. Contrary to expectations in the literature, single-party governments in Turkey have been more likely to resort to exceptional laws than unstable coalitions, due to their superior agenda control and reduced need for negotiation, especially when they work in harmony with the veto points or eliminate them.

Sub-chapter 8.2 turned attention to actor-centered motivations behind the expansion of exceptional practices. It demonstrated how ministers, MPs, and bureaucrats exploit procedural windows of opportunity to insert provisions—sometimes unrelated—into broader legislative packages. These behaviors are driven not only by partisan advantage but also by time constraints, institutional bottlenecks, and the fear of missing narrow legislative windows. The convergence of omnibus legislation with expedited procedures illustrates the operational logic of strategic acceleration, particularly in the hands of disciplined majority parties.

Together, these findings show that exceptional procedures have evolved from rare responses to crisis into routinized instruments of governance. They serve not merely to speed up legislation, but to shape the content, limit opposition influence, and maximize policy returns under electoral or institutional time pressure. Importantly, this trend reflects a broader shift in parliamentary politics from rule-bound deliberation to discretionary law-making.

This chapter has provided a comprehensive explanation for the institutional and actor-driven factors behind the entrenchment of exceptional laws in Turkey. As the analysis shows, their dominance is not a historical coincidence, but the result of intentional institutional adaptation, layering, displacement, conversion and strategic choice. In the final chapter, the broader implications of this transformation will be considered—particularly how it relates to the tension between legislative efficiency and democratic deliberation, and what it signals for the future of parliamentary governance in Turkey and comparable systems.

CHAPTER 9

CONCLUSION

By focusing on the Turkish case between 1991 and 2015, this study examined the institutionalization and normalization of non-standard legislative tools such as omnibus laws, expedited procedures, and decree-laws. Drawing on a multi-method research design—combining original datasets with extensive qualitative analysis—the dissertation provided a detailed empirical and theoretical account of how actor strategies, institutional rules, and external pressures interact to shape law-making practices.

This dissertation set out to investigate a key puzzle in Turkish legislative politics: why have successive governments—especially those with stable parliamentary majorities—routinely employed exceptional legislative procedures, despite possessing the institutional capacity to govern through standard methods? At its core, the study sought to understand how non-standard tools became entrenched in the legislative fabric of the TGNA and what this transformation reveals about broader shifts in parliamentary governance, institutional norms, and political strategy.

The literature review traced scholarly debates surrounding parliamentary time, non-standard legislative mechanisms, and the factors influencing shifts in law-making practices. It highlighted how the logic of acceleration, driven by both internal and external pressures, compels modern legislatures to reconfigure procedural norms. Time, as both a constraint and a strategic resource, emerged as a central category of analysis. The review also demonstrated that Turkey's reliance on exceptional

procedures reflects a broader global trend toward legislative rationalization, rather than an isolated phenomenon.

The methodological chapter established the foundation for empirical exploration, explaining the rationale for selecting the 1991–2015 period and the TGNA as a critical case study. It introduced two original datasets: one tracking the frequency, volume, and timing of legislation over time; and another capturing procedural details such as debate duration and the pace of legislative passage. These datasets enabled a longitudinal analysis linking legislative speed, complexity, and volume to procedural developments.

Drawing upon a mixed-methods approach that integrated quantitative and qualitative analyses, the study provides compelling evidence that the normalization of exceptional law-making in Turkey is neither a recent phenomenon nor solely a product of authoritarian drift. The findings challenge the notion that exceptional legislation is merely an aberration reserved for times of crisis or authoritarianism. Instead, it represents a long-term institutional evolution shaped by endogenous actor strategies, exogenous structural pressures, and historical legacies. Although their use intensified under the AKP, these tools did not originate with that party. Their proliferation traces back to earlier periods marked by political instability, economic adjustment, and institutional reform. A gradual process of de-parliamentarization, beginning in 1971 and accelerating through the 1980s, set the stage for today's patterns of strengthened executive dominance.

The so-called democratization period of the late 1990s and early 2000s paradoxically laid the groundwork for further procedural flexibility, which was later strategically expanded. Even when the substantive content of laws appeared

democratic, the procedural and deliberative shortcomings rendered law-making processes increasingly vulnerable to undemocratic outcomes.

One of the central findings of this study is that the use of exceptional procedures is not primarily a response to governmental weakness but rather a feature of executive aggrandizement, which connects to the current presidentialism debates in Turkey. Originally designed for temporary or urgent circumstances, these mechanisms were gradually co-opted and normalized for routine governance by dominant parties seeking to maximize agenda control and legislative throughput. In particular, after 2007, the AKP's co-optation of key veto points, the weakening of the separation of powers, the intensification of political pressures, and the broader process of autocratization all converged, transforming exceptional laws into the norm and rendering ordinary legislative processes increasingly rare.

This evolution illustrates that the boundary between “extraordinary” and “ordinary” periods under Turkey's constitutional framework has become increasingly blurred with respect to law-making practices. Rather than treating distinct phases of Turkish politics as diametrically opposed—and framing certain periods as a “golden age”—it is more analytically productive to trace the continuity of AKP policy trajectories and situate these phases along a continuum (Tansel, 2018: 198, 206). Such an approach provides a more accurate depiction of contemporary Turkish politics, particularly on institutional and procedural developments. It also avoids the repetitive emphasis on ruptures from democracy to authoritarianism, thereby allowing for a deeper investigation into the structural and strategic drivers of these shifts (Tansel, 2018).

Notably, practices that conflict with liberal democratic norms were already observable during what is often labeled the AKP's “democratic” phase—or even

during earlier phases of Turkish politics—thus challenging the assumption that anti-democratic mechanisms only emerged after a specific political rupture. Furthermore, several reforms initially framed as democratizing inadvertently contributed to the institutionalization of authoritarianism within the AKP's governance framework (Erensü & Alemdaroğlu, 2018).

Taken together, these findings suggest that the normalization of exceptional legislative tools in Turkey reflects a broader transformation in the nature of parliamentary democracy. As legislatures are increasingly evaluated based on productivity, efficiency, and responsiveness, procedural shortcuts become attractive—even inevitable. Yet, this procedural rationalization comes with democratic costs. The marginalization of opposition voices, the weakening of deliberation, and the erosion of procedural checks all raise concerns about the quality of legislative governance. When urgency becomes routine, and when extraordinary measures become standard, the very principles that undergird democratic law-making—transparency, accountability, pluralism—are placed at risk.

9.1 Contribution

This dissertation has made several key contributions to the literature on legislative politics, institutional change, and executive-legislative relations. First, it reconceptualizes exceptional law-making not necessarily as a tool employed solely in anti-democratic contexts, but also as a potentially legitimate and rationalized response to competing institutional pressures—such as increasing legislative workloads and temporal constraints—even within processes oriented toward democratization. In addition, exceptional procedures function as powerful tools that confer significant advantages to actors controlling the legislative agenda. In this

context, time emerges not merely as a procedural constraint, but as a strategic resource actively shaped and manipulated by political actors. The concept of timetable control, in particular, has proven essential for understanding how parliamentary leaders prioritize speed over deliberation, and how the discourse of urgency is employed both as a justification and as a functional necessity in contemporary governance.

Second, the dissertation underscores the crucial role of institutional configurations—such as the TGNA’s RoP, the committee system, the authority of legislative leadership, and the position of veto players—in enabling or constraining the use of exceptional procedures. These institutional frameworks are not neutral; rather, they are historically contingent and have been recalibrated to favor executive dominance. In Turkish case, a highly centralized party system, reinforced by majoritarian electoral dynamics, has endowed ruling parties with considerable agenda-setting power. This concentration of authority has enabled governments to expedite legislation, sideline opposition forces, and blur the distinction between urgent and ordinary legislative processes.

Third, this study offers a nuanced, actor-centered analysis of legislative behavior. It demonstrates that the use of exceptional legislative tools is not determined solely by formal rules but also by strategic interactions among a range of political actors—including the ruling coalition, opposition parties, the presidency, bureaucratic agencies, and judicial institutions. The dissertation shows how opposition parties, constrained in their ability to amend or block legislation, often resort to delay tactics, obstruction, and symbolic acts of dissent. Meanwhile, governing parties deploy exceptional procedures not only to accelerate law-making

but also to consolidate their dominance, and position themselves advantageously for upcoming electoral cycles.

Crucially, the dissertation also considers the influence of exogenous pressures on legislative behavior. As discussed in Chapter 7, international obligations—particularly those arising from the EU accession process and IMF agreements—have contributed to legislative overload, pushing Turkish governments to prioritize speed and volume over deliberation. These external pressures have legitimized the use of non-standard procedures and shifted domestic expectations regarding effective legislative performance. Simultaneously, the broader global trend toward accelerated governance has found resonance in Turkey, where legal reforms are increasingly bundled into omnibus bills and passed with minimal scrutiny, ostensibly to meet international benchmarks but often at the cost of thorough parliamentary debate.

For comparative research, this study offers methodological contributions by proposing approaches for constructing legislative datasets and suggesting measurement techniques for analyzing legislative productivity, efficiency, and deliberation. It also highlights the challenges commonly encountered during data collection and presents a rich, standardized dataset that can serve as a valuable resource for future comparative studies.

Theoretically, the dissertation advances scholarship on legislative institutions by integrating the concept of time into the analysis of procedural change. It illustrates how procedural power—particularly control over legislative timing—operates alongside traditional mechanisms of agenda-setting and policy influence. Furthermore, the findings contribute to broader debates on institutional change by demonstrating how informal practices and strategic behaviors can gradually transform procedural norms, even in the absence of formal rule amendments. This

insight challenges static conceptions of institutional stability and highlights the importance of longitudinal, actor-centered analysis for understanding the evolution of legislative processes.

9.2 Normative reflections

A key normative insight of this study is the tension between legislative efficiency and democratic deliberation. In many parliamentary systems, including Turkey's, legislative performance is often measured by the speed, volume, and effectiveness with which governments pass laws. However, this technocratic understanding of success tends to overlook the foundational importance of deliberation, transparency, and pluralism in democratic decision-making. When urgency becomes a permanent justification and fast-tracking transforms from an exception into the norm, democratic debate is impoverished, and laws risk being enacted without sufficient scrutiny or societal consensus.

The dissertation emphasizes that how a law is made can be as important, in the long term, as what the law stipulates. Normative democratic theory contends that procedures are not merely technical vehicles for legislative content; they are constitutive elements of democratic legitimacy itself. Exceptional procedures, when overused or manipulated for political advantage, erode this procedural legitimacy—even if the resulting legislation is substantively popular or legally sound. Such practices pave the way for the gradual corrosion of legislative democracy, undermining the participatory rights of both the parliamentary opposition and the citizenry.

Another normative concern raised by this study is the erosion of parliamentary conventions and the subtle weakening of institutional norms. While

laws and RoP are codified, much of what sustains a functioning democracy rests on unwritten norms: respect for opposition rights, commitment to meaningful debate, and restraint in the exercise of majority power. The Turkish case illustrates how dominant actors can exploit procedural ambiguities to consolidate control without overtly violating the law—indeed, using legalism itself as a tool to subvert democratic values. This raises important normative questions about the limits of legalistic governance in protecting democracy.

The dissertation also highlights the risks of path dependency in processes of democratic erosion. Once exceptional procedures become normalized, they are politically convenient and institutionally entrenched, making them difficult to reverse. Successive governments—regardless of ideological orientation—inherit a procedural toolbox that incentivizes shortcut law-making. What may initially appear as a rational response to time pressure or policy urgency quickly becomes the new procedural baseline, rendering efforts to restore deliberative norms both politically and procedurally difficult.

Through the excessive use of non-standard procedures, parliaments risk transforming into little more than notary institutions. Legislative time increasingly comes under the control of the executive or the parliamentary majority, thereby diminishing opportunities for opposition parties to propose amendments or influence legislative outcomes. This dynamic not only weakens the opposition's effectiveness within parliament but also restricts its capacity to mobilize public opinion outside parliament. As the legislative process becomes dominated by speed and executive control, pluralism and meaningful contestation suffer.

These findings align with and should be evaluated alongside current research on democratic backsliding and autocratization. Since around 2006, the world has

experienced a mild but persistent democratic recession (Diamond, 2015, p. 144), with violations of the rule of law and executive aggrandizement—characterized by the gradual erosion of checks and balances through institutional changes—emerging as common forms of democratic decline (Bermeo, 2016).

Crucially, the study shows that the normalization of exceptional procedures carries profound implications for the quality of democracy. They distort the legislative process by prioritizing efficiency over legislative democratic. Thus, the Turkish experience reveals a broader democratic dilemma: how can parliaments remain responsive and efficient without sacrificing the core principles of deliberation, pluralism, and accountability?

Finally, the study calls for a broader normative project: the rebalancing of power between executives and legislatures. In many democracies, including Turkey, the center of gravity has shifted decisively toward the executive, often under the guise of efficiency or crisis management. Reversing this trend requires more than procedural reforms; it demands a cultural and institutional reassertion of parliamentary dignity and autonomy. Strengthening checks on urgency procedures, enhancing legislative capacity, and fostering public awareness about the democratic significance of procedural integrity are essential steps. Procedure must not be seen as a bureaucratic formality but recognized as a fundamental safeguard of democratic governance.

9.3 Limitations of the study and directions for further research

While this dissertation provides significant empirical and theoretical insights into the normalization of exceptional legislative procedures in Turkey, several limitations

must be acknowledged. These relate to the study's scope, methodological choices, and the generalizability of its findings.

This research is designed as a single-country case study, focusing exclusively on Turkey between 1991 and 2015. While this approach allows for deep contextual analysis and robust historical tracing, it inevitably limits the generalizability of the findings to other political systems. Although the study gestures toward broader theoretical implications and parallels in other democracies, it does not undertake a systematic comparative analysis. As such, caution is necessary when extrapolating these conclusions to different institutional or cultural contexts without further comparative investigation. The extent to which the patterns observed in Turkey—such as the routine use of exceptional legislative procedures under majority governments—apply to other parliamentary or hybrid regimes remains an open question. Investigating the law-making patterns in other democracies or hybrid, and autocratic regimes would further illuminate the dynamics of legislative adaptation in response to changing political context and temporal pressures.

Examining cases where non-standard legislative tools are rarely employed can also help identify the institutional, political, or normative conditions that inhibit their proliferation. Such comparisons not only enhance our understanding of the enabling factors behind exceptional law-making but also illuminate potential safeguards and institutional arrangements that may prevent the misuse of these mechanisms in contexts where they are routinely employed.

Even though, this study presents a broad qualitative examination of many official documents, the analysis of the content of laws is somewhat limited. Although illustrative examples—particularly regarding responses to exogenous factors—are included, a more detailed analysis of selected bills and their parliamentary debates

could have enriched the study. Future research could delve deeper into the types of policy areas regulated through exceptional procedures, the variations in usage across different types of exceptional legislation, and their timing. Such analysis would offer deeper insights into the strategic use of non-standard procedures and further substantiate the arguments made.

Another limitation concerns the historical scope of the study, which ends in 2015. Although the analysis presupposes continuity in trends beyond this point, particularly the intensification of exceptional legislation after 2007, the conclusions must be regarded as historically bounded. Subsequent political developments may have either reinforced or diverged from the patterns identified, underscoring the importance of continued empirical monitoring and theoretical adaptation.

Additionally, the dissertation focuses primarily on the perspective of governing parties. While the influence of the opposition was limited in the case under study, it was not insignificant. Further research should examine how the opposition sought to block or amend non-standard legislation, the strategies it employed, and any successes it achieved. Similarly, the growing influence of bureaucrats and legal advisors in the pre-parliamentary phase—especially in drafting omnibus bills and decree-laws—deserves closer attention. Future research could explore the autonomy of these actors, their role in shaping legislative content and law-making process, and whether differences exist in drafting practices between ordinary and exceptional bills.

Moreover, this study concentrates on institutional actors—parliament, political parties, and judicial institutions—while largely omitting the role of civil society, media, or public opinion in contesting or responding to procedural transformations. This was a deliberate choice to maintain the study's institutional

focus, but it leaves unexplored the broader democratic consequences. Future research could investigate how citizens, NGOs, trade unions, and professional chambers perceive and evaluate procedural changes in law-making. How do they evaluate that non-standard legislation affect their participation rights regarding their field and affecting legislative content and law-making process?

From a normative perspective, this dissertation calls for a critical reassessment of how parliamentary effectiveness is measured and valued. Rather than equating legislative success with volume and speed, reform efforts should prioritize inclusivity, deliberation, and institutional balance. First, there is a pressing need to revisit the RoP of the TGNA to impose clearer limits on the use of omnibus laws, expedited procedures, and decree-laws. Second, enhancing the capacity and inclusivity of parliamentary committees could help restore deliberative integrity. Third, increasing transparency in the legislative drafting process—especially by requiring public justification for urgency claims—could serve as a check on executive discretion. Lastly, fostering a political culture that values debate, inclusivity, and institutional balance over speed and dominance is essential for strengthening democratic resilience in legislatures.

Building on these normative concerns, future research could also focus more closely on the possibilities and challenges of procedural reform. Analyzing RoP proposals—both successful and unsuccessful—, parliamentary minutes and committee debates on these proposals submitted by opposition or ruling parties from several countries could provide valuable insights into the politics of procedural change, balancing efficiency and legislative democracy.

Finally, the increasing integration of digital tools into legislative drafting, tracking, and communication presents both risks and opportunities. Future studies

should explore under what conditions digital technologies facilitate greater public input and transparency, or when they instead exacerbate trends toward executive control and procedural acceleration. Examining the intersection of technology, time management, and parliamentary governance would offer timely contributions in an era of “fast politics”.



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