

**TURKISH CONSTITUTIONS FROM THE PERSPECTIVE OF NEW  
INSTITUTIONALISM: THE IMPACT OF CONSTITUTIONS ON  
TURKISH POLITICAL LIFE**

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**Abstract:** Throughout history, human beings have established social mechanisms in order to construct and organise the social sphere. These institutions, created to ensure order and control chaos, can be considered as political mechanisms. In the case of Turkey, this period began with the collapse of the Ottoman Empire and the establishment of the Republic of Turkey. Accordingly, the Constitutions of 1924, 1961 and 1982 can be considered as important political instruments, in other words, institutions for the construction of a new order in Turkey. These constitutional documents have not only been legal regulations, but also important instruments that have shaped social norms, political habits and power relations. Therefore, these texts have features that cannot be explained only by normative theory and positive law. New institutionalism emphasises that constitutional institutions play an important

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role not only in the organisation of the state but also in shaping the political behaviour and values of society. Within the framework of the New Institutionalism approach, these constitutional texts and the institutional structures they create, how they regulate the relations between the legislature, the executive and the judiciary, how the separation of powers is implemented, and within what limits political parties and civil society can act. This study aims to reveal the impact of constitutional amendments in Turkey on institutional structures and their reflections on social norms and political behaviour. As a result, analysing the 1924, 1961 and 1982 Constitutions from the perspective of New Institutionalism, as important turning points in Turkey's democratisation process, makes an important contribution to understanding how constitutional texts shape social and political structures and transform power relations.

**Keywords:** Institutionalism, New Institutionalism, Turkish Constitutions, Political Behaviour, Democracy

### ***Yeni Kurumsalcılık Perspektifinden Türkiye Anayasaları: Anayasaların Türk Siyasi Hayatı Üzerine Etkisi***

**Öz:** Tarih boyu toplumsal alanın kurgulanması ve düzenlenmesi amacıyla insanoğlu toplumsal mekanizmalar kurmuştur. Düzenin sağlanması ve kaosun kontrol altına alınması için oluşturulan bu kurumlar birer siyasi mekanizma olarak kabul edilebilir. Türkiye örneği üzerinden bu dönem Osmanlı Devleti'nin yıkılıp Türkiye Cumhuriyeti Devleti'nin kurulduğu tarih itibariyle başlamıştır. Bu doğrultuda 1924, 1961 ve 1982 Anayasaları Türkiye'de yeni bir düzenin inşası için önemli birer siyasi araç başka bir ifadeyle kurum olarak kabul edilebilir. Bu anayasal belgeler, yalnızca hukuki düzenlemeler olmanın ötesinde, toplumsal normları, siyasi alışkanlıkları ve iktidar ilişkilerini de şekillendiren önemli araçlar olmuştur. Dolayısıyla bu metinler sadece normatif teori ve pozitif hukukla açıklanamayacak özelliklere sahiptir. Yeni kurumsalcılık, anayasal kurumların yalnızca devletin örgütlenmesinde değil, aynı zamanda toplumun siyasi davranışları ve değerlerinin biçimlenmesinde de önemli rol oynadığı vurgulanmaktadır. Yeni Kurumsalcılık yaklaşımı çerçevesinde, bu anayasal metinler ve oluşturdukları kurumsal yapılar, yasama, yürütme ve yargı arasındaki ilişkileri nasıl düzenlediğini, güçler ayrılığının nasıl uygulandığını, siyasi partilerin ve sivil toplumun hangi sınırlar içinde hareket edebileceğini incelemektedir. Bu çalışma, Türkiye'deki anayasa değişikliklerinin kurumsal yapılar üzerindeki etkisini ve bu değişikliklerin

*toplumsal normlarla siyasal davranışlar üzerindeki yansımalarını ortaya koymayı hedeflemektedir. Sonuç olarak, 1924, 1961 ve 1982 Anayasalarının, Türkiye'nin demokratikleşme sürecindeki önemli dönüm noktaları olarak, Yeni Kurumsalcılık perspektifinden incelenmesi, anayasal metinlerin toplumsal ve siyasal yapıyı nasıl şekillendirdiğini ve güç ilişkilerini nasıl dönüştürdüğünü anlamak açısından önemli bir katkı sunmaktadır.*

**Anahtar Kelimeler:** Kurumsalcılık, Yeni Kurumsalcılık, Türkiye Anayasaları, Siyasi Davranış, Demokrasi

## INTRODUCTION

The construction and organization of the social sphere is essential in the context of human and human relations. This situation reaches a level that covers all living and non-living environmental relations. From the past to the present, societies have established social mechanisms based on the conditions they found themselves in, the beliefs, understandings, and ideologies they held. However, when a new political order is to be established, the most needed tools have always been "institutions." Institutions are the most needed political tools in situations where order cannot be maintained and chaos prevails. The formation, functioning, and transmission of institutions from generation to generation has been a subject of interest throughout history. These institutions can have an unwritten and informal character, such as customs, traditions, moral rules, and religious rules, or they may take a more concrete form, such as laws and constitutions.

Today, especially the constitutional tradition of governance argues—although with some differences from country to country—that the three powers of a good political administration should be separately defined and institutionalized according to the principle of separation of powers. In this way, political powers can check each other and balance each other's power, contributing to the protection of individual freedom in the public sphere. However, the promulgation of such a constitution and its acceptance by the people face several challenges. For instance, can it be explained by normative theory and positive law alone how a political system that balances the relative power of citizens from different social strata, political, and economic power groups in a country, to influence the political mechanism against each other, is created or could be created? This does not seem possible. To solve such a problem, the values and conditions that guide the behavior of political actors must be

explained in a more comprehensive manner, taking into account the historical background of political actors. In other words, after analyzing the basic parameters of political interaction in the historical process, it seems possible to reach a constitutional political system that is acceptable to everyone. In this context, it is thought that institutionalism, new institutionalism, and its subtypes should be utilized to overcome the aforementioned difficulties in the process of creating a modern constitution.

Institutionalism, particularly new institutionalism, offers a theoretical framework that examines how rules and institutions shape the functioning of the state and society and how these structures transform social life. New Institutionalism goes beyond legal regulations, addressing how institutions transform social and political behaviors and political processes. In this context, constitutional institutions not only organize the state but also shape the political behaviors and values of society.

From the late Ottoman period to the establishment of the Republic of Turkey, the transformation of the constitutional order and the evolution of institutions have profoundly influenced the political structure of the country. However, for Turkey, this process coincided with the end of the Ottoman Empire and the birth of the Turkish Republic with its democratic norms. The 1924 Constitution, the 1961 Constitution, and, finally, the 1982 Constitution were used as effective tools for the transformation of this new era and the establishment of the political system in Turkey. Constitutional regulations that reshaped the social and political structure also sought to answer the question of how political institutions and norms would be constructed.

In the framework of new institutionalism, these constitutional texts and the institutional structures they introduced will allow us to understand how the relationships between the legislature, executive, and judiciary were shaped in Turkey, and how these processes impacted the political culture of the society. The aim of this study is to analyze how the 1924, 1961, and 1982 Constitutions played a role in the transformation and institutionalization of Turkey's political order and evaluate the effects of these constitutional documents on social and political behaviors from a new institutionalist perspective. The 1924 Constitution laid the foundation for Turkey's first republican structure, the 1961 Constitution emerged as a result of the democratization process, and the 1982 Constitution is seen as a text that reshaped institutional structures after the

military coup. These constitutional documents, beyond being legal texts, have been decisive in shaping social norms, political behaviors, and power relations.

The subject of the study is the examination of constitutional norms and institutions in the process of establishing a democratic political order in Turkey from the perspective of new institutionalism. In the literature, there has been an increase in studies that examine the impact of institutions on political life and behavioral patterns from an institutional perspective. For instance, the principle of separation of powers introduced by Montesquieu in his work *The Spirit of the Laws* has been reconsidered by contemporary political theorists from a dynamic institutional perspective. Ronald Coase and Ning Wang (2015) explain the capitalization process of the Chinese socialist system as the result of modernization efforts, which involves both the power struggle within the Communist Party and the impact of demands from large social segments such as peasants and urbanites on the institutional economic system (Kalkan, 2015, pp. 564-565).

In Turkey, Yazıcı's (2016) study examines how the system would change with a restructured constitution; Özbudun's (2017) emphasis on how a constitution-based system builds an institutional order; and Alkan's (2019) study on reshaping the rules of Turkish political life with the presidential system are examples of empirical institutionalism, a subtype of new institutionalism.

This study will use qualitative research methods to analyze the 1924, 1961, and 1982 Constitutions from a new institutionalism perspective. New institutionalism argues that institutions are not limited to legal texts but are dynamic structures that shape social norms, behavior patterns, and political processes. From this perspective, constitutional texts and the institutional structures they create are not just a legal framework but also instruments that transform social and political life.

In the first section of the study, the conceptual framework of institutionalism, new institutionalism, and its subtypes will be presented. Then, a literature review will be conducted on Turkey's constitutional history, examining the content of the 1924, 1961, and 1982 Constitutions and their impact on society and the state. The literature review will aim to understand how these constitutional documents were shaped in their historical context, under what social and political conditions they were accepted, and what kind of political culture they created. The study will provide a detailed analysis of the

aforementioned constitutional documents. These texts will be evaluated not just legally but in terms of how they shaped institutional structures and political control mechanisms. The analysis will include how these constitutions regulated relationships between the legislature, executive, and judiciary, how the principle of separation of powers was applied, and the boundaries within which political parties and civil society could operate. Special attention will be paid to how changes in the constitutional texts affected institutions and their impact on social behaviors and political habits. Finally, a comparative analysis of the 1924, 1961, and 1982 Constitutions will be conducted. This analysis will present findings on how each constitution created a structure regarding the relationships between the legislature, executive, and judiciary, separation of powers, democratic control mechanisms, and the role of civil society. Moreover, the impact of changes in the constitutional texts on institutional structures and their transformative effects on social norms and political behaviors will be compared.

The data collection process of this study will primarily focus on qualitative data. Document analysis of the constitutional texts and existing literature, along with historical analysis methods and institutional impact assessments, will form the main data source to explore in-depth the effects of institutional structures and constitutional norms on social and political behaviors.

## **I. INSTITUTIONALIST APPROACHES WITHIN THE SCOPE OF CLASSICAL INSTITUTIONALISM AND NEW INSTITUTIONALISM: CONCEPTUAL FRAMEWORK**

Organizations established for achieving a common goal by many individuals or groups are tools that enable people to accomplish goals that exceed their individual efforts. Individuals continue to serve the organization as long as they believe they are receiving the corresponding benefits. In return, the organization accommodates the individual as long as it benefits from them. Consequently, it can be said that there is a balance and order between organizations and individuals.

Organizations are generally examined under two categories: formal and informal. Informal organizations can be formed independently, or they may emerge within the structures of formal organizations. Formal organizations are systems of activities that emerge in the context of information exchange and are

coordinated and monitored. In modern societies, professions, policies, and programs are shaped along with rationally designed products and services. Therefore, formal organizational structures that emerge in this process are highly institutionalized and require old organizations to adopt new practices, procedures, and methods (Meyer & Rowan, 1977, p. 41).

Institutionalism has emerged in such an environment. The foundations of institutionalism theory were laid by Philip Selznick and developed in the 1970s through the works of Meyer-Rowan and DiMaggio-Powell (Kızıltoprak, 2022, p. 8). In political science, "institutionalism" came into the agenda with the studies of John Burgess, Woodrow Wilson, and Westel W. Willoughby on constitutional law, parliament, bureaucracy, and moral philosophy (Bolat & Aytemiz Seymen, 2006, p. 230). However, before analyzing institutionalism, the concept of "institution" must be examined.

Jepperson (1991) defines an institution as organized, established procedures (Fidan, 2017, p. 2). As a regulatory mechanism, institutions are political tools used in times of chaos. In other words, institutions can be formal and written, such as constitutions, laws, or political structures, or they can be informal and unwritten, such as norms and values. In this context, it can be said that institutions have a reciprocal relationship with individuals, as they can influence individual preferences (Karabulut, 2023). According to this definition, institutions can be described as guides that outline the boundaries of individual preferences.

Institutional theory is a historical theory of formal organizational structures and their historical development, and it is a way of thinking about social processes. According to Rowan and Meyer's institutional theory, organizations and the individuals who form them are surrounded by a network of values, norms, rules, beliefs, and behavioral patterns that partially constitute them. In this network, organizational and individual actions create a rational environment (Kızıltoprak, 2022, p. 7).

Institutionalism is a theory that operates in different but interrelated disciplines such as economics, sociology, political science, and international relations, so the meaning and nature of the effects of institutions may vary depending on the discipline in which it is applied (Lowndes, 1996). However, regardless of the discipline, institutionalism argues that institutions produce effects and, therefore, actor selection and the essence of institutional explanations are

formed by institutions, which are defined as the "rules of the game" (Jupille & Caporaso, 1999, p. 431).

In political science, the institutionalist approach focuses on constitutions, legal systems, and governance structures, comparing the political systems of different countries around these definitions by examining how these definitions change in specific processes. Duverger's Law is a classic institutional study explaining how electoral systems affect party systems (Kalkan, 2015, p. 561). This approach, which examines the formal political institutions of states, focuses on the nature of the legislative, executive, and judiciary branches and is normative in nature, which makes it akin to classical institutionalism. The methodological and theoretical terms used by classical institutionalists have been criticized for often being insufficiently detailed, and the assumption that these terms should be explained through common sense began to weaken in the 1950s under the influence of the behavioral school, which focused on individuals' political preferences (Lowndes V., 2002, p. 90).

The behavioral school, however, when J. G. March and J. P. Olsen began the "new institutional politics" in the 1980s, saw the weakening of institutionalism and the rise of a new approach, which they called "politics." March and Olsen defined political institutions as "stable and repetitive patterns of behavior" and sought to examine them with a dynamic perspective, aiming to clarify the theoretical boundaries of institutional change, rather than the common-sense explanations of politics found in classical institutionalism (Peters, 1999, p. 25).

Unlike classical institutionalism, which examines collective actions, new institutionalism, which associates individual actions with the institutional structure in which they are situated, has found a wider application area and has been divided into different subtypes by incorporating informal rules and networks of relationships (Lounsbury, 2023, p. 4). The belief in new institutionalism that institutions shape the behavior of political actors has influenced alternative views on politics, leading them to examine "how institutional arrangements change and how they affect individuals' interests and motivations" (Kalkan, 2015, p. 583). It should be noted that while classical institutionalism examined legal systems and governance structures, new institutionalism also includes the analysis of the state, civil society, and interest groups (Karabulut, 2023, p. 229).



An important point about new institutionalism is that it is an approach consisting of multiple approaches that do not form a unity. Among the most well-known subtypes of new institutionalism are normative, rational choice, historical, empirical, and sociological approaches (Hall & Taylor, 1996; Peters, 1999). Unlike classical institutionalism, new institutionalism develops a separate definition of institutions for each subtype and provides a new approach to institutional change for each subtype. For example, the change of institutions is addressed through different approaches such as "garbage can," "logic of consequences," "discontinuous equilibrium," and "critical junctures" (Ünlü, 2019, p. 24-25).

According to March and Olsen, normative institutionalism argues that political institutions shape actors' behavior by influencing their values, norms, interests, identities, and beliefs. Normative institutionalists claim that institutions, which are assumed to be neutral, actually carry values and determine appropriate behavior. For them, institutions simplify political life (Lowndes V., 2002, p. 64-65). Normative new institutionalism emphasizes the normative (value-based) dimensions of institutions and the effects of these norms on individuals and societies. This approach examines how the norms, values, and ideologies formed by societies affect institutions. Talcott Parsons (1951) is one of the key theorists emphasizing the role of norms and values in institutional analysis. Normative institutionalism analyzes how institutions are shaped by values such as social cohesion, ethics, and justice (Parsons, 1951; Meyer & Rowan, 1977).

Ostrom (1999) rejects the rational choice institutionalism model, which argues that institutions produce behavior and shape individuals' actions, and claims that these behaviors are not fixed or predetermined. Political institutions guide behavior by influencing the context within which individuals choose the strategies they will follow to reach their preferences. Institutions provide information about the future actions of others and offer incentives and disincentives based on different courses of action. While normative institutionalists emphasize that political institutions are embedded in time and cultural contexts, rational choice institutionalists argue that institutions are human-made structures designed to solve collective action problems (Lowndes V., 2002, p. 66).

In sociological institutionalism, in addition to formal norms and procedures, symbols, cognitive meanings, and moral values are highlighted, and these define the framework for actors' actions. Institutions, based on organizational

structure connected with cultural and institutional explanations, are synonymous with culture here. Culture, in this context, means collective norms and values (Hall & Taylor, 1996, p. 942-949). Unlike actor-centered rational institutionalism, institution-centered sociological institutionalism ensures the continuation of this understanding through a consensus on what is appropriate, in line with the logic of appropriateness (March & Olsen, 1984, p. 734-749). According to the social institutionalism approach, institutions influence the identities and preferences of actors (Önder A. Afşar, 2017, p. 74-77).

Historical institutionalists focus on how institutional choices made in the design of government systems affect individuals' future decision-making processes (Hall & Taylor, 1996, p. 942-949). This approach seeks to understand the change of institutions over time through historical processes and societal conditions. Peter Hall (1993), one of the prominent advocates of historical institutionalism, examined the evolution of institutions and their effects in a historical context. (Thelen, 1999) also emphasized how institutions changed in the historical context. Historical institutionalism investigates how past institutional structures shape today's economic and political institutions. In his work, (Hall, 1993) discusses how economic policies evolved in a historical context and the role of institutions in shaping this process.

Another type of new institutionalism, empirical institutionalism, examines the functioning, organization, and development of institutions and investigates their effects on the political system (Peters B. G., 2012). Empirical new institutionalism, which focuses on examining the concrete functioning of institutions at the social, economic, and political levels, typically relies on studies supported by quantitative data analysis and observations. The main aim of empirical institutionalism is to test and validate theoretical approaches with real-world institutional structures and processes. One

of the pioneers of this type, (North, 1990) used empirical data to understand how economic institutions, social order, and market processes are shaped. Empirical analysis investigates the dynamics of institutional change and its social and economic consequences.

As seen, empirical, historical, normative, and rational new institutionalism each tries to understand institutional structures through different approaches and methodologies. While empirical new institutionalism tests the functioning of institutions with quantitative data and observations, historical institutionalism

focuses on understanding the changes and evolution of institutions over time. Normative institutionalism emphasizes the shaping effects of social values and norms on institutions. These different approaches help us understand how institutions shape social life and offer deeper insights into social change.

## **II. 1924 CONSTITUTION AND NEW INSTITUTIONALISM**

Constitution of the Republic of Turkey, 1924 is the first constitutional document of the Republic of Turkey and contains significant provisions that regulate the social and political structure in the early years of the Republic. Accepted on February 17, 1924, this constitution regulated the transition of the Ottoman Empire from a monarchy to a republic and laid the foundational pillars of the newly established Turkish state.

The first section of the 1924 Constitution is related to basic principles and the government system. According to this, the Constitution states that the state is a Republic, sovereignty belongs unconditionally to the nation, and this sovereignty must be exercised by the people through the Turkish Grand National Assembly (TGNA). Furthermore, according to Articles 5, 6, and 7 of the Constitution, legislative power and executive authority are concentrated in the TGNA. The Assembly exercises legislative power on its own, while executive power is exercised through the President, chosen by the Assembly, and the Council of Ministers appointed by the President. The Assembly can supervise and dissolve the Government at any time. Article 9 of the Constitution states that the TGNA, which holds legislative power, is composed of representatives elected by the people according to special law.

The second section of the 1924 Constitution deals with legislative duties. According to this, the TGNA is composed of representatives elected by the people in accordance with special law (Art. 9). Any male Turkish citizen who has reached the age of 18 has the right to participate in parliamentary elections (Art. 10). However, this article was amended in 1934 to include that "Any Turkish woman who has reached the age of 22 has the right to be elected as a deputy." Similarly, the original form of Article 11 of the 1924 Constitution stipulated that any male Turkish citizen who has reached the age of 30 can be elected as a deputy, but the article was later amended in 1934 to include that "Any Turkish citizen, male or female, who has reached the age of 30 can be elected as a deputy." The duties of the TGNA are outlined in Article 26, which states: "To make laws, amend laws, interpret laws, repeal laws, make treaties

with foreign states, declare war, examine and approve the state's budget and final accounts, mint money, approve and annul monopoly and concession contracts, declare general and special amnesties, reduce and alter penalties, delay legal investigations and penalties, and execute finalized death sentences from the courts."

As previously defined, New Institutionalism is an approach that examines not only the formal norms and rules of institutions but also how these rules operate within a social and political context, and how institutions shape individual behaviors. From this perspective, constitutional order is not just about written texts but is also shaped by historical and social conditions. It seeks to understand how institutional structures operate in social life. The 1924 Constitution, as the first constitution of the Republic of Turkey, should be evaluated in light of the institutional structures that shaped the social, political, and military context of the time.

According to Parla (2016, p. 27), the 1924 Constitution contains the principle of legislative supremacy, emphasizing the parliamentary system. However, Alkan (2019, p. 33-35) argues that despite its emphasis on the parliamentary system, the 1924 Constitution reflected the institutionalization of power by a bureaucratic elite in practice. The lack of sufficient checks between the legislature and the executive in the constitutional text negatively affected the functioning of the government and parliament. The executive power was granted extensive powers to the President, which weakened the legislative oversight function. From the perspective of New Institutionalism, this highlights the importance of institutional structures and the separation of powers. In particular, the President's wide powers facilitated the ability of political actors in Turkey to establish hegemony and determine the style of governance.

According to Özbudun (2017), the 1924 Constitution established a strong presidency, but it caused the parliament to be weak in comparison to this powerful executive organ. New Institutionalism seeks to understand how the relationships between the legislature, executive, and judiciary interact in an institutional context, and how these checks have weakened. The applicability of the principle of separation of powers in the 1924 Constitution is problematic. This situation, over time, reinforced the one-party regime shaped around the Republican People's Party (CHP) and Mustafa Kemal Atatürk (Yazıcı, 2016; Karabulut, 2023).

When the dominance of the one-party regime is analyzed from the New Institutionalism perspective, institutional weaknesses and the lack of checks between the executive and legislature can be interpreted as factors that strengthened the leader's position and limited the competitive power of political parties. Erdoğan (2016) explains this situation, stating that "The President's control over the legislature and the executive laid the foundations of one-party rule in the early years of the Republic." The Şeyh Sait Rebellion in 1925 is an example of the constitutional weaknesses. The extensive powers granted to the President enabled the government to take harsh measures to suppress the rebellion. The New Institutionalism perspective shows how the lack of checks between institutional structures affects how the state intervenes in crises and influences order in society. The gaps in the Constitution caused parliament and the judiciary to fail in providing sufficient oversight, and as a result, repressive governance practices increased (Özbudun, 2017). The system established by the 1924 Constitution, especially during the one-party period and policies of centralization, can be examined within the framework of empirical institutionalism to understand its effect on society.

Parla (2016, p. 119) argues that the 1924 Constitution carries a democratic character. However, Özbudun (2017) suggests that the 1924 Constitution did not support pluralist democracy, but rather a majority-based democratic understanding, based on Rousseau's concept of "general will." Yazıcı (2016, p. 16-17) argues that despite the democratic character of the parliament, the fact that the deputies were not directly elected made the 1924 Constitution lack democratic features. Under the 1924 Constitution, members of parliament were granted judicial authority, and the constitutionality of laws was monitored by the parliament itself, rather than the judiciary (Tanör, 2018, p. 307). While the 1924 Constitution provided some institutional infrastructure for democracy, the lack of democratic oversight mechanisms paved the way for one-party rule and authoritarianism. Between 1923 and 1950, the Republican People's Party (CHP) was in power, and during this period, political decisions were based on a centralized structure defined by the party. In the GNAT, CHP candidates predominated, which limited political diversity. The political party law and other laws kept political organizations under centralized control, ensuring CHP's dominance. CHP's partisan policies led to the exclusion of the public's political preferences and resulted in limited political pluralism (Zürcher, 2004, p. 109). From the perspective of New Institutionalism, examining the interactions of institutions shows that the 1924 Constitution, in practice, strengthened an authoritarian structure rather than establishing democratic

checks and balances. The strong leadership and insufficient oversight mechanisms in the functioning of the Constitution created difficulties in transforming the political regime into a democratic structure. This shows how institutional structures, shaped by social norms and cultural values, significantly influence democratic processes.

According to (Özler, Yılmaz, & Geylani 2021, p. 200), the rule of law in "non-democratic" countries is often subjected to external pressures in favor of individual rights and democracy, but these pressures occur within the framework of existing restrictions. In some less democratic countries, constitutional texts and institutions serve to legitimize elitist rules and methods for nation-state building. In this context, it can be argued that the democratic features of the 1924 Constitution actually served to legitimize the bureaucratic elites and the one-party rule (Parla, 2016; Yazıcı, 2016). The 1924 Constitution adopted the principle that "Sovereignty belongs unconditionally to the nation" and emphasized popular sovereignty. However, it envisioned a system in which this sovereignty operated through representative democracy. While the Parliament was tasked with representing the people, executive power was granted to the President, and the state's centralized structure was reinforced. The 1924 Constitution, rather than directly implementing popular sovereignty, envisioned the functioning of this sovereignty through Parliament and bureaucracy. In other words, the constitution distributed popular sovereignty through institutional structures. This situation shows that the founding cadres of the Republic institutionalized their understanding of conducting reform and modernization through a centralized approach with the 1924 Constitution. This aligns with the claim of normative institutionalism that "institutions function not only as a reflection of a specific power structure, but also as structures that embody the values and norms of social actors."

Thus, the institutions created are aligned with historical processes. The early Republican period aimed to establish a strong centralized state structure, and Atatürk, in order to ensure state authority, adopted a centralized governance approach (Zürcher, 2004, p. 98). This emphasis on centralization is also reflected in the economic policies of the time. The principle of statism was adopted with the belief that central planning and intervention were necessary to achieve industrialization and economic development. During this period, the state made significant investments and established many industrial enterprises while limiting the private sector. In line with the decisions made at the Izmir Economic Congress (1923), the economy was brought under state control, and

efforts were made to reduce dependency on foreign powers (Keyder, 2005, p. 114).

When evaluated from the perspective of New Institutionalism, the 1924 Constitution of Turkey can be said to have played an important role in shaping the societal structure and establishing institutional norms. The Constitution provided a framework for how institutional structures would shape social order and influence societal values. In this context, the 1924 Constitution aimed to regulate both the state's powers and authority while also bringing about societal transformation at the institutional level. As emphasized by New Institutionalism, institutions are not merely mechanisms of the state; they are structures that shape societal dynamics, values, and norms. The 1924 Constitution is worthy of study in the New Institutionalism framework because it aimed to integrate institutional structures and social order.

### **III. 1961 CONSTITUTION AND NEW INSTITUTIONALISM**

(Constitution of the Republic of Turkey, 1961) emerged after the Military Unity Committee (MBK), consisting of 38 military officers, took power on behalf of the Armed Forces for about a year and a half starting from the morning of May 27, 1960. As can be seen, the 1961 Constitution was prepared in response to an extraordinary conjuncture. It is noteworthy that the 1961 Constitution reflects a two-fold structure consisting of the Constituent Assembly, which held legislative and supervisory powers, and the MBK and the House of Representatives (Nohutçu, 2021, p. 42).

For the first time, the 1961 Constitution included the concept of the Republic of Turkey as a "social, democratic, rule-of-law state based on human rights." However, despite this, the 1961 Constitution has an anti-democratic effect on the regime. (Özbudun, 2017) argues that the main motivation behind the 1961 Constitution was the concern over the power of the majority and the desire to limit the people. Özbudun claims that the coercive nature attributed to the armed forces undermines the democratic elements in the Constitution. Similarly, (Erdoğan, 2016) asserts that the 1961 Constitution is a mechanism of limitation against the fear of the majority's power.

With the acceptance of the 1961 Constitution, the structure of the executive was determined. According to this, the executive consists of a prime minister and

ministers elected from the parliament. In this case, it can be said that the 1961 Constitution is not an authoritarian constitution that promotes a one-party regime. However, the opaque and unrepresentative practices in the determination of the legislative body led to anti-democratic outcomes in the state system, despite the parliamentary image (Yazıcı, 2016, p. 17).

Furthermore, despite being seen as a text supporting the parliamentary system, the 1961 Constitution also established institutions such as the Constitutional Court or the State Planning Organization, which affected the relationship between the legislative, executive, and judicial powers in an anti-democratic way. Thus, despite the image of a parliamentary system, it became possible to interfere in the state functioning through these institutions. Erdoğan (2016) defines this image as a "cautious democracy" (Karabulut, 2023, p. 238).

Between 1969 and 1974, the 1961 Constitution was amended seven times. The amendments to the Constitution were a precursor to the 1982 Constitution. Among these changes was the expansion of military jurisdiction over civilian courts. With this change, the Military High Administrative Court (AYİM) was established, and the presidency of the Military High Administrative Court was granted to it (Nohutçu, 2021). In parallel, (Parla, 2016, p. 120) draws attention to the militarizing nature of the 1961 Constitution, which transformed the military bureaucracy into "an executive within the executive" and military judiciary into "a judiciary within the judiciary." Additionally, (Nohutçu, 2022, p. 2) argues that the 1961 Constitution, with structures such as the Senate of the Republic and the National Security Council, which it introduced into Turkish political life, controls social tendencies and puts them under pressure, describing them as "the iron fist in the velvet glove." These structures entered Turkish political life with a referendum that was approved by 61.7%, and they contain institutions, rules, and processes found in pluralist Western constitutions.

One of the greatest transformations brought about by the 1961 Constitution in Turkish political life is the party closure rule regulated in Article 57. Parties fearing closure were unable to develop their own party programs, which shaped Turkish political life. The closure of parties led to the emergence of leaders rather than parties that had not been able to maintain a political presence for long. As a result, voter behavior was shaped around the personalities and rhetoric of leaders rather than party programs (Karabulut, 2023, p. 233). This



situation that emerged after the 1961 Constitution has led to the development of leader-centered voting behavior in Turkey today.

As mentioned earlier, new institutionalism is an approach that examines the impact of institutions and institutional structures on politics and the social and political processes that guide these structures. From this perspective, the 1961 Constitution is a document that led to profound changes in Turkey's political structure. Prepared and accepted after the May 27, 1960 coup, this constitution influenced not only the determination of institutional structures but also the shaping of political processes and democratization dynamics. Evaluating the 1961 Constitution within the framework of new institutionalism helps us understand how institutional structures transformed political behaviors and social structures, not just as legal regulations.

The 1961 Constitution reshaped the institutional infrastructure of Turkish politics. The Constitution established control mechanisms between the legislative, executive, and judicial branches, creating a system of checks and balances. However, these institutional structures also served to reinforce the hegemony of certain powers (especially the military bureaucracy).

One of the most important features of the 1961 Constitution is its strengthening of control mechanisms between the legislative, executive, and judicial branches and its attempt to establish a balance between these three powers. However, from a new institutionalist perspective, it is seen that these controls were often weak, and the primary organ that performed supervision was the military bureaucracy. While the relationship between the legislature and the executive was nominally arranged to ensure the functioning of a parliamentary system, in practice, this relationship often faced disruption due to military interventions, leading to a political environment where these control mechanisms became ineffective. For instance, from the late 1960s onward, increasing military interventions in Turkish politics caused the supervisory mechanisms between the legislature and executive to become dysfunctional, and the military bureaucracy strengthened itself through the Constitution and laws. This situation is directly related to the provisions of the 1961 Constitution that strengthened military institutional structures. From the new institutionalist perspective, it can be argued that such institutional structures have hindered the democratization process in the long term (Yazıcı, 2016; Nohutçu, 2021).

The 1961 Constitution strengthened constitutional oversight mechanisms by establishing organs such as the Constitutional Court. However, within the framework of new institutionalism, it is noted that these oversight organs sometimes became tools that limited democratic functioning. The Constitutional Court, in some cases, intervened in political processes and acted in collaboration with the military bureaucracy (Parla, 2016). Additionally, institutions such as the State Planning Organization, which strengthened a centralized structure in state administration, also limited the influence of political parties and civil society.

New institutionalism emphasizes that political behavior and parties are shaped by institutional structures. The 1961 Constitution, with regulations such as the party closure rule, weakened the institutional foundations of political parties. Party closure led to the emergence of leader-centered structures for parties that could not maintain a long-term political presence, and it led to the emergence of a political culture in Turkey shaped around the personality and rhetoric of the leader (Karabulut, 2023; Alkan, 2019). The Justice Party, for example, emerged as a party shaped around Süleyman Demirel's leadership. Rather than party programs, Demirel's strong leadership character and oratory power were the key factors determining election results. This is one of the long-term effects of the 1961 Constitution (Yazıcı, 2016). The Republican People's Party (CHP) also became leader-centered after the 1961 Constitution. Bülent Ecevit's leadership in the 1970s was one of the key factors that united the ideological differences within the party and made it successful in elections. This also laid the foundation for the emergence of a political system based on the leader's popularity rather than the party's institutional structures (Parla, 2016).

New institutionalism also emphasizes the effect of institutions on electoral processes and voter behavior. The party closure rule in the 1961 Constitution and military interventions weakened political parties, which became a significant factor affecting voter behavior. This process led to the strengthening of leader-centered electoral strategies in Turkey and hindered the democratization process in the long term. Voter preferences were determined by the personalities and rhetoric of leaders, rather than party programs (Alkan, 2019).

Although the 1961 Constitution initiated an important institutional transformation in Turkish politics, when evaluated from the perspective of new institutionalism, it is seen that these institutional changes had negative effects on the democratisation process and the development of the party system. In

particular, the institutional structures introduced by the constitution have strengthened the military bureaucracy, and mechanisms such as party closure have become important factors determining internal party democracy and the power of party leaders by providing an institutional control over the functioning of political parties. In this respect, analysing the 1961 Constitution in the context of empirical institutionalism will reveal the dynamics of Turkish politics and the way it has shaped its social structure.

#### IV. 1982 CONSTITUTION AND NEW INSTITUTIONALISM

On the morning of September 12, 1980, the Turkish Armed Forces seized power, dissolved the parliament, and declared martial law. After three years of military rule, a Prime Minister was appointed, and a Cabinet responsible to the military wing was formed, but civil intervention was not allowed. The 1982 Constitution was submitted to a referendum and accepted in this atmosphere (Nohutçu, 2021, pp. 49-50).

(Nohutçu, 2022, p. 4) argues that the process of preparing and adopting the 1982 Constitution lacked "democratic, political, social, and legal legitimacy." He claims that it was prepared under the militaristic and totalitarian conditions of the military coup, imposed by a nominal Advisory Council, and accepted under an atmosphere of fear and threats. Therefore, the 1982 Constitution is considered a product of an anti-democratic and informal period and mindset.

The most common view regarding the (Constitution of the Republic of Turkey, 1982) is that it contains provisions imposing disproportionate bans and restrictions on basic human rights and freedoms (Erdoğan, 2016, p. 192; Yazıcı, 2016, pp. 85-131; Nohutçu, 2022, p. 4). For instance, the preamble of the Constitution elevates the state in a way typical of authoritarian and totalitarian regimes, pushing human rights to the background (Yazıcı, 2016, p. 67). From an institutional perspective, (Erdoğan, 2002, p. 74) suggests that this section should be completely removed from the Constitution.

The 1982 Constitution introduced many restrictive measures regarding political parties, electoral activities, and the establishment and activities of civil society organizations, and pushed certain political ideas with significant support out of the political arena (Yazıcı, 2016, p. 12). Article 148 of the 1982 Constitution defines a strong state and exempts executive decisions from judicial review. The Constitution regulates the establishment of the Military High

Administrative Court and grants the Constitutional Court the authority to review laws (Karabulut, 2023, p. 235).

The 1982 Constitution grants broad administrative powers to the President. For example, under Article 104, the President has the authority to appoint and dismiss the Prime Minister (Constitution Art. 104). The President also has the power to set and monitor the general policies of the Council of Ministers. According to Article 89, the President has the authority to approve or veto laws passed by the Grand National Assembly of Turkey (GNAT). If the President has doubts about a law, they can send it back to the GNAT for reconsideration. According to the 1982 Constitution, the President has the authority to appoint members of the highest judicial bodies in Turkey (Constitution Arts. 146-154). Article 148 of the Constitution defines a strong state, allowing executive decisions to be exempt from judicial scrutiny.

Over time, many provisions of the 1982 Constitution have become incompatible with societal life and have proven inadequate in the face of today's social, economic, and technological developments. For example, provisions like Article 65, which addresses "the protection of the state's economic and social duties," and Article 174, which concerns "the protection of revolutionary laws," are insufficient in addressing the needs and problems of the time. Similarly, the military perspective embedded in the 1982 Constitution has created crises when responding to events in daily life. For example, the 1982 Constitution does not include the provision found in the 1961 Constitution on "preventing epidemic diseases." Therefore, the measures implemented during the Covid-19 pandemic, such as restrictions on "freedom of travel," lacked legal grounds (Nohuçu, 2022, p. 5). As a result, the 1982 Constitution has been amended nineteen times within thirty years.

Historical records demonstrate the driving force of Europe in Turkey's institutional change process. Since 1987, many political, social, and economic reforms have been carried out in Turkey to align with European Union membership requirements. The European Union has been viewed as a role model and a transformative force, prompting Turkey to accept reforms that would have been difficult to implement domestically. Examples of these reforms include the civilianization of the National Security Council (MGK) Secretariat, the termination of some military practices like EMASYA, the establishment of the ombudsman institution, structural reforms in the Constitutional Court and the High Council of Judges and Prosecutors (HSYK),

and the introduction of the right to individual application to the Constitutional Court. These reforms, particularly after the 2001 Helsinki Summit, led to noticeable changes in human rights and freedoms (Özler, Yılmaz, & Geylani, 2021, p. 200; European Commission, 1998). Another driving force behind the changes in the 1982 Constitution was the transition to a Presidential System. In 2017, Turkey established a unique Presidential Government System, claiming it would prevent system blockages by incorporating supportive mechanisms. Since then, the President has been elected through a popular vote (Gül & Ç. Çelik, 2020, pp. 2031-2032).

As defined above, new institutionalism focuses not only on the norms enshrined in constitutional texts but also on how these norms have evolved, been implemented, and interacted with social structures over time. In this sense, the 1982 Constitution can be seen as a document that both determines institutional structures and offers important clues about how these structures function in political processes. The 1982 Constitution was prepared and put to a referendum by the military government after the 1980 coup, thus the preparation and the initial text of the constitution reinforced the military tutelage regime in the country (Nohutçu, 2022).

The 1982 Constitution is particularly notable for the wide powers it grants to the Presidency and its control over the executive. Beyond being the head of state, the President is endowed with the authority to form the government and make important decisions about the functioning of the government, leading to the authoritarianization of the political system. The extensive powers granted to the President, designed specifically for Kenan Evren, the leader of the 1980 coup, have led to an increase in anti-democratic practices in political life. With this constitution, state organs, parliament, and the cabinet were left to the initiative of the President, leading to the emergence of a hybrid political system between the parliamentary system and semi-presidentialism under the shadow of the Presidency (Nohutçu, 2022, p. 6). This situation allows the executive to operate freely with respect to the Constitution. From a new institutionalism perspective, the constitutional text has a decisive impact on how these powers will be applied and how societal actors will shape them. By granting excessive power to the Presidency, the 1982 Constitution weakened the checks and balances between the legislature, executive, and judiciary, thus increasing the power of the executive (Yazıcı, 2016). This has led to political life being shaped primarily under the shadow of a strong executive, and the weakening of oversight mechanisms.

Military tutelage, which began with the 1961 Constitution, continued through the 1982 Constitution (Özbudun, 2017, p. 107). Additionally, the establishment of the Military High Administrative Court created a duality in the judiciary. The Constitutional Court's oversight role has led to frequent intervention in the executive domain (Karabulut, 2023, p. 235). The biggest effect of this on Turkish political life has been the lack of institutional order and the frequent interruption of the democratic system. Events such as the February 28th (Postmodern Coup) and the more recent e-memorandum attempts are the results of the tutelage system. From a new institutionalism perspective, the interaction between institutional structures leads to lasting changes in political and social life. The tutelary institutions of the 1982 Constitution have had an effect of obstructing the development of democracy in Turkey and undermining majoritarian democratic principles. Institutions like the judiciary and the military have, at times, prevented the political decisions of the government, creating an undemocratic situation. A clear example of this tutelary structure is the Constitutional Court's intervention in the 2007 Presidential election process. The Constitutional Court intervened in the legislature's authority to elect the President. This institutional design supported a structure that prevented political actors and parties from acting independently. Moreover, in line with new institutionalism, the inconsistency between rules and norms reshaped power relations in society and the interactions between institutions.

However, changes to the 1982 Constitution over time have enabled steps toward transforming Turkey's political structure. From a new institutionalism perspective, these changes can be seen as reflections not only of changes to constitutional texts but also of how these texts have functioned in practice. Most of these changes have aimed to weaken the tutelary structures and undemocratic mechanisms in the Constitution. Particularly the changes made in 1995 lifted restrictions on political parties and enabled civil society organizations to operate more freely. (Karabulut, 2023). These steps increased the participation of women in politics and opened an important window for freedom of thought in the political sphere. However, these changes did not transform the fundamental structure of the Constitution, especially institutions like the Presidency and the MGK.

Most of the changes made to the 1982 Constitution have been significantly influenced by the EU alignment process. In this context, reforms made in 2001 included constitutional amendments related to human rights, judicial independence, and the prohibition of torture. However, the 2001 changes were

not only legal adjustments but also factors that transformed the functioning of the state and society. Regulations on civilian oversight and judicial independence contributed to democratization, but the impact of these changes was limited in an environment where the military bureaucracy still held significant influence (Yazıcı, 2016). This is an example of how institutional structures and social processes influence each other.

The constitutional amendments made in the 2010 referendum aimed to restructure judicial bodies and increase civilian oversight (Yazıcı, 2016). From a new institutionalism perspective, these reforms strengthened the oversight mechanisms between different branches of the government. However, with the introduction of partisan politics and the efforts of institutions to protect their own interests, how these changes were applied in practice remains an important question (Özbudun, 2017).

With the 2017 amendments, the Presidential Government System was introduced, and

the oversight relationship between the executive and legislature was further weakened (Yazıcı, 2016). Although these changes were not directly linked to the EU alignment process, when viewed from the perspective of new institutionalism, they resulted in the centralization of institutional structures and a weakening of oversight mechanisms (Nohutçu, 2021). These changes strengthened the executive and caused the principle of checks and balances to function in a weaker manner. This is seen as an important transformation that affects the social structure and political behavior. Moreover, such institutional changes could negatively impact the democratization process (Parla, 2016).

When evaluated within the framework of new institutionalism, the changes made to the 1982 Constitution can be seen as a process that affects the evolution of the institutional structure, power relations among actors, and changes in institutional culture. Initially, the 1982 Constitution can be considered a text that reinforced tutelary structures, weakened oversight mechanisms over the executive, and obstructed democratic functioning in Turkey. However, through the amendments, efforts have been made to increase the democratic functioning of the Constitution. The 1995 and 2001 amendments allowed for greater freedom in political parties and civil society, making political diversity possible. However, the 2017 reforms gave more powers to the Presidency, centralizing this structure.

In the context of new institutionalism, it can be said that institutional reforms are not limited to changes in the constitutional text but also influence social-level power relations and the strategies of political actors. This process, while important steps toward democratization have been taken, reflects a reality where institutional structures still carry tutelary features, sometimes obstructing democracy.

## CONCLUSION

Constitutions are significant political tools in establishing a new order in society and gaining acceptance from the public. Therefore, constitutions can be considered institutions that shape political norms and behavioral patterns. The institutionalist perspective argues that institutions lead to certain effects. New Institutionalism, however, claims that institutions are not limited to legal arrangements but are also dynamic forces that transform social and political behaviors and political processes.

This study analyzes the 1924, 1961, and 1982 Constitutions, as well as the amendments made to the 1982 Constitution, from a New Institutionalism perspective. In this context, it has been observed that each of the three examined constitutions created specific institutional structures and had a significant impact on the evolution of Turkish politics.

The 1924 Constitution, as the first constitution of the Republic of Turkey, aimed to establish a republican and secular state structure, unlike the monarchical structure of the Ottoman Empire. This constitution was a significant step in laying the institutional infrastructure of a restructured state, particularly with features like the sovereignty of the parliament and the concentration of executive power in a single authority. When evaluated from a New Institutionalism perspective, the 1924 Constitution shaped institutional structures in a somewhat centralized manner. The relationship between the legislature and the executive was particularly strong under the one-party rule, which led to a weakening of democratic oversight mechanisms. Notably, the relationship between the military bureaucracy and political authority became a key factor in shaping the institutional structure (Özbudun, 2017). This constitution created an environment that limited the influence of political parties and civil society, shaping social behaviors in accordance with a centralized political structure. In terms of social and institutional influence, this constitution is the first document that established Turkey's political institutions; however, its



bureaucratic structure proved limiting in terms of democratization and social transformation.

The 1961 Constitution was prepared under the influence of the National Unity Committee, which was established following the May 27, 1960 coup, and aimed to lay the foundations of a new democratic order. While this constitution brought significant progress in democratic rights and freedoms, it also institutionalized the role of the military bureaucracy and judicial oversight. The constitution included democratic oversight mechanisms and aimed to strengthen the relationships of control between the legislature, executive, and judiciary within the framework of the parliamentary system. However, through institutional structures like the Constitutional Court and the National Security Council, the military bureaucracy still played a significant role. This situation negatively affected the balance and oversight between institutional structures and limited the influence of civil society. One of the most important features of the 1961 Constitution was its intervention in the operation of political parties, such as through mechanisms like party closures. This paved the way for a leader-oriented political system and created an institutional structure that shaped political behaviors (Karabulut, 2023). In this sense, the 1961 Constitution did not remain limited to legal arrangements but deeply influenced the institutional dynamics of Turkish politics.

The 1982 Constitution was created following the September 12, 1980 military coup and reflects the influence of military intervention. This constitution is regarded as a text that reinforced militaristic structures and strengthened the political influence of the military bureaucracy. Additionally, the relationship between the legislature and the executive was again structured under one-party dominance, with democratic oversight remaining weak. When evaluated from a New Institutionalism perspective, the 1982 Constitution is seen as a text that solidified institutional structures, maintained strong military influence, and weakened parliamentary oversight. This constitution seriously restricted political parties and social movements, creating an environment where the executive power strengthened alongside military influences in the governance of the state. Social behaviors were also shaped according to these institutional structures, leading to the development of a leader-oriented political culture.

While the 1924 Constitution reinforced a centralised structure, the 1961 Constitution strengthened democratic rights but maintained the influence of the military bureaucracy. The 1982 Constitution, following the military coup,

weakened democratic control mechanisms and reinforced a centralised political structure. These constitutional changes have transformed Turkey's political culture, social norms and political behaviour, but each constitution has had both positive and limiting effects on democracy.

Conclusionally, it has been observed that the examined constitutions have a characteristic of shaping the relationship between the state's three fundamental functions: the legislature, the executive, and the judiciary. Therefore, we can say that constitutions also determine the nature of the political system and regime. More specifically, constitutions influence whether a political system will be presidential, semi-presidential, or parliamentary. At the same time, constitutions also affect whether a regime becomes more authoritarian or democratic. In addition to the balance between the legislature, executive, and judiciary, constitutions also impact electoral systems, political party organizations, and regulations. Institutional changes in electoral systems and political parties affect individuals' interests and motivations, influencing their preferences and behavioral patterns in political life. Therefore, each of the three constitutions provides valuable data on how they shaped institutional structures, social norms, and political habits.

Criticisms of the current constitution are focused on its inability to address contemporary issues, and much of Turkey's political agenda is centered on constitutional amendments. However, normative theory and positive law studies alone are insufficient for analyzing constitutions and preparing a new one. This process also requires examining the motivations and beliefs that shape the behavior of political actors. The country's political principles, individual and organizational behavioral patterns, the degree of alignment of these patterns with newly drafted norms, and initiatives to increase this alignment will result in a more positive impact in the preparation of a new constitution. Therefore, reading the constitution and constitutional norms as an institution from a New Institutionalism perspective will provide more information about the nature of reforms and norms that individuals will mutually consent to. Within the framework of New Institutionalism, constitutional changes should not only be examined through the texts themselves but also in terms of their impact on Turkey's political culture and democratic functioning, and they should be analyzed and implemented accordingly.

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