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A mixed-method approach study in Brazil Congress: The vote on matters of high degree of technical complexity

By Paula Gonçalves Ferreira SANTOS [†]

Abstract. This article delves into the intricate relationship between legislative power, and public policy efficiency, exploring their impact on the formulation and implementation of public policies in Brazil. The study adopts a mixed-method approach, combining descriptive statistics and qualitative content analysis, to shed light on this less-explored aspect of legislative functioning, investigating whether the Legislative Power in Brazil uses its competence to vote on matters of a specialized nature or delegates the rule to the Executive Power. The legislative process analyzed in this research is one of a Provisional Measure. This process is the most appropriate because it involves both houses of Congress and begins with the Executive branch enacting the rule. Descriptive statistics show correlations between key variables, while qualitative content analysis revealed a preference for the Legislative Power to regulate matters of technical nature rather than delegating them to specialized bodies. The study's findings underscore the importance of public trust in government actions, as both the Executive and Legislative branches need to prioritize transparency, accountability, and responsiveness to maintain public confidence in the regulatory process. Policymakers must carefully assess the context and objectives of each regulatory proposal to make informed decisions about delegation that best serve the public's interests and the government's effective functioning.

Keywords. Congress; Competence; Technical expertise; Political representation; Mixed-method approach; Descriptive statistics; Qualitative content analysis; Brazil.

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1. Introduction

The research investigates whether Brazil's Legislative Power legislates matters requiring technical expertise.

For issues that involve the technical execution of a public policy, the agents of the Executive Power are the best prepared to decide. Notwithstanding, the Legislative branch is competent in determining the transfer price, even being a complicated issue that few can understand. In this case, as will be demonstrated, it would be more effective if the Legislative branch established only whether or not to apply it, as how this price is determined is a technical matter which few people are prepared to resolve. This research wants to establish if this occurs with frequency similarly if there the reasons given by the Power to vote on these matters.

This article is then divided into three parts. In the second section, an analysis of the vote on the transfer price Provisional Measure (PM) by the

[†] Ph.D. Researcher of Swiss Management Center, Switzerland.

☎. 597 473741 ✉. paula_goncalves@yahoo.com.br

Turkish Economic Review

Brazilian Congress establishes the problem of Congress voting technical matters. The third section presents a literature review on technical matters. The fourth section presents the methodology. The fifth section has an analysis description. The sixth has the results. Finally, the conclusions are shown in the last section.

2. Transfer price

As businesses expand globally, cross-border transactions become more complex, and transfer pricing is crucial in international taxation. Transfer pricing involves the prices charged during transactions between related parties or entities of a multinational enterprise (MNE) located in different tax jurisdictions. The price charged has an impact on taxation, making transfer pricing significant for MNEs' tax liabilities. This section discusses the challenges of transfer pricing in international operations, the need for a strong transfer pricing system that aligns with international standards, and the vote by Congress on the Brazilian transfer pricing system.

MNEs often use transfer pricing to manipulate prices, reduce tax liability, and shift profits to jurisdictions with lower tax rates. This practice can create tax challenges for countries, especially when there are no regulations governing transfer pricing. The transfer price charged during an international transaction affects the taxable income at both ends of the transaction. Higher prices result in increased taxation at the place of purchase, while lower prices lead to higher taxation at the place of sale (Da Vitória, 2023). For example, if a branch exports goods to the headquarters, the declared price must be reasonable and aligned with the merchandise's value. If the price is not plausible, it may be like the parent company is transferring its profits to the subsidiary without any actual payment being made. Therefore, it is essential to ensure a fair and reasonable price is agreed upon to prevent any potential transfer of profits from the parent company to the branch.

MNEs' ability to fragment their business structures across different tax jurisdictions poses several tax challenges. The flexibility to set prices for commercial and financial operations within an economic group can result in an improper allocation of income across jurisdictions. Interdependent companies can manipulate prices in international transactions, leading to the transfer of income to a low-tax jurisdiction. This practice can lead to a distortion in the transfer of prices of goods, services, and rights between branches of an MNE, thereby bypassing market rules (Junior, 2020). Thus, countries impose rules on companies for the definition of these prices in transactions made with legal entities that have a relationship with the entity.

A robust transfer pricing system aligned with international standards is necessary. Until 2022, Brazil's transfer pricing system, which was established in the nineties, contained several particularities that did not align with the international standard (Brazil, 2022). The arm's length (international) standard requires related entities to transact as if they were independent parties. With a strong transfer pricing system that aligns with international standards, countries can better address tax challenges arising from cross-border transactions and ensure the fair allocation of taxable income across jurisdictions.

Turkish Economic Review

2.1. The Provisional Measure (PM) published by the Executive branch

On December 28th, 2022, the Executive branch released a PM that established the new Brazilian legislation for transfer pricing. The legislation was fixed for 120 days, during which time Congress could reject, modify, approve, or take no action (thereby allowing the rule to die). The process of voting for the PM n°. 1,152 began in the National Congress with its consideration by a Joint Commission composed of Senators and Deputies, who reviewed the norm.

During the review process, Congress proposed three changes to the Executive branch's proposal. Four amendments and five insertions were added to Art. 13, which deals with the most appropriate method for pricing commodities transferred in transactions between related parties. Art. 17 was modified to remove a form of adjustment needed in MNE's accounting to reflect the result obtained if the terms and conditions of the controlled transaction were established per the Arm's Length Principle. As a result, Art. 19 was deleted. Finally, Art. 45 was altered to state that amounts paid, credited, delivered, used, or remitted as royalties and technical, scientific, administrative, or similar assistance in the cited cases are not deductible from personal income tax.

While further changes could have occurred, these few modifications can present future problems for tax inspection and companies. It is important to note that the lack of technical preparation among congresspersons to resolve complex issues is a problem when voting on projects of this nature.

On March 30, 2023, the Plenary of the Chamber of Deputies approved the PM with the modifications made by the Joint Committee. After approval from the Federal Senate on May 10th, a Conversion Bill was sent to the President of the Republic for sanction. On June 14, the President sanctioned it without veto, leaving the modifications made by Congress intact. The possible reason for the presidential sanction is dealt at the sixth section, as regards the relation between the branches and the governability.

Transfer Pricing is a complex topic that requires technical knowledge for thorough analysis, which Congress members may not possess. The description of the PM amendments shows that the changes lacked reasonability.

2.2. The Role of Congress

The proposal for a transfer pricing system in Brazil aimed to align the country's regulations with those of the OECD participating nations. Brazil has been involved in OECD taxation activities since 2010, with transfer pricing being a key part of the G20/OECD Project to combat base erosion and profit shifting. The importance of this subject is clear.

During discussions with the OECD, the Executive branch was responsible for proposing new transfer pricing rules. In principle, the Legislative branch could not alter these rules, as it would reject a condition to join OCDE, not aligning its price transfer system with the organization's model. However, in a democratic system, the Legislative can reject the Executive's proposals. This is precisely what happened with the transfer pricing rules, as the Legislative branch changed them. This alteration can lead to the OECD rejecting the new rules, difficulties for taxpayers to apply the arms-length principle or complications for the public administration overseeing the treatment.

Turkish Economic Review

The joining OECD process involves various steps that impact different groups, including those with the power to influence the Legislative branch through lobbying. The preferences of these individuals must be considered, and it is not easy for society or Congress to define the best choice when so many stakeholders are influenced by the measures. However, it is important to ensure that the concerns of all stakeholders are represented in the decision-making process and that the OECD accession process is fair and transparent.

Regarding public policy achievement, the Executive branch is typically the most technically prepared to make decisions. Albeit the Legislative branch has the authority to determine if a policy should be implemented, the decision about transfer pricing rules involves several technicalities that make the process for nonexperts very hard. This issue puts Congress at the mercy of interest groups, leading to decision-making bias.

This study aims to understand if the Brazilian Congress decides on other technical matters and if provides reasons for these resolutions.

3. Technical Matters

Technical approaches to regulation typically rely on objective evidence and mathematical calculations to anticipate events and make decisions about risks. As Baldwin, Cave, & Lodge (2012) explain, these approaches are often used in the implementation phase of public policies, as they can provide a more detailed and specific framework for action. However, technical approaches can also be politically contentious, as they may require the legislature to cede some of its decision-making power to experts. Wiener & Man (2019) also point out that technical approaches can be challenging, as they require a high level of expertise and operational flexibility.

Many people distinguish between legislation and regulation based on their sources. According to this viewpoint, legislation is created by legislatures, while regulation is created by the Executive branch and its bureaucracy. These two concepts have a clear division of labor, where legislation sets out the principles of public policy, and regulation implements these principles to bring legislation into effect (Kosti, Levi-Faur & Mor, 2019). In this perspective, judging regulators based on their success in fulfilling their mandates might seem like the proper approach. However, it is often challenging to state in precise terms what fulfilling their mandate should involve. This is because most regulatory statutes give regulators broad discretion, and implementing the mandate requires interpretation (Baldwin *et. al.*, 2012). So, even having established that a matter of a technical nature is found in a second-level regulation, it is still not fixed what should be in that second-level regulation. What is the limit between the norm edited by the legislature and its statute by the Executive branch?

Therefore, when it comes to democratic legitimacy, it must be considered how much involvement the Legislative branch should have in defining the specificities of rulemaking; because, if the legislature is too involved, it can potentially go against the principles of separation of powers and put minority rights at risk (Wiener & Man, 2019). The involvement degree can be established by shedding light on the regulation concept. The term "regulation" can be defined differently, from a specific set of commands to any state action influencing behavior. Ultimately, any mechanism affecting behavior can be considered regulatory, whether from the state or other sources (Baldwin *et al.*, 2012). There are various ways to regulate behavior, including laws, regulations,

Turkish Economic Review

standards, norms, market mechanisms, and self-regulation. This is a multifaceted and intricate concept that can serve different purposes.

As Kosti *et al.* (2019) note, the difficulty in the concept comes from the fact that it means different things to different people. This lack of clear definition implies, according to Wiener & Man (2019), a model of "Hollow Delegation" where primary legislation not only sets out the regulatory aims or policy outlines (which are directed at the delegated regulator) but also specifies the details of regulatory duties (which are directed at the regulated individuals) in a continuous manner. This means that the primary legislator does not delegate legislative powers to a regulatory agency within the Executive branch, but instead sets out detailed norms and rules in the primary legislation, leaving little or no room for the delegated powers to be exercised (Wiener & Man, 2019). In these cases, the Legislative branch assumes the entire prerogative to determine how constituents should act to the detriment of the preeminent expertise of the Executive branch to do so.

Thus, if the delegation of policy-making powers from the legislator to a non-majority body is a democratic necessity, in many cases there is a 'hollow delegation' whereby primary legislation is not limited to prescribing regulatory objectives or lines of policies, but also to stipulate the specifics and details of regulatory duties on an ongoing basis. In these cases, the regulator is relegated to relative inconsistency, with little or no space to exercise its delegated powers (Kosti *et al.*, 2019). Notwithstanding, the delegation of powers and discretion in regulatory rules elaboration can usually be explained by the high level of knowledge necessary to identify and achieve regulatory goals in several sectors. This requirement for information and expertise makes problematic the production of effective or efficient policies by elected politicians (Wiener & Man, 2019) even more so when the legislature does not leave room for the delegated power to work, implying a disruption of the separation of power model.

Although appointing another part of the government to do the over workload seems discretionary, there are dissenting points of view. The principle of separation of powers highlights the importance of considering regulatory delegation of power as a duty rather than a voluntary act (Baldwin *et al.*, 2012). Then, exists a principled obligation for Congress to trust experts to handle risk regulation and make decisions based on technical evaluations. However, the elected representatives seem to believe that risks are socially constructed, and regulatory priorities and policies cannot be left solely to the evaluations of experts. Instead, regulatory priorities and policies should emerge from democratic processes of debate and consultation (Wiener & Man, 2019), lacking the consideration between costs and benefits.

Besides considering the costs and benefits of any proposed rules, the policymakers need to account for non-efficiency values such as accountability and due process. Evaluations should focus on issues defined by policymakers and avoid getting bogged down in technical jargon. In addition, values that cannot be considered must be explicitly identified and addressed (Baldwin *et al.*, 2012). Regulatory and discretionary powers delegation from the Legislature to non-Majority Executive bodies may be necessary to avoid concentration of power in the Legislature. To assess the division of regulatory responsibilities is distinguished between three layers of regulatory arrangements: declaratory provisions, provisions that constitute the institutional design of the regulatory body, and guidelines that stipulate detailed regulatory rules and duties.

Turkish Economic Review

"Hollow delegation" occurs when primary legislation becomes heavily involved in the regulatory statement's third layer, which can undermine both regulation efficiency and legitimacy (Wiener & Man, 2019). And that was what was sought in analyzing the MPs' reports. Detailed rules and duties addressed to constituents in general. With this parameter, it was possible to draw a good picture of the competence of the Executive branch and what should be the competence of the Legislative branch.

4. Methodology

Technical matters, including transfer pricing, should not be discussed by Congress. It is important to understand if this is happening and address the matters appropriately to avoid hindering the Executive branch or citizens from applying the law. As was mentioned in the case of the transfer price system, the Brazilian Congress may not be the ideal institution to address technical matters. This section establishes the methodology used in the research, which sought to determine whether the Brazilian Congress voted on other technical issues, specifically those related to tax benefits. Additionally, the research aimed to identify the reasons that prompted the Legislative Power to make modifications when dealing with technical matters.

To classify the entire sample based on their essential characteristics, descriptive statistics were used, as suggested by Thomas (2021). Presenting a large amount of data in a clear and accurate format for easy understanding is essential. Descriptive statistics simplify a set of numbers into basic values and quantitatively describe the main features of the data set. However, descriptive statistical analysis has a limitation in that it only applies to a specific group of individuals, making it impossible to draw conclusions or assume similarities beyond this group.

Qualitative Content Analysis (QCA) is a qualitative approach used in this research to gain insight into how congresspersons vote on technical issues starting from a specific proposal group, the one dealing with tax benefits. QCA involves assigning categories to text passages as a means of interpreting the qualitative data (Mayring, 2014). This allows the researcher to understand the arguments put forth by congresspersons during the legislative process, and how they approach technical matters.

Language is a critical tool in politics, so the legislative process is an ideal context for observing the behavior of congresspersons (Grimmer & Brandon, 2013). The qualitative nature of QCA makes it well-suited to studying political work, as the context in which events occur is an integral part of the event itself (Schreier, 2012). Nonetheless, it is important to note that public documents from the legislative process may not always reflect the true motivations behind a movement. Therefore, this research project focuses on understanding a congressperson's legitimate reasoning, regardless of what is motivating them.

The legislative process being analyzed in this thesis is a Provisional Measure, which involves both houses of Congress and begins with the Executive branch enacting the rule. As such, the documents involved in this process include changes agreed upon by Senators and Deputies, as well as an examination of the norm made by the technicians of the Executive branch bodies.

It was collected Data from primary sources on tax benefits. Specifically, there were 3,697 propositions related to tax benefits that were proposed in 2011, 2015, and 2019. These propositions focus on tax incentives that the

Turkish Economic Review

government grants to stimulate certain economic activities. The goal of these benefits is to promote job creation, income growth, and economic development.

In contrast, transfer pricing is a calculation method used to determine the value of commercial transactions carried out between companies in the same economic group but located in different countries. The purpose of transfer pricing is to ensure that operations are conducted at fair prices and prevent profits from being artificially shifted to countries with lower taxes.

Both tax benefits and transfer pricing are strategies that companies use to manage their taxes and comply with tax laws. However, they may be subject to regulations and specific requirements that require technical knowledge.

During this research, the main emphasis was on propositions that dealt with tax benefits due to the similarities they share with transfer pricing legislation. Out of the 82 provisional measures related to tax benefits that were proposed over the 12 years covered by this research, those with reports were separated. This was done because some of the propositions were not evaluated by Congress and are not equipped with the report. After this separation, 67 provisional measures were analyzed. These reports provided valuable information regarding the proposal's assessment as well as any amendments suggested by both Houses of Congress.

The following research questions guided the research:

R1: Does the Brazilian Congress legislate matters that require technical expertise?

R1a: Does the Executive branch require Congress to deal with matters that require technical expertise?

R1b: What are the reasons given for the changes that require technical expertise made by Congress?

4.1. Sampling Strategy

According to Mayring (2014), even though qualitatively oriented studies frequently work with small samples, with single case studies, they need to describe and present arguments for the sample size and sampling strategy. The number of propositions treated in some way by the Legislature is immense. It would be impractical to analyze each one of them to understand the nature of the matter, whether technical or not. Thus, a subject was chosen that, if in principle it should be voted on by the Legislative Power, its specificities, the way it is regulated, it is a task that is best completed within the scope of the Executive Power.

A tax benefit is conceptualized in the Brazilian Constitution as any subsidy or exemption, reduction of the calculation base, concession of presumed credit, amnesty, or remission related to taxes, fees, or contributions (Brasil, 1988). This benefit can only be granted using a specific law that exclusively regulates the matters listed above or the corresponding tax or contribution. It is clear from the definition that a law is necessary to institute the benefit. What is not clear is what the Constitution considers to be "regulates"; therefore, the subject is interesting for research concerning competence in technical legislation. There is an evident competence to institute, but there is no explicit limit for how much the law must explain how this benefit should be applied.

5. Analysis Description

Between January 2011 and December 2022, 67 Provisional Measures dealing with tax benefits were analyzed by the National Congress in the form of a report. The 67 reports totaled 1,231 pages, in which 509 excerpts were coded. To these 67 PMs, 7,207 amendments were presented. At first, there seemed to be a relationship between the number of codes found in a document, the number of pages of the report, and the number of amendments made to its text. Thus, a correlation analysis was performed using Pearson's Correlation and Ro Spearman's Correlation. The idea was to see if the congressperson, when regulating (number of codes found), ended up justifying in more detail (number of pages of the report). Also, to determine whether the amendments presented impacted the analysis made in the report (number of pages) or whether it increased the probability of regulatory text (coded excerpts).

Concerning the relationship between the number of pages of the report and the number of amendments to the PM presented, the Pearson correlation coefficient is 0.5882 indicating a moderate strength positive linear. This means that as one variable increases, the other variable tends to increase as well, but not necessarily at a constant rate. The Spearman's rho correlation (also known as rank modification coefficient) is 0.40417. This also indicates a positive change between the number of pages (X) and the amendments (Y) and means that as the number of pages increases, it is likely that the corresponding number of amendments will also increase. However, there is not necessarily a linear relationship between X and Y - dynamics can be influenced by outliers or non-linear data. The dynamic magnitude (0.404) suggests that the relationship between pages and amendments is not strong enough to predict an accurate number of amendments based on the number of pages. The higher value for both numbers was 175 pages for 747 amendments, which was a single case that represents a PM that drove too much attention from the public and Congress, as a result, it cannot be considered as a model. Notwithstanding, there is still a statistically significant association between the two variables.

The interaction between the number of encoded segments and the number of presented amendments represents a Pearson correlation coefficient of 0.5503, indicating a moderate positive linear correlation between the two variables. It means that more excerpts were encoded as there were more amendments, but not to a perfect extent. The Spearman's Rho correlation is 0.17524, indicating a weak positive correlation between the two variables, meaning that as one variable increases, the other variable tends to increase slightly as well, but the relationship is not very strong.

Regarding the relation between the number of segments encoded and the number of report pages, a Pearson correlation coefficient of 0.9361 indicates a strong positive correlation. This means that there is a high degree of interaction between the two variables and as the number of pages increases more likely to encounter text alluding to the regulation of a technical matter. The closer the correlation coefficient is to 1, the stronger the correlation. Therefore, a coefficient of 0.9361 suggests a very strong relationship between the two variables. On the other side, Spearman's rho is 0,68125, suggesting also a strong positive relationship between the two variables being analyzed. This means that when there is a greater number of pages, the number of encoded segments tends to be greater as well.

After reading all 67 PMs, this researcher reached a list of codes that reflects the extent to which parliamentarians are willing to regulate public policies,

Turkish Economic Review

meddling in matters of a technical nature, and the reasons given for this intrusion, the List of Codes and Respective Number of Encoded Text are in Appendix 1.

The first code level fixes whether the segment is for or against regulation by the Executive branch. The second code level is divided into the text itself or the explanation for the passage.

At first sight, it is already easily detectable that not every regulatory text contains a reason. Many times, congresspeople legislate content of a technical nature without giving a reason.

When it has the defense to a regulation made by the Executive, this disparity is of a small degree. In these cases, 72% (36/50) of the texts were justified with reasons.

Instead, when you have a normative text arrogating the competence to regulate to the Legislative Power, there are fewer justifications employing reasons, then. Only 42,5% (126/297) were justified with the aim.

Another interesting number is that of documents where encoded segments are found. It is noticed that there is a text that refers to matters of a technical nature in most of the 67 PMs analyzed, and most of them are the legislature making the regulations to the detriment of the specialized body. Of the 67 MPs, 46 (over 68%) were coded with text contrary to regulation by the Executive branch. As 49 PMs were codified in some way, and only 18 were codified with text favoring regulation by a specialized body, there is an evident tendency of the Legislative branch to not delegate matters that require more significant expertise.

The congresspersons take a position through amendments and arguments set forth by the rapporteur in the PM's report. In this congressperson's reasoning, there is a higher frequency of arguments against delegation besides regulatory texts (amendments and Regulatory PM provision) than pro-delegation texts.

An analysis of the frequency of text codes on the documents revealed that pro-regulation amendments are relatively rare, with only 2 documents explicitly supporting them, accounting for only 2.99% of the analyzed documents. On the other hand, there were 5 documents explicitly against Executive regulation, making up 7.46% of the analyzed documents, indicating that there is some opposition to the Executive's regulatory proposals.

Furthermore, regulatory matters seem to be a significant focus, with 16 documents containing Regulatory PM provisions, making up 23.88% of the analyzed documents. The stance of the Rapporteur on Executive regulation is also noteworthy, with 5 documents showing the Rapporteur's opposition to Executive regulation with Executive support and 29 documents where the Rapporteur is against regulation by the Executive.

Finally, it is worth noting that 29 documents contain amendments that regulate, making up a significant proportion of the analyzed documents, at 43.28%. Overall, these findings suggest that the focus should shift to the relatively low occurrence of explicitly pro-regulation amendments, the presence of amendments against Executive regulation, and the significant proportion of Rapporteurs who are against regulation by the Executive.

There are a variety of different types of amendments and regulatory provisions at play in the analyzed documents. Thus, there are amendments that are explicitly pro-regulation, but with certain limitations or conditions attached. These are relatively infrequent, with only 5 segments falling into this

Turkish Economic Review

category. On the other hand, there are amendments that are explicitly pro-regulation without any limitations, which are more commonplace with 9 parts. The data also shows many amendments that aim to introduce regulations, with a frequency of 170 pieces.

Six segments correspond to the rapporteur against Executive regulation with Executive support, which means that the rapporteur opposing Executive regulation with backing from the Executive is relatively limited. Still, in 5 text slices, the rapporteur defends the ruling by the legislative (Pro-Regulation Amendment). And, in 31, the member of Congress (MOC) responsible for reporting the PM aligns with the Executive's stance.

Another interesting finding is that there is a relatively high occurrence of rapporteurs opposing regulation by the Executive, with 84 segments falling into this category. This suggests that there may be some tension between different branches of government or different stakeholders in the regulatory process. Further research would be needed to understand the underlying reasons for this pattern and how it relates to the legislative process on the whole.

Explicitly Pro-Regulation Amendment, with 9 occurrences, represents amendments that are explicitly pro-regulation, without any mentioned limitations. These amendments are more common than those with specified limits and the ones Against Executive Regulation that have a frequency of 5 segments.

There is as well the code Regulatory PM Provision, alluding to segments in the PM's reports that explicitly deal with parts from the PM that deals with regulations. With a frequency of 32 segments, this category is relatively prominent, indicating that a significant portion of the documents focuses on regulatory matters.

As mentioned before, the frequency of reasons given for texts that are for or against regulation in the analyzed Provisional Measures (PMs) is minor.

The code "Correct" Regulation of the Executive Body appears at 10 PM's reports. The reason provided for supporting regulation is to ensure the "correct" regulation of the Executive body. This suggests that some congresspersons believe that the Executive's actions need to be managed to ensure proper and appropriate governance.

Another code is Legislative Power's Competence which appears in one PM report. The reason given for supporting regulation is to assert the competence of the Legislative Power to take on regulatory responsibilities. This indicates that in this specific case, Congress is emphasizing its authority to regulate the matter.

Valuing Congressional Participation also shows up in one PM report. The reason provided for supporting regulation is to value and emphasize Congressional participation in the regulatory process. This suggests that at least one congressperson believes that active involvement and decision-making by Congress is crucial in regulatory matters.

The Efficiency of Public Policy is a code that turns up in 30 PM's reports. The reason given for supporting regulation is to enhance the efficiency of public policy. This indicates that a significant number of MOCs aim to improve policy outcomes through regulatory measures.

Transparency/Control of Executive Branch Acts rises at 9 PM's reports. The reason provided for supporting regulation is to increase transparency and control over the Executive branch's actions. This suggests that some

Turkish Economic Review

Congresspersons are seeking greater oversight and accountability in the regulatory process.

Distrust in the Executive Branch is a code that comes to light at 4 PM's reports. The reason given for supporting regulation is rooted in distrust of the Executive branch. This indicates that some congresspersons may be skeptical of the Executive's regulatory actions and prefer to have more influence and control through legislative involvement.

Taxpayers Control emerges in one PM's report; the reason provided for supporting regulation is to ensure taxpayers' control with regulatory matters. This suggests that the MOC aims to increase oversight over taxpayers.

Executive Branch Competence appears at 9 PM's reports. The reason given for regulation is based on a belief in the competence of the Executive branch to handle the matter. This indicates that some congresspersons may trust the Executive's ability to regulate without legislative intervention.

Based on the frequency of segments in each of the specified codes (reasons), additional findings regarding the distribution and significance of these reasons in the analyzed Provisional Measures (PMs) appears.

There are 14 segments classified in the code "Correct" Regulation of the Executive Body, suggesting that it is a relatively common consideration in the regulatory context. This reason implies a focus on regulating the Executive's actions to ensure proper governance and compliance with legal and policy objectives.

Only 2 segments were classified above the Legislative Power's Competence code, indicating that this aspect is not as frequently mentioned compared to other reasons. Nonetheless, it indicates that in some instances, the regulatory actions are being justified by asserting the legislative authority to regulate.

Even less common, the code Valuing Congressional Participation appeared 1 time, suggesting that this aspect is relatively rare in the analyzed PM's reports. It indicates that there may be limited instances where the need for active involvement of Congress in the regulatory process is explicitly emphasized.

The code Efficiency of Public Policy appears in a high frequency of 101 segments. This indicates that a significant number of MOCs justify their regulatory provisions by emphasizing the need to improve policy outcomes and the effectiveness of governmental actions.

There are 18 segments from the code Transparency/Control of Executive Branch Acts. While not as prevalent as the efficiency reason, it still suggests that a considerable number of MOCs address the need for greater oversight and accountability in the regulatory process.

Distrust in the Executive Branch shows up only in 5 segments. This suggests that some MOCs are explicitly motivated by concerns about the Executive's regulatory actions, leading to calls for more legislative involvement and oversight.

Taxpayers Control emerges only in 1 segment, indicating that there is a limited explicit focus on involving the public or taxpayers in the regulatory decision-making process.

The code Executive Branch Competence appears in 20 segments, suggesting that there are instances where MOCs justify their regulatory delegation based on a belief in the Executive's ability to handle the matter effectively.

Turkish Economic Review

The Qualitative Content Analysis that follows the initial descriptive statistics addresses two distinct characteristics in the MOCs' discourse. The first characteristic, arguing, describes how the MOC is for or against the delegation of a matter of technical nature to the Executive branch. The second characteristic, reasoning, addresses how the MOC justifies the arguing, and the motives for the action.

5.1. Text for or against the delegation to a secondary legislation

In this topic, the exam is on codes referring to texts in the reports that seek to regulate a matter at the level of the law and those that aim to take the minutiae to secondary legislation.

5.1.1. *Amendments explicitly pro-regulation with limits*

This code refers to Congress amendments to the text of the PMs (in this case, two PMs received this type of amendment proposal) so that public policy regulation was delegated to an Executive branch body, but this delegation was done with limits. Accordingly, although the MOC believes that specialists will better detail the public policy, it understands that giving total freedom could cause harm to society.

In the content of these segments, there is wording addressed to administrative bodies in order to establish the competence to oblige constituents in general as long as a deadline is not exceeded and is considered a characteristic. It also has text that determines regulation by the Executive, provided that some criteria are observed. Or authorization if a condition is met. Or the possibility of rule in the second degree if the requirement is met.

5.1.2. *Rapporteur defends pro-regulation amendment*

This code contains excerpts from the PM's reports in which the rapporteur defends the delegation of regulatory powers to specialized bodies.

In the content of these segments, there is the wording on the need to relativize the legal requirement in the form of the regulation. Also, it is argued that the excessive details in the proposed amendment are to the detriment of the second-level law. Additionally, assert favorable to increase the operational capacity of the body. Or that the rule contains the requirements of public policy. Or with the delegation of the ruling, operating authorization, and inspection.

5.1.3. *Rapporteur defends pro-regulation amendment for the Executive*

This code is very similar to the previous one, as the rapporteur also defends regulation. The difference is the reference to the Executive branch as more capable of carrying out public policy details.

In the content of these segments, there is wording about making clear the competence of the administrative government and in its best capacity to weigh the inherent risks. About how the insertion in the body of the legal norm of the composition and of the competence will generate problems in the future. Or minutiae are best dealt with in a decree. Favorable to the autonomy of the administration. Or secondary law aspects should not be at the primary law level. Technical matters must be periodically reassessed and cannot then be included in primary law. Regarding unnecessary detail in primary law. Or the subject is already dealt with by regulation. Concerning authorization to the executive branch to determine to whom the public policy applies. Dictating that complex matters must be arranged using secondary norms. Calls for the publication of a specific regulation to establish special simplified and priority procedures that facilitate public policy. Dealing with the manager will adopt

Turkish Economic Review

options that optimize the result. That eventual restriction can bureaucratize and make government action unfeasible. Or that a law is not needed to create a collaboration mechanism between the various administrative bodies. That the task of arbitration of values must be in regulation besides the non-opportunity in creating very rigid limits. Or that the primary law is not the place for specific requirements only relevant aspects should be included.

5.1.4. *Explicitly pro-regulation amendment*

This code refers to proposed amendments to the MPs' text that claim the delegation of powers. The interesting thing about all these amendment proposals, including those already analyzed in previous codes, is that they advocate a regulation that is not in the rule's original text. That is to say: the Executive branch made a law without providing regulatory powers to its bodies.

In the content of these segments, the wording on specific regulations holds the government agency's responsibility for authorization to operate upon compliance with requirements established by the agency. Includes transferring the determination of demands to an administrative rule. It declares the governmental body's responsibility to determine a public policy to resolve how affected citizens should act. It fixes that in providing public services must observe secondary law.

5.1.5. *Amendment explicitly against Executive regulation*

In these proposals for modifying the text of PMs, MOCs explicitly declare themselves against regulation by the Executive branch.

In the content of these segments, there is wording about the impossibility of creating criteria by the administrative body so that citizens can participate in government action, besides demanding a resolution by the Federal Senate to the condition's definition.

5.1.6. *Regulatory PM provision*

As surprising as this code seem it is what is written, the Executive branch itself is against the delegation of powers.

These segments contain wording about promoting the adoption of measures directly in the PM. It determines that only after the entire procedure measures will be taken. It links resource applications. It fixes how the manager should proceed. About requirements to be fulfilled to enjoy a state action. Regarding the deadline for tax collection. About rules of how citizens must proceed. Or how the taxpayer should perform a calculation. About when the taxpayer can opt for a procedure. Concerning the notification mode and the citizen's guarantees. On public service prices.

5.1.7. *Rapporteur against Executive regulation with Executive support*

Another surprise is when the rapporteur argues against the delegation to the government administration declaring the support of the Executive branch for this. It seems like a play on words to accept what cannot be refuted—the prominence of the Executive in a particular matter.

These segments contain words about tightening the government's control over citizens. Determining how citizens should act. Simplifying procedures performed by citizens. And regulating the issuance of bonds.

5.1.8. *Rapporteur against regulation by the Executive*

This code is like the previous one, only without the support of the Executive. So, it is the rapporteur taking a stand against the delegation.

These segments contain words about less bureaucracy in services provided to citizens, with procedural rules. About avoiding behavior from citizens

Turkish Economic Review

without depriving them of the freedom to act. Making mandatory a specific form of how the public agent should perform in society. Fixing the obligation of guarantees. Establishing what matters to the citizen-determined discharge of debt. Restricting the possibility of public administration acting with citizens. Putting in the law what is enshrined in secondary legislation. Increasing the scope of public policy with society without compensation. Creating regulation of rules to be followed by the taxpayer. Resolving how the citizen can act in circumstances that it specifies. Making the possibility of assessment by the government body more precise. It adds a fixed level to the interest rate. It sets inspection rules. It creates a certificate. It determines how the taxpayer must provide proof. Establishing the moment that the taxpayer can consider the perfect act. Setting a deadline for the use of authorization by the taxpayer. Proposing steps, terms, and documents elimination of taxpayers' processes. Requiring that the public administration does not recognize acts or legal transactions signed by the taxable person in certain situations. It makes clear the device of treaties. It fixes what can be considered gross income by the taxpayer. Broadening interpretation made by secondary legislation. It creates procedures for the exchange of aircraft. Allowing the public administration to remove aircraft. Exempting the professional who prepares the described memorial from submitting a note of technical responsibility. Fixing how the debtor can sell the property. Establishing periodicity and form of payment. Prohibiting license extension. Suspending Public Setting administration arbitrary proceedings. Updating public services provided. It installs site flexibility. It fixes amounts collected per cinematographic work.

5.1.9. Amendment that regulates

Regulatory amendments are proposed PMs' modifications dealing with matters of a scientific nature, which would be better dealt with by specialized bodies.

These segments contain words about the overpaid credit conversion. About the refund of the difference paid. Exempting from tests. Regarding the possibility of re-registration. Or the possibility of periodic renewal. Concerning the amount of ammo that can be acquired. Extending the use of the warranty. It makes the guaranteed requirement more flexible. Setting deadline. Demanding citizens to participate in state action. Changing the form of delegation. Fixing interest rate. Defining concepts for citizens. Stimulating studies. Providing for civil associations and cooperative societies. Including products in the regulatory standard. Determining how the public administration will purchase products. Establishing administrative rules that increase bureaucracy for taxpayers. Determining how the taxpayer should act. Restricting the products covered in public policy. Suppressing registration prerogative. It deals with the purchase and sale of gold in mining areas. It determines the public money allocation without demand from who will receive the contribution. It provides for fiscal and control analyses. Exempting from authorization renewal. Regulating profession. Including categories in the authorization. Ruling how to account for registration. Ruling term. Extending the payment of the outstanding balance. Modifying the ways to require installation. Providing the promotion of aircraft removal. Disciplining access to private areas adjacent to airports. Establishing the payment method. Establishing in which way the property inspection will be carried out. Determining how installation credits will be settled. Giving more coverage to the beneficiary's selection. Determining wide dissemination. Establishing the

Turkish Economic Review

form of publication of the act. Authorizing the purchase and sale of products. Ending the necessity to forward tax documents. Impelling the scale of the value of the property. Hindering the freedom of investigation administration. Taking care of matters specific to a regulation act. Allowing the term of discharge annotation. Providing conditions for the taxpayer's move. Requiring the provision of documents. Providing for the need for proof. Establishing authorization procedures. Determining the communication. Establishing procedures. Providing for non-suspensive effect. Arbitrating the institute structure. Waiving taxpayer consent. It obliges the acquirer to provide information. Regulating the internal control system. Establishing criteria for setting the parameters. Fixing minimum monetary correction values. Allowing installment. Obliging the taxpayer report. Making possible the issuance of a Declaration. Removing the limit that restricts the amount required to fulfill the commitment. Simplifying notification. Proposing rules for regularization. It institutes reimbursement to the creditor financial institution. Detailing of required documentation. It requires the geodetic coordinates' positional accuracy. It fixes two-way determination. It asks for a form of issuance of title. It fixes what is considered production. Allowing the insertion of up to three hours of local journalistic content.

5.2. Reasons for or against the delegation to secondary legislation

In this topic, the exam is on codes referring to arguments in the reports that seek to defend or to confront delegating a matter dealing with technical issues.

5.2.1. "Correct" regulation of the Executive body

An argument against regulation by the Executive branch, as it wants to correct what has already been stipulated in a second-level norm.

These segments contain arguments that claim for command in law, as it is in an administrative norm. A statement that calls for punctual adjustment. To make the characterization of embarrassment to inspection more precise. To clarify tax treatment. To ensure greater legal certainty. To withdraw infra-legal command that harms taxpayers. To correct the law misinterpretation made by the public administration. To bring confidence to public policy. To update procedures practiced by the public administration. Because there was forgetfulness in the correction of values. To carry out a correct verification.

5.2.2. Legislative Power' Competence

Here the reason lies in competence, which, in this case, would belong to the Legislative Power.

There are two segments in this code. Both reasons that only a strict census law may rule the issue.

5.2.3. Valuing Congressional participation

In this code, which was found only in one excerpt, the congressperson complains that removing the action from the Executive Power is valuing the Legislative Power.

Despite the honesty in the statement made, for obvious reasons, it does not serve as a defense for the competence arrogation that is best verified with the Execution Power.

5.2.4. Efficiency of Public Policy

Efficiency is an argument used to arrogate and delegate a public policy. Therefore, against delegation, the segments contain arguments claiming to reduce the documents required for a taxpayer act. For centralized control of

Turkish Economic Review

these acts. By eliminating procedural duplicity. To achieve the true legal purpose. To Exempt the taxpayer from conditions. To allow the taxpayer to act when is prohibited to act. To prompt publicity of the government action. So that the taxpayer does not incur risks. To simplify the procedures that the taxpayer must carry out. To make the normative command clear. To update the normative order. To provide authoritative knowledge of the internal and external repercussions of an act. To make enforcement effective. To modernize and streamline the use of public properties. To provide legal certainty. So that the public administration is not obliged to challenge or impose expendable resources. For the proper functioning of taxpayers' companies. To simplify. To fill gaps. For exploiting system synergies. So that there is no fraud. In order not to reward unproductive landowners. To publicize policy viably. So that the act respects the principles of economy and speed. To ensure sustainable economic exploitation. To induce gender equality. To eliminate case-by-case analyses. To perfect the conceptual base. To bring requisition on the taxpayer exemption. To release assets on behalf of the taxpayer. So that there is minimal control of the taxpayer's acts. To add mechanisms that contribute to management. To keep granting exemptions to those who need it. To reduce legal disputes. To provide more timeliness. To overcome bureaucratic obstacles. To develop the private credit market and provide a greater flow of funds. To standardize. To make editorial adjustments. So not to bring inconsistencies. So not to make the cost prohibitive.

In order to defend delegation, the segments contain arguments claiming to remove unnecessarily rigorous packaging. So as not to create effective problems in the future. Because it is necessary to relativize the legal requirement. To allow a periodic reassessment. Remove restrictions that are not recommended. In order not to leave tax residue. To ease requirements. To contribute with a greater operational capacity. To make the system more agile and secure. To remove unacceptable obstacles. For better achievement of public policy. For periodic evaluations to be carried out.

5.2.5. Transparency/Control of Executive branch acts

The Executive branch's act of transparency and control is another argument used to arrogate and delegate a public policy. Therefore, the segments contain reasoning against delegation, claiming a less restricted interpretation by the public administration. To know which contributors have been selected. So that there is no unjustified delay by the Public Power. To oblige the Public Administration. To set a deadline.

In order to defend delegation, the segments contain claims to make the selection more transparent.

5.2.6. Distrust in the Executive branch

Distrust is another argument used to arrogate and delegate public policy. Therefore, against delegation, the segments contain reasons pretending to avoid directions by the Public Administration through subjective requirements, referring the definition design and financial and contractual conditions to the legislature instead of the Executive. In order not to give the Executive a blank check, as this would imply excessive legal uncertainty.

Two excerpts in this code are in favor of the regulation by the Executive. One talks that the statute must obey the law. The other is to replace dispense for authorizing to exempt from responsibility.

Turkish Economic Review

Although they came up with arguments in favor of executive regulation, these assertions also restrict the discretion of the regulating body in charge of implementing the measures.

5.2.7. *Executive branch competence*

In this code, there are arguments by the MOCs concerning the competence of the Executive branch body. As to say, the delegation must take place because the parliament is not competent in the issue.

The segments contain reasoning to clarify the competence of the Executive Branch. Because details are better in the regulatory decree. As the autonomy of the administrative body should not be disrespected. Because detail is unnecessary. On account of the proposed detailing already finds shelter. Because it should be willing to use second-level norms. For no legal authorization is required for the matter.

5.2.8. *Taxpayers control*

The only excerpt in this code talks about a statute by an Executive body that must oversight and authorize the companies to work in a market. This argument suggests that as the sector becomes increasingly relevant, it is necessary to establish a regulatory framework that mandates companies operating within it to be authorized and inspected by government authorities.

6. Results Discussion

This section discusses the results of the two investigation types. At first, the focus is on the descriptive statistical research part. And, in a second moment, on the Qualitative Content Analysis part.

6.1. The Descriptive Statistics Discussion of the Results

The first part of this section is based on the results presented in the descriptive statistical research. The objective here is to give an overview of all documents scrutinized.

6.1.1. *Correlation between Pages and Amendments*

It's important to exercise caution when interpreting these correlation coefficients. While there is a statistically significant association between the number of pages and the number of amendments, the strength of the relationship is not strong enough to accurately predict the number of amendments based solely on the number of pages. Additionally, the presence of outliers, such as the PM's report with 175 pages and 747 amendments, can significantly influence the correlation results.

Overall, the correlation analysis suggests a relationship between the length of the report (number of pages) and the number of amendments to the PMs. However, the relationship is not deterministic, and other factors beyond the report's length may also influence the number of amendments presented. One probable cause is that, in some rapports, not all the modifications proposed by the MOCs are presented and analyzed. The rapporteur does not feel for scrutinizing its reasons to accept or reject these proposed amendments.

6.1.2. *Correlation between Encoded Segments and Number of Amendments*

The correlation analysis indicates a positive relationship between the number of encoded segments and the number of presented amendments. However, the relationship is not extremely strong, and other factors may also influence the number of encoded segments and modifications proposed in the reports. Likely, it is not always a technical matter that incites the MOCs to let their mark at the PM.

Turkish Economic Review

6.1.3. Correlation between Encoded Segments and Number of Pages

Both correlation coefficients indicate a solid positive relationship between the number of encoded segments and the number of pages in the report. As the rapport number of pages increases, there is a higher likelihood of encountering text related to a technical matter regulation, leading to a more significant number of encoded segments. Probably, the rapporteur feels the need to justify when the technical issue appears in the proposals or even when it wants to introduce this subject kind, making the page number increase.

6.1.4. Number of encoded segments for the Executive branch regulation (Relation Text/Reasons)

There are several possible reasons why congresspersons provide more justifications for regulation by the Executive. It could be a deliberate choice, assuming that the rationale is needed because the competence is being transferred. Alternatively, some members of Congress may want to control the Executive ruling, giving limits through the delegation rationale. They may articulate justifications to have a transparent legislative process. Additionally, differing views or approaches among congresspersons could explain the reasoning as a way to convince the MOC peers. Some may prioritize providing justifications for their defense, while others may not see it as necessary or may have a different understanding of the role of explanations in the legislative process. It is also important to note that the qualitative content analysis itself might introduce variability in the identification of justifications, as coders or researchers may have different interpretations or criteria for what constitutes an explanation.

6.1.5. Number of encoded segments against the Executive branch regulation (Relation Text/Reasons where encoded segments are found)

Based on the presence of a normative text in the rapport PM that arrogates de competence to regulate to the Legislative branch without the respective reason, it appears that Congress has taken on the responsibility of regulation in this context. This may result in fewer explicit justifications provided by the congresspersons, as they might consider the normative text as the basis for their authority to regulate. However, it is plausible that some members of Congress may have a different interpretation of the regulation and its implications and may not see the need to provide extensive justifications. Additionally, the lower proportion of explanations could even reflect differing views and approaches among the congresspersons, with some prioritizing explicit basis while others may not consider it necessary. It is important to note that the nature of the qualitative content analysis and the criteria used for coding justifications may also introduce variability in the study.

6.1.6. Number of documents (PM's reports) with text against the Executive branch regulation

Congress seems to assert its authority to regulate in many cases. This could mean that they prefer direct legislative involvement in specific policy areas rather than delegating regulatory powers to specialized bodies. However, the lower number of PM's reports favoring regulation by a specialized body suggests that Congress may not be as inclined to give regulatory authority to specialized bodies in the Executive branch. This may be due to concerns about accountability, control, or the complexity of the technical issues involved. Nonetheless, the existence of some documents with both types of text indicates that Congress may be adopting a mixed approach to regulation in certain cases. This recognition may reflect the understanding that some issues

Turkish Economic Review

require a combination of legislative decision-making and technical expertise from specialized bodies. Finally, the distribution of normative texts in the reports may be influenced by various contextual factors, including the nature of the policy areas, the political dynamics within Congress, and the perceived importance or sensitivity of the issues being addressed. Overall, the higher number of documents with text arrogating the competence to regulate to the Legislative Power could reflect Congress's confidence in its capacity to address specific regulatory matters directly.

6.1.7. Number of documents with encoded segments (Relation Text/Reasons where encoded segments are found)

It seems that Congress may not always provide explicit justifications for arrogating regulatory authority to itself, as evidenced by the fact that only 65% of Provisional Measure's reports with such text include reasons. However, when it comes to delegating regulatory authority to specialized bodies within the Executive branch, Congress seems to be more likely to provide justifications for doing so. This could reflect a greater emphasis on transparency, accountability, and the need to explain the rationale behind the delegation of authority. It's possible that Congress takes a more deliberative approach when delegating regulatory powers to specialized bodies, considering technical expertise, practical implementation, and the need to explain the benefits of doing so. The complexity of the policy areas being addressed may also play a role in whether or not Congress provides explicit justifications. Ultimately, providing justifications for delegating regulatory authority could enhance public understanding and scrutiny of the decision-making process, which is important when regulatory powers are being delegated to non-elected bodies.

6.1.8. Frequency of text for or against regulation in documents

The data suggest that regulation-related matters are prominent in the analyzed documents, with a notable presence of pro-regulation amendments and regulatory PM provisions. The stance of the rapporteur and the support for or against Executive regulation play significant roles in the legislative process. Further context and qualitative research would be valuable to gain deeper insights into the reasons and dynamics behind these patterns in the legislative decision-making process.

6.1.9. Frequency of segments of text for or against regulation

From the frequencies, it becomes apparent that there is a relatively high occurrence of rapporteurs opposing regulation by the Executive and a significant focus on amendments that introduce regulations. The frequency data provides insights into the distribution and prevalence of different types of amendments and regulatory provisions in the analyzed documents. However, further qualitative research and context would be essential to understand the underlying reasons and dynamics behind these patterns in the legislative process.

6.1.10. Frequency of reasons for or against regulation in documents

The frequency data provides insights into the reasons provided for supporting or opposing regulation in the analyzed PMs. It suggests that efficiency of public policy, transparency, and concerns about Executive competence and trust are recurring themes in the legislative decision-making process. Additionally, the presence of both coded and uncoded PMs highlights the importance of qualitative content analysis in capturing and understanding the underlying motivations and dynamics in the legislative context.

Turkish Economic Review

6.1.11. Frequency of segments of reasons for or against regulation

The segment frequency data follows the same logic as the frequency of reasons and provides valuable insights into the distribution and prominence of different reasons used to justify regulatory provisions in the analyzed PMs. It highlights the prevalence of efficiency as a primary reason for regulation, followed by considerations of transparency, Executive competence, and legislative authority. However, the low frequency of certain reasons, such as valuing congressional participation and taxpayers' control, suggests that these aspects may not be as frequently emphasized in the legislative process.

6.2. The Qualitative Content Analysis

This section discusses the results of the qualitative content analysis made. For this, each of the texts favorable or contrary to the delegation of a technical nature matters to a specialized body of the Executive branch is identified. Then the reasons for the text are explored.

6.2.1. Text for or against the delegation to secondary legislation

In this topic, the results discussed are on codes referring to texts in the reports that seek to regulate a matter at the level of the law and those that aim to take the minutiae to secondary legislation.

6.2.1.1. Amendments explicitly pro-regulation with limits

The analysis suggests that the solution lies in finding a balance between delegation and limits. Excessive limits imposed through primary legislation may hinder the responsiveness and reactivity of regulations to changes and developments, making it difficult to update policies promptly. However, completely unrestricted delegation could lead to potential risks and negative outcomes. The middle ground involves restricting the delegation only to the extent necessary to allow the Executive branch to effectively implement the desired state program without compromising its responsiveness to changing circumstances.

The conclusion drawn from the analysis is that finding this middle ground in the regulatory process is crucial. It allows for effective policymaking and implementation while also considering conflicting objectives and concerns among MOCs. By imposing reasonable limits on delegation, policymakers can strike a balance between providing the necessary flexibility for the Executive and safeguarding the public interest. This approach enables the responsive adaptation of regulations to change circumstances while still ensuring effective and responsible governance.

6.2.1.2. Rapporteur defends the pro-regulation amendment.

Epstein & O'Halloran (1999) present different reasons why MOCs may defend delegated authority. These reasons include considerations of electoral relations, the concept of a "regulatory lottery," and the delegation of authority to avoid conflicts and ensure effective policymaking.

Regarding electoral relations, MOCs may defend delegation to administrative agencies to utilize their expertise while focusing on serving constituents. Additionally, congresspersons may support delegation but remain ready to intervene if the regulatory process goes awry, demonstrating a sense of control over the process.

The concept of a "regulatory lottery" refers to situations where interest groups cannot come to an agreement during the legislative process, leading to the authority delegation to the government administration. This delegation can appease larger groups through regulations in the public interest, while

Turkish Economic Review

smaller, more concentrated groups can influence regulations in their favor. Delegation can also allow Congress to shift responsibility for unpopular policies onto regulatory agencies, especially when the policy has dispersed costs and concentrated benefits.

Nevertheless, it is highlighted that although efficiency is often cited as a basis for delegation, this doesn't mean MOCs are giving up their prerogative of regulating. Instead, they are choosing to give authority to certain regulatory functions to specialized bodies to achieve more efficient and effective policy outcomes.

In conclusion, the analysis suggests that MOCs, through the rapporteur, defend pro-regulation amendments that delegate regulatory authority to specialized bodies. Their reasons for doing so may include considerations of efficiency, operational capacity, alignment with public policy objectives, and addressing conflicts and complexities during the legislative process. While delegation can enhance policy outcomes, Congress retains its regulatory prerogative and may intervene if necessary. The overall goal appears to be finding a balance between efficient policymaking and retaining a degree of control and oversight in the regulatory process.

6.2.1.3. Rapporteur defends pro-regulation amendment for the Executive

The rapporteur's reasoning emphasizes the importance of clear administrative competence, efficient handling of technical details, granting autonomy to the administration, appropriate levels of regulation, periodic reassessment, streamlined procedures, and cautious delegation to prevent bureaucratization. These perspectives collectively aim to enhance the effectiveness and responsiveness of government actions in dealing with technical matters.

The analysis also touches upon the potential drawbacks of delegation. These drawbacks include the risk of the delegate (in this case, the Executive) becoming unaccountable and captive to special interests, potentially harming the public interest. Agency losses and costs are also mentioned, where the agent's choices may not align with the principal's preferences, leading to inefficiencies and additional expenses.

Furthermore, the analysis references Baldwin *et al.* (2012), who discuss various forms of control that regulators may be subjected to from external sources. These controls include legal requirements and objectives set by statutes, oversight from parliamentary bodies, external agency oversight, judicial review, complaints, and grievance-handling mechanisms, and reporting and publication requirements mandated by the government or Parliament.

Overall, the analysis suggests that the rapporteur supports delegation to the Executive, recognizing its expertise in handling technical matters. However, it also highlights the need to consider potential drawbacks and the importance of proper controls and oversight to ensure accountability and effectiveness in the regulatory process.

6.2.1.4. Explicitly pro-regulation amendment

The codes advocate for granting regulatory authority to the Executive branch in specific areas, even when the original PM text did not explicitly provide for such delegation. The amendments seek to establish clear regulations, guidelines, and standards for government agencies' actions while recognizing the Executive's role in determining and implementing public policies. Despite this, it is also highlighted that the Executive branch may have

Turkish Economic Review

reservations about receiving delegation due to concerns about the balance of power, accountability, and the desire to maintain executive decision-making authority. The reasons for the absence of direct delegation in the original PM text can be diverse and may involve various strategic and legislative considerations.

6.2.1.5. Amendment explicitly against Executive regulation

The amendments with the code "Amendment explicitly against Executive regulation" seem aim to preserve legislative control and prevent the delegation of regulatory powers to the Executive branch. The amendments emphasize the importance of democratic accountability and direct legislative involvement in decision-making processes. The opposition to delegation is rooted in concerns about representation and the need for the Legislative Power to have the ability to legislate on technical matters to stay connected with their constituents and effectively represent their interests.

6.2.1.6. Regulatory PM provision

The analysis discusses the rationale behind the Executive's use of PMs for direct regulation. Maybe, exceptional legislative powers for the Executive are necessary for effectiveness, especially in countries with fragmented party systems like many Latin American nations. Delegating legislative powers to the Executive can help overcome coordination issues and decision-making instability in the Legislative branch, leading to more stability and efficiency in policy results.

However, the use of PMs by the Executive should be subject to evaluation in terms of its impact on Congress's institutional interests and its influence on public policies. There should be a consideration of the gains and losses for both the Executive and Legislative branches when determining the extent of delegation. The nature of the policies and the learning process of both branches must be taken into account to assess the influence of Congress and the effectiveness of delegation.

In conclusion, the analysis suggests that the Executive's use of "Regulatory PM provision" might be a strategy to avoid conflict and achieve quicker implementation of policies. However, it also raises questions about the balance of power between the Executive and Legislative branches and the need to evaluate the impact of such direct regulation on institutional interests and public policies. The use of PMs by the Executive should be carefully considered and subject to scrutiny to ensure the appropriate checks and balances are maintained in the legislative process.

6.2.1.7. Rapporteur against Executive regulation with Executive support

There is a complex dynamic between the Executive and Legislative branches concerning the delegation of regulatory powers. The rapporteur's opposition to Executive regulation with Executive support indicates a significant agreement on certain matters. The use of delegation is strategic and can have both benefits and drawbacks, impacting Congress's capacity to pursue its objectives. The institutional solution to limit the President's prerogative indicates the challenges Congress faces in balancing its role with that of the Executive in matters of public policy and regulatory decision-making.

6.2.1.8. Rapporteur against regulation by the Executive

In this code, the rapporteur opposes delegating regulatory powers to the Executive branch and emphasizes the importance of defining clear objectives for public policy. The focus is on ensuring the efficacy of legislative actions

Turkish Economic Review

and avoiding excessive restrictions on citizens while providing necessary guidelines for public agents. The analysis also distinguishes this stance from the gray area of delegation, where the duty to delegate is necessary for effective public policy.

6.2.1.9. Amendment that regulates

The proposed amendments in the code "Amendment that regulates" deal with technical or scientific matters and involve specific regulations related to public policy. MOCs use amendments as a means of political negotiation and involvement in the regulation process. Despite the concentration of legislative powers in the President, the National Congress can still influence the political agenda and maintain balance in the Brazilian political system.

6.2.2. Reasons for or against the delegation to secondary legislation

In this topic, the discussions are on codes referring to arguments in the reports that seek to defend or to confront delegating a matter dealing with technical issues.

6.2.2.1. "Correct" regulation of the Executive body

The arguments in the code "Correct regulation of the Executive body" are against regulation by the Executive branch and advocate for specific corrections or adjustments to be made in administrative norms or regulations. The focus is on conducting evaluations based on defined objectives and considering alternative methods without becoming overly technical.

6.2.2.2. Legislative Power' Competence.

In the code "Legislative Power' Competence" the idea is that certain technical matters should fall within the exclusive domain of the Legislative Power, and strict census laws may be required to rule on these issues. The division of labor between primary and secondary legislation is emphasized as crucial for an efficient and effective regulatory system. However, clear standards to determine which issues belong to the Legislative Power's domain and which can be delegated to the Executive branch are necessary.

6.2.2.3. Valuing congressional participation.

The inquiry highlights that while valuing congressional participation is a legitimate concern, it may not necessarily serve as a sufficient defense for competence arrogation. The appropriateness of delegation should consider various factors, including expertise, efficiency, and the ability to achieve desired policy outcomes. Decisions regarding the delegation of technical matters should be made with a balanced perspective, recognizing the roles and strengths of different branches in the overall governance process.

6.2.2.4. Efficiency of Public Policy

There are different arguments put forth regarding competence arrogation and delegation in dealing with technical matters. They emphasize the importance of achieving policy effectiveness while considering the interests and capacities of different actors involved in the decision-making process. Finding solutions that are both feasible and beneficial for the greater public good requires careful consideration and collaboration among stakeholders.

6.2.2.5. Transparency/Control of Executive branch acts

The analysis emphasizes the importance of transparency and control in the actions of regulatory bodies, especially those within the Executive branch. Arguments against delegation accent the need for accountability and less restricted interpretation by the public administration. On the other hand, there are arguments for delegation, albeit less prevalent, suggesting that delegation can improve transparency. Effective control mechanisms are in

Turkish Economic Review

place to oversee regulatory bodies, ensuring they operate in the public interest. In general, concerns about transparency and control play a significant role in the decision-making process regarding the delegation of technical matters.

6.2.2.6. Distrust in the Executive branch

The analysis highlights concerns and arguments based on a level of distrust in the Executive branch's ability to regulate effectively and make policy decisions with proper representation and consent. The need for balancing mistrust with careful analysis of costs and benefits must be emphasized, along with the importance of maintaining a system where significant policy decisions are made with the consent of the people through representation and compromise.

6.2.2.7. Executive branch competence

Delegation to the Executive branch is often motivated by the recognition of its competence in handling technical issues. Delegating to administrative bodies allows for more detailed and effective policy implementation, ensuring that decisions are made by those with specialized knowledge and skills. This form of delegation is driven by the desire to avoid decisions made by unqualified individuals and to benefit from the expertise available within the government structure.

6.2.2.8. Taxpayers control

Taxpayers' control is a crucial aspect of regulatory measures in sectors dealing with technical issues. Delegating authority to the Executive branch enables the establishment of a robust regulatory framework that ensures compliance with the law and effective oversight of taxpayers. This form of delegation is considered convincing within the scope of the research and helps strike a balance between control and efficiency in regulatory implementation.

7. Conclusion

When it comes to matters related to the implementation of a public policy, it is generally agreed that agents from the Executive branch possess the technical expertise to make informed decisions. The question of whether a particular public policy should exist or not is a matter that falls within the purview of the legislative branch. However, the process of determining the specifics of a public policy can be a complex issue that can leave Congress vulnerable to the influence of special interest groups, potentially resulting in a decision that is not wholly representative of the public good.

After conducting a thorough discussion on the results of the analysis on the delegation of technical matters to the Executive branch, a range of findings were uncovered. Firstly, the frequency of each code used in the content analysis was recorded, providing an overview of the distribution of arguments for and against delegation. It was observed that certain codes appeared more frequently, indicating the prevalence of specific arguments in the analyzed texts.

Furthermore, the qualitative content analysis showcased a variety of arguments used in the reports regarding the delegation of technical matters. The texts presented different viewpoints, highlighting the complexity and multidimensional nature of the issue. It was evident that the decision to delegate or retain authority involves considering various factors and considerations, which was demonstrated through the range of perspectives presented.

Turkish Economic Review

The analysis identified several arguments in favor of delegating technical matters to the Executive branch, including efficiency in policy implementation, taxpayer control, and recognizing the Executive's competence in handling specialized issues. Delegation was seen as a means to streamline processes, enhance expertise, and achieve more effective policy outcomes.

On the other hand, the analysis also revealed arguments against delegating technical matters to the Executive branch. These included concerns about transparency, accountability, and the potential erosion of democratic representation. Some argued for maintaining the Legislative Power's competence in certain areas to ensure democratic control and prevent the concentration of power in one branch.

The content analysis highlighted the complexity of balancing different interests and concerns related to delegation. Policymakers must carefully consider the trade-offs between efficiency, expertise, transparency, and democratic accountability when deciding on the appropriate level of delegation. It was also emphasized that clearly defining policy objectives is crucial in evaluating the effectiveness of legislative proposals and regulatory measures.

The analysis pointed out the role of expertise and competence in determining delegation. In cases where the Executive branch is better equipped to handle technical matters, delegation may be seen as appropriate. However, concerns about competence also highlight the need for accountability and oversight.

Finally, the importance of public trust in government actions was stressed, as both the Executive and Legislative branches need to prioritize transparency, accountability, and responsiveness to maintain public confidence in the regulatory process. In conclusion, the combination of descriptive statistics and qualitative content analysis provided a comprehensive understanding of the arguments surrounding the delegation of technical matters to the Executive branch. Policymakers must carefully assess the context and objectives of each regulatory proposal to make informed decisions about delegation that best serve the interests of the public and the effective functioning of the government.

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