

FOREWORD

TURKEY'S CONSTITUTIONAL AGENDA

The first Constitution of the Republic of Turkey dated April 20, 1924 has completed its 100th anniversary. Although the issue of constitutionalism is high on Turkey's agenda, the 1924 Constitution has been treated as a “forgotten” text by the main organs of the Republic: the legislature, the executive and the judiciary. Even those who embrace, promote and advocate the common principles of the Republican Constitutionalism have glossed over the 100th anniversary.

In fact, this glossing over is quite natural as far as the founders of the 2017 constitutional order are concerned, since they have rejected not only the constitutional and political legacy of the Republic, but also that of the Ottoman Empire.

Although the 1961 Constitution was drafted and implemented as a reaction to the 1924 Constitution, and the 1982 Constitution was drafted and implemented as a reaction to the 1961 Constitution, developments after 1987 made it necessary to reinterpret republican constitutionalism. The amendments to the 1982 Constitution, which began in 1987 and lasted until 2004, established the common principles of republican constitutionalism in general terms. However, the amendments that began in 2007 and ended in 2017 mark a rupture with constitutionalism.

In this respect, it can be argued that the constitutionalism of the Republic - in the sense of the common principles of 1924, 1961 and 1982 - came to an end with the adoption of the 2017 amendment in 2018. Consequently, one would not expect those who put an end to republican constitutionalism to celebrate the 100th anniversary of the first constitution of the republic.

Indeed, the constitutional agenda, which has been perpetuated after the 2023 elections with adjectives such as “civil, new and inclusive”, is very far from the definition of a “democratic and secular republic based on human rights” and emphasizes the goal of consolidating the 2017 order. The slogan used for the 2nd century of the Republic is a proof of this view: "Century of Türkiye"

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On the other hand, by rejecting the 2017 order and embracing the legacy of republican constitutionalism, the defenders of a “secular republic based on human rights” seek a return to a parliamentary regime with constitutional checks and balances. The slogan of the second century reflects this goal: “The Second Century of the Republic”.

However, the constitutional agenda is largely determined by the defenders of the “Century of Türkiye” and the genuine constitutional agenda is overshadowed by the so-called “coup constitution - civil constitution” narratives. This constitutional misinformation imposes the following duties and responsibilities on the defenders of the “democratic and secular republic based on human rights”:

- To disseminate accurate and authentic information on constitutional and political issues,
- To demand and constantly monitor compliance with the imperative provisions of the Constitution,
- To pursue the primary goal of focusing on the restoration of an accountable system of government - with constitutional checks and balances - through constitutional amendments.

In conclusion, the constitutional agenda should be seen as an opportunity to expose the constitutional disinformation and the hollowing out of the eternal clauses of the constitution by the 2017 order: The first condition for an end to the 2017 Order and constitutional reform in line with the minimum requirements of the democratic rule of law is, first and foremost, compliance with the current Constitution. Constitutional democracy cannot be built by constitutional disinformation!

Issue 25, with articles on current issues in constitutional law, is presented to the attention of readers and researchers.

Wishing you a pleasant reading!

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