



HISTORY OF THE CURRENT CONSTITUTION OF THE REPUBLIC OF TURKEY: STAGES OF FORMATION AND ANALYSIS OF REFORMS

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Abstract: This article analyzes the historical development of the current Constitution of the Republic of Turkey, adopted in 1982, the influence of political and legal factors, the role of military coups, and the impact of constitutional reforms on democratization processes.

Калит сўзлар: Конституция, Туркия, давлат бошқаруви, ҳуқуқий ислоҳотлар, ҳарбий тўнтариш

Ключевые слова: Конституция, Турция, государственное управление, правовые реформы, военный переворот

Keywords: Constitution, Turkey, state governance, legal reforms, military coup

Аннотация: Ушбу мақолада Туркия Республикасининг 1982 йилда қабул қилинган амалдаги Конституциясининг тарихий ривожланиши, сиёсий ва ҳуқуқий омиллар, ҳарбий тўнтаришлар таъсири, конституциявий ислоҳотлар ва уларнинг демократик жараёнларга таъсири таҳлил қилинган.

Аннотация: В данной статье проанализирована историческая эволюция действующей Конституции Турецкой Республики, принятой в 1982 году, влияние политических и правовых факторов, роль военных переворотов, а также реформы и их влияние на процессы демократизации.

The current Constitution of the Republic of Turkey is the main document defining the political and legal system of the country. The current Constitution of the Republic of Turkey is the main document defining the political, legal, and administrative structure of the country. This Constitution, adopted after the military coup in 1982, played a decisive role in the formation of Turkish statehood at a new stage and the strengthening of the institutional foundations of the state governance system.

The constitutional development of Turkey began at the end of the 19th century, with the Kanun-i Asasi of 1876 and the subsequent Constitutions of 1921, 1924, and 1961 reflecting the historical stages of the tradition of statehood in the country. However, especially the 1982 Constitution, although adopted under martial law, holds a special place in Turkey's modern legal system as the longest-serving and most reformed fundamental law.

The adoption of the Constitution and its amendments were influenced not only by domestic political processes, but also by international pressures, adaptation to democratic standards, and integration processes with the European Union. Therefore, this article analyzes the historical foundations of the Constitution, the impact of military coups, the stages of democratic reforms, and the role of this Constitution in the political and legal system of modern Turkey.

The purpose of the article is to deeply study the conditions under which the current Constitution of the Republic of Turkey was adopted, what reforms were introduced into it, and how these processes influenced the statehood and legal modernization of the country. At the same time, the article highlights the peculiarities of constitutional processes in post-authoritarian states based on the experience of Turkey.

The constitutions of 1876, 1921, 1924 formed the basis of the Turkish form of statehood. Historical foundations of constitutional development

The constitutional system of the Republic of Turkey has historically developed gradually, and its roots go back to the first constitutional attempts in the Ottoman state. In general, the process of formation of the constitutional system in Turkey can be divided into four main stages: 1) constitutional movements in the Ottoman state; 2) the first constitutions of the Republican period; 3) Military coups and the acceptance under their influence constitutions;

4) Modern reforms and democratic renewal processes.

The 1876 Kanun-i Asasi was the first constitutional step.

In the Ottoman Empire, the Kanun-i Asasi (Asasî Kanun), adopted in 1876 by Sultan Abdulhamid II, was the first constitution in Turkish history. This document introduced a constitutional monarchy, established a parliament (Mejlis), and enshrined certain rights of citizens.

However, Kanun-i Asasi did not last long in practice - it was suspended by the sultan in 1878.

The second constitutional period of 1908 and the experience of parliamentarism.

As a result of the "Second Constitutional Revolution" of 1908, the Kanun-i Asasi was revived and put into effect in a new form. At this stage, elements of parliamentarism and political pluralism began to appear. In this process, the "Ittihad va taraqqiyot" party was formed as an important political force. At the same time, the desire for democratic governance mechanisms in the country has increased.

Constitutions of the Republic of 1921 and 1924:

With the establishment of the Republic of Turkey, a new constitutional era began. The first Republican Constitution, adopted in 1921, is a short and concise document based on the principle of "Tevaddun Law" (sovereignty), with the main focus on the ownership of state sovereignty by the people. This Constitution was adapted to the political realities of the national liberation struggle.

The 1924 Constitution defined the secular structure of the Turkish state, based on a unicameral parliament. According to this Constitution, religion was separated from the state, and executive and legislative power were concentrated in parliament. The Constitution strengthened the concept of the national state and served to centralize the state system.

Constitution of 1961 - the beginning of democratic reforms:

As a result of a military coup in 1960, a new Constitution was adopted in 1961. This Constitution was aimed at strengthening the principles of human rights, political pluralism, and the rule of law in Turkey. A bicameral parliament (Milli Majlis and Senate), an independent Constitutional Court, and the institution of the Ombudsman were created.

At the same time, conditions have been created for the development of civil society. However, this document also failed to eliminate political instability and military influence.



The 1982 Constitution is the fundamental law enacted under military control:

After the military coup in 1980, this Constitution, prepared at the initiative of the military authorities and adopted by popular referendum in 1982, placed great emphasis on state control, national security, and the supremacy of the executive branch. The Constitution strengthened the presidential power and reinforced the influence of the National Security Council and military-political structures.

In addition, restrictions were imposed on the activities of political parties and the freedom of the media.

The constitutional development of the Republic of Turkey was shaped by historical events, changes in the political system, and military coups. The evolution of the constitutional system constitutes a complex of processes aimed at the legal regulation of relations between the state and society, the protection of civil rights, and the democratization of public administration. These historical foundations create an important basis for a full understanding of the current 1982 Constitution.

Constitution of 1961 and its features

A bicameral parliamentary system consisting of the National Assembly and the Senate was introduced.

Analysis of the Constitutions of 1961 and 1982

Constitution of 1961 - a step towards democracy

The military coup in Turkey on May 27, 1960, became an important turning point in the country's political system.

As a result of the coup, the Democratic Party was removed from power, and a new Constitution was developed under the influence of military power. The Constitution, adopted in 1961, became the first pluralistic and fundamental human rights law in Turkish history.

The main aspects of the 1961 Constitution are as follows:

A bicameral parliamentary system (National Assembly and Senate) was introduced;

The Constitutional Court was created - an important step towards ensuring the rule of law in Turkey;

Civil and political rights were expanded;

Political pluralism and a free press were guaranteed;

Democratic institutions such as the expert council and the ombudsman institution have emerged.

However, practical difficulties arose in the implementation of this Constitution. Political polarization, economic problems, and military influence in Turkey hindered the strengthening of democracy.

2.2. 1982 Constitution - a return to centralized governance

On September 12, 1980, another military coup took place, and a military regime was established in the country. The military authorities managed the process of developing and adopting the new Constitution of the Republic of Turkey. The Constitution was adopted on November 7, 1982, through a national referendum.

Main features of the 1982 Constitution:

Presidential power was strengthened - the President acquired broad powers as Head of State and Commander-in-Chief of the Armed Forces;

The powers of the National Security Council have been expanded, the role of the military has been formalized;

Restrictions on political parties - restrictions on the financial activities, campaigning, and organizational activities of parties;

Restrictions on political activity and freedom of speech have caused widespread criticism in the field of human rights;

Independent judicial power was preserved, but the influence of the executive power on the appointment of judges increased.

Although the 1982 Constitution was adopted under the influence of military power, it was designed to ensure legal stability and centralize state governance in the country. This constitution is considered the longest-serving constitution in Turkey.

Comparison of the two constitutions

Feature Constitution of 1961 Constitution of 1982

Adoption Following a political coup, with broad discussion under military authority, centralized

System Two-chamber parliament One-chamber parliament

Human rights Comprehensive protection Limited, control in some areas

Presidential powers Symbolic Broad powers, head of executive

Judicial power Striving for independence Controlled, military influence significant

Mass Media Free Restricted, Censorship Available

The Constitutions of 1961 and 1982 symbolize two important stages in the history of Turkish statehood: the first is the pursuit of democratic reforms and the formation of political pluralism, and the second is the strengthening of centralized state governance and military control. Both Constitutions were adopted under certain historical conditions and served as a response to the political and legal processes in the country. Analysis of these two documents helps to understand the essence of constitutional development in Turkey.

1982 Constitution: Adoption and content

The Constitution, adopted in 1982 after the military coup, provided for a strong executive branch.

Main reforms and modern changes

Although the 1982 Constitution of the Republic of Turkey retained its significance after its adoption, its content and practical application were repeatedly reformed due to various criticisms and political-legal demands. These reforms are mainly aimed at strengthening democratic principles, expanding human rights,

ensuring the independence of the judiciary and adapting to the integration process with the European Union (EU).

2001 reform - rapprochement with the European Union

In 2001, large-scale amendments were made to the Constitution of Turkey. These reforms were carried out in order to adapt to the requirements of the EU and included:

Establishing the priority of international human rights agreements (amendment to Article 90);

Strengthening civil rights, such as freedom of expression, freedom of assembly and association;

Reduction of state control over the mass media;



Consideration of decisions of international human rights bodies in the judicial and legal system.

These reforms served to increase the international community's trust in Turkey's democratic system.

2010 reform - judicial and legal reform

Further fundamental reforms were introduced into the Constitution through a referendum in 2010. These amendments are primarily aimed at liberalizing the judiciary and expanding the constitutional rights of citizens, including the following key aspects:

Reforms in the procedure for appointing members of the Constitutional Court and the Supreme Court - the role of the executive branch and the president has been strengthened;

The right of citizens to constitutional appeal was introduced - this made it possible for citizens to apply directly to the Constitutional Court;

The powers of military courts were limited - the military judicial system was deprived of the function of supervision over citizenship;

Restrictions on the freedom of many trade unions and associations have been lifted.

These reforms brought political and legal reforms in the country to a new level and accelerated the democratization process in Turkey. 2017 reform - Transition to a presidential system of governance

After the military attempt in 2016, even more important changes were implemented in 2017 to ensure consistent political stability in the country. The following changes were made to the Constitution through the 2017 referendum:

The institution of Parliament and Prime Minister was abolished, and executive power was fully transferred to the President;

A presidential system of governance has been introduced, with the President functioning as the head of state, head of government, and the sole center of executive power;

The President's powers in the appointment of the Government have been expanded;

State control over civil society has been strengthened, and some rights have been restricted.

These reforms significantly changed the nature of the Turkish political system. Experts assess this process as a transition from a parliamentary system to a presidential republic. Some analysts positively perceived these changes, while others assess it as an unlimited centralization of power.

The reforms introduced into the 1982 Constitution reflect the process of political and legal development of the Republic of Turkey. In particular, the amendments made in 2001, 2010, and 2017 demonstrate how the Constitution is changing in accordance with the political dynamics. The experience of Turkey shows that the Constitution is not only a means of ensuring political stability, but also a system that ensures the constant change of democratic rights and forms of government.

Main reforms and modern changes

Through amendments to the Constitution of the Republic of Turkey in 2001, 2010, and 2017, democratic principles were strengthened in the country, mechanisms for protecting human rights were improved, and significant changes occurred in the institutional structure of public administration. These reforms were implemented not only in connection with domestic

political demands, but also in connection with Turkey's aspirations to join international organizations, including the European Union, and international human rights obligations.

2001 Reforms: Human Rights and Convergence to EU Standards

The amendments adopted in 2001 were implemented as a result of Turkey's desire to join the European Union. Amendments have been made to Article 34 of the Constitution, strengthening a number of democratic principles and human rights norms.

Specifically:

Article 90 of the Constitution has been revised, and it has been established that the norms of international law have priority over national law;

Legal guarantees of freedom of expression, assembly and association have been strengthened;

A number of restrictions on human rights and minority rights have been lifted;

The capacity of military courts has been reduced.

These reforms made a great contribution to the development of civil society in Turkey and its rapprochement with international standards.

2010 Reforms: Changes in Constitutional Law and the Judicial System

Through a nationwide referendum held on September 12, 2010, amendments were made to 26 articles of the Turkish Constitution. These reforms were particularly aimed at democratizing the judicial system and introducing the constitutional right of citizens to appeal:

Citizens were granted the right to directly apply to the Constitutional Court;

The participation of the President and parliament in the mechanism for appointing members of the Constitutional Court and the Supreme Court has been strengthened;

The supremacy of civil jurisdiction was ensured by limiting cases against military courts and citizens;

Administrative restrictions on the activities of trade unions, associations, and civil organizations have been reduced;

Such modern legal concepts as the rights of children, the inviolability of private life, and the protection of genetic information have risen to the level of constitutional norms.

These reforms provided a significant impetus for strengthening Turkey's democratic structure and were also positively assessed by the European Union.

Reforms 2016: Transition to a presidential system

After the 2016 military coup attempt, the issue of fundamentally changing the state governance system in Turkey came to the forefront. As a result of the nationwide referendum held in April 2017, the parliamentary system was abolished, and the amendments regarding the transition to a presidential republic were approved. The following changes have been made to the Constitution:

The institution of Prime Minister was abolished; executive power was fully transferred to the President;

The President gained the powers of appointing members of the government, forming state bureaucracy and administrative structures, issuing decrees, and dissolving parliament;

The number of seats in Parliament was increased from 550 to 600;

The President was allowed to become a party member;

Amendments were also made to the structures of constitutional control and administration in the judicial system.

These reforms transformed the Turkish political system into a single-chief executive model. Despite the criticism, in practice, these changes are aimed at increasing the effectiveness of governance, centralizing the activities of state bodies, and ensuring political stability.

The constitutional amendments of 2001, 2010, and 2017 contributed to the fundamental reform of democratic institutions, civil rights, and the governance system in the Republic of Turkey. These reforms, in accordance with the demands of the time, demonstrated large-scale transformations in the spheres of public administration, judicial independence, and human rights. The experience of Turkey shows that active and timely reform of the Constitution is of decisive importance for the political stability and democratic development of the country.

The Constitution of 1982 was formed on the basis of the complex interconnection of historical, political, and legal processes, and the Constitution of 1982 was formed on the basis of the complex interconnection of historical, political, and legal processes and is of great importance as a central document regulating the system of state administration, the legal institutional structure, and civil rights of the Republic of Turkey. Although this Constitution was adopted after the military coup to restore stability in the state and ensure centralized governance, it has been revised several times over the past decades and reformed in accordance with political, legal, and democratic requirements.

The constitutional amendments implemented in 2001, 2010, and 2017 were aimed at strengthening democracy in the country, protecting human rights, ensuring the independence of the judiciary, and adapting to the requirements of international organizations such as the European Union. In particular, with the transition to a presidential system of government in 2017, Turkey witnessed a historically fundamental change in its political structure.

At the same time, constitutional reforms have influenced not only the effectiveness of public administration, but also the formation and development of civil society institutions. The experience of Turkey, from the point of view of modern constitutional law, demonstrates what a central role the Constitution can play in the transition from an authoritarian system to a democratic state.

From this point of view, the history of the current Constitution of Turkey is of great practical importance not only for national legal development, but also for the study of international constitutional experience. Analysis of the ideas, mechanisms, and results of constitutional reforms can also serve as a valuable theoretical and practical source for other states.

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16. Reports of international organizations, human rights organizations - reports of such organizations as the European Courts, Human Rights Watch, Amnesty International on the Constitution and the practical state of human rights in Turkey.
17. Keywords - search in online journals, Google Scholar, or university databases with keywords about the names of both Constitutions (1961 Constitution, 1982 Constitution), "o'zellikleri," "eleştirileri," "değişiklikler," "reformlar," "anayasa mahkemesi," etc.
18. University repositories - Check the repositories of PhD/Master's theses on the websites of Turkish universities and law departments (e.g., YÖK-ULUSAL, üniversite açık bilim arş.
19. Find articles and journals in Uzbek, Turkish, and English on international scientific search tools - platforms like Google Scholar, JSTOR, HeinOnline, SSRN.
20. Selection by source quality - articles published in recent years (2000-present) and articles in peer-reviewed journals may be prioritized.
21. Check bibliographies - follow other sources listed in the bibliography section of an article or book found in one source..