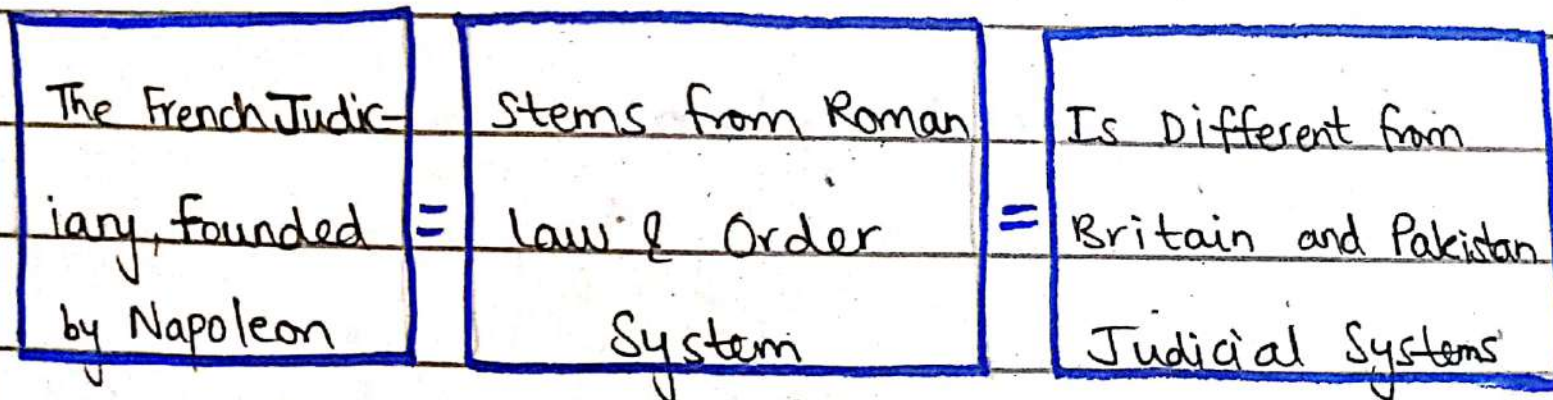


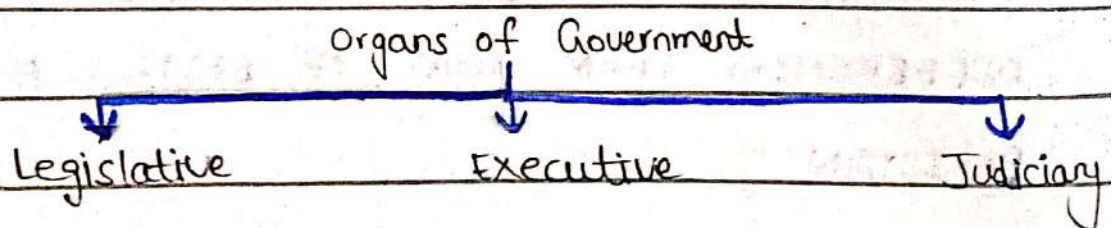
Q18. Describe the salient features of the judicial system in France. How it differs from that of the Britain and Pakistan? (CSS-2008, 2016)

Ans. I-INTRODUCTION: SALIENT FEATURES OF THE JUDICIAL SYSTEM IN FRANCE AND THEIR DIFFERENCES FROM THAT OF BRITAIN AND PAKISTAN



Generally government has three individual organs, that are the Executive, legislative and the Judiciary. French people do not recognize judiciary as an organ of the government. The French judicial system has a clear mark of influence of Roman law and order system. Its salient features are its system of civil law, unification of judicial system, codification, judicial and administrative courts, principle of collegiality, absence of Habeas Corpus, judgeship as a profession, etc., which are different from the judicial systems of Britain and Pakistan.

II - JUDICIAL SYSTEM IN FRANCE

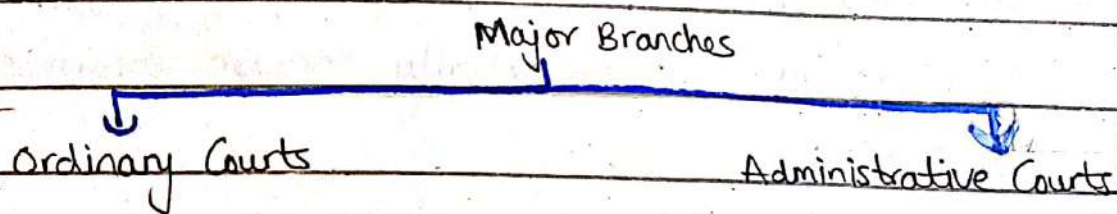


a) Judicial System

Historically, France was under the rule of Roman Empire. So, the French

judicial system stems from the Roman law. Its major portion of law is based on the French Civil Code which was developed in 1804 under Napoleon I.

b) Major Branches



French judicial system has:

1. Ordinary courts (for criminal and civil litigation)
2. Administrative Courts (which supervise the government and handle complaints)

c) Four Courts

The four courts of last resort are:

1. Court of Cassation
2. State Council
3. Constitutional Council
4. Jurisdictional Disputes Tribunal

III - SALIENT FEATURES OF THE FRENCH JUDICIAL SYSTEM AND ITS DIFFERENCES FROM THAT OF BRITAIN AND PAKISTAN

a) System of Civil Law

France has a system of civil law which was drafted during Napoleon's times. Britain and Pakistan have common law system which has evolved through consensus and precedents.

b) Codified Law

In France judicial system, laws exist in the form of codes. The credit for the codification goes to Napoleon. Britain has uncodified law, whereas Pakistan has codified law.

c) Distinction between Ordinary and Administrative Courts

French judicial system has two types of courts. The ordinary courts are for ordinary citizens while administrative courts are for administrative officials. Pakistan, India

and Britain do not have separate laws and separate courts.

Example: In Pakistan, India and Britain, the Supreme Courts and High Courts deal both ordinary and administrative cases.

d) No Separate Court for Civil and Criminal Cases

In France, each court can hear both civil and criminal cases (except Cassation Court). In Pakistan and Britain, there exists separate courts for civil and criminal cases.

Example: In Pakistan, civil cases are dealt by civil court and district court while criminal cases are dealt by Court of Magistrate and Session court.

e) Principle of College-Ability

In every court in France, several judges collectively hear the case and give judgment. This is known as the principle of college-ability and its aim is to give

fair and better decision. In France, a minimum of three judges hear the case. Britain and Pakistan does not have this system.

f) Absence of Habeas Corpus

The act of Habeas Corpus protects the rights of citizens, but in French Constitution there is no existence of Habeas Corpus act. The Constitution merely says: "No one may be arbitrarily detained."

In UK and Pakistan there is an act of Habeas Corpus.

Example: The law of Habeas Corpus in Pakistan is governed by Section 491 Code of Criminal Procedure, 1898. Britain also has established it in its legal system.

g) Jury System

Jury system is hardly seen in French Constitution. There are a few jury boards in France Judicial System, where it is present, it is made by twelve members from a long list of citizens, when the

members are divided into two equal decision then three judges declare the decision of the case on the basis of agreement. Britain has jury system but jury trials have been phased out in Pakistan since independence because of judicial and public dissatisfaction with their operation.

h) Judgeship is a Profession

In France, judges are not appointed from amongst the lawyers. A student of law in France has to choose for himself whether he would like to become a lawyer or to embrace the profession of a judge. For the appointment of judges, there exists a Higher or Superior Council of judiciary. In Pakistan and UK, judgeship is a profession.

i) Independence of Judiciary

The French judiciary is independent. Judges in France work under the Minister of the judicial department.

Higher Council of Magistracy has strengthened the judiciary. Judges are irremovable except the charges of gross misconduct on the recommendation of Higher Council of Judiciary. In Britain and Pakistan, judiciary is independent.

IV- CRITICAL ANALYSIS

In every country, judiciary is regarded as the third pillar of government. But in France, the French people do not recognize the judiciary as an organ of the Government. From their viewpoint, judiciary is the lower part of the French Government. It is due to this reason that in France, the weak judiciary resulted in the failure of four republics and four constitutions. Further, despite the stability of the fifth ^{republic} constitution and its judiciary, there still exists biasness in the form of ordinary and administrative courts. This is because special protection is given to officials for acts performed in their official capacities by the admin-

Administrative courts. (A.V. Dicey). Thus, for the success of any country, every one should be equal before the law as:

"By Allah, if Fatima, daughter of Muhammad, were to steal, I would have her hand cut off."

(Prophet (PBUH))

V- CONCLUSION

To conclude, the French judicial system stems from the Roman law and Napoleon is called the founder of the French judiciary. The French judicial system is different from that of Britain and Pakistan because of its features like the system of civil law, judicial and administrative courts, same court for civil and criminal cases, absence of habeas corpus, judgeship and lawyership as separate professions and so on.

Q19. Discuss the role of Army in the political system of Turkey. (CSS-2000).

Q. The predominance of the armed forces in Turkish politics. (CSS-2010)

Q. Critically analyze the role of military in Turkish politics. (CSS-2019, 2020)

Ans. I-INTRODUCTION: CRITICAL ANALYSIS OF THE ROLE OF MILITARY IN TURKISH POLITICS

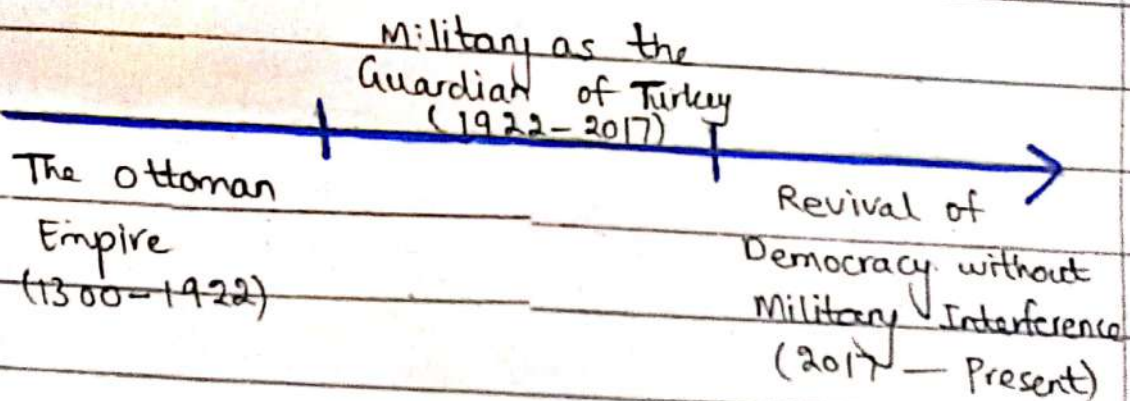
"The Turkish Armed Forces are the most effective guarantor of the Republic in Turkey, which is a secular, social, and lawful state."

(Former Turkish Army Chief)

The Ottoman Empire was one of the most powerful states in the world during the 15th and 16th centuries. World War I's failure of Turkey dismantled the empire and resulted in its abolition by Mustafa Kamal Atatürk in 1922, who was a Turkish military leader. Thus, military became guardian of

the state and got significant position in all sectors/domains. Later, Turkey's aspiration of joining the European Union was reciprocated by the decreased role of military and finally in 2017, the military's role other than defence came to an end, and Turkey still being not an official member of the European Union (EU)

II - THE HISTORICAL BACKGROUND



a) The Ottoman Empire and its Alliance with Germany

The Ottoman Empire is known as one of history's most powerful empires. It grew from a Turkish stronghold in Anatolia into a vast state that at its peak reached far north. The Ottomans did not

feel protected by their neighbouring British and French colonial powers, and after a series of victories by the German army in Europe against Belgium and France, Pasha felt the alliance with Germany would provide more protection and stability for the Ottoman Empire.

b) World War I and Fall of the Ottoman Empire

The Ottoman Empire, after fighting on the side of Germany in World War I suffered defeat, got dismantled by treaty and came to an end in 1922 when the Sultanate was abolished by Mustafa Kemal Atatürk, who proclaimed the Republic of Turkey the following year.

c) The Increased Role of Military after War

With the dissolution of the Ottoman Empire, the Army started to place itself in daily politics with administrative

motives. The 1930's Constitution declared military as the guardian of the state. The Army Chief was made the head of the National Security Council, permanent military courts for the trial of civilians were established, civilian institutions were to be headed by serving military generals. Two years military training was set mandatory for the membership of Turkey's Parliament and so on.

d) Military Coups in Turkey

The military, claiming to preserve the legacy of the state's founder, toppled four elected governments in Turkey: by coups in 1960, ^{and} 1980 and by military decisions in 1971 and 1997. It is said that along with the police force, the military controlled 90% of the country.

III - THE CAUSES BEHIND THE REDUCTION OF MILITARY'S ROLE

a) EU Membership

Turkey has been an applicant to accede to the EU since 1987 because both Turkey and the EU share mutual benefits in many areas, ranging from foreign policy, economic and trade relations. Further, Turkey borders two EU member states: Bulgaria and Greece.

b) EU's Demands

The EU's principles are completely opposed to military involvement in politics. EU demanded a modification in civil-military relations as specified in the Copenhagen criteria, which comprise of three distinct criteria: political, economic, and those related to the obligations of the EU membership. However, since 2016 accession negotiations have stalled. The EU has criticised Turkey for human rights violations and deficits in rule of law.

c) Introduced Reforms

The following reforms were introduced in Turkey in order to acquire EU's membership:

1. In 1987, the word ^{military as} guardian was omitted from the Turkey's constitution.
2. National Security Council was to be headed by a civilian President and number of civilian members were increased.
3. In 2004, last military court for civilian trials ~~were~~ ^{was} abolished.
4. ~~In~~ ^{From} 2007 onwards, civilian institutions were no more headed by serving military generals.
5. Military training for the parliament's membership was abolished.
6. After 2017, civil audit of defence budget started i.e., revival of democracy.

d) Current Situation of Military in Turkey

Now, military is inside barracks and only performs defence actions on president's orders.

e) Does Turkey Get EU's Membership?

Albeit not officially part of the European Union, Turkey is one of the EU's main partners and both are members of the European Union - Turkey Customs Union.

IV - CRITICAL ANALYSIS

"A government which uses force to maintain its rule teaches the oppressed to use force to oppose it."

(Nelson Mandela)

Every state has its own organ of government charged with specific responsibilities; like legislature is for making laws, executive is for implementing laws and judiciary is interpretation of laws. Similarly, military is also charged with defence. If any one domain deviates from its path, it will result in instability and chaos (history bears such

examples). In Turkey, the interference and strong-hold of military threatened democracy. Similarly, in Pakistan, the repeated military interventions in politics created severe instability and political crisis. The same happened in Egypt in 2013's military coup which implemented far worse oppression than any government in Egypt's modern history. Thus, for a stable and smooth running of a country, it is mandatory that each domain especially military should perform its own tasks. (otherwise a sense of autocracy is created).

"Man is born free and everywhere he is in shackles."

(J.J. Rousseau)

V- CONCLUSION

To summarize, the Ottoman Empire, created by Turkish tribes in Anatolia came to an end in 1922 under

Kamal Atatürk's leadership since 1922, military became involved in all sectors of Turkey. The Turkey's aspiration for joining European Union made it bound to reduce the role of military, other than defense. Thus, formally in 2017 the military's role in politics came to an end.

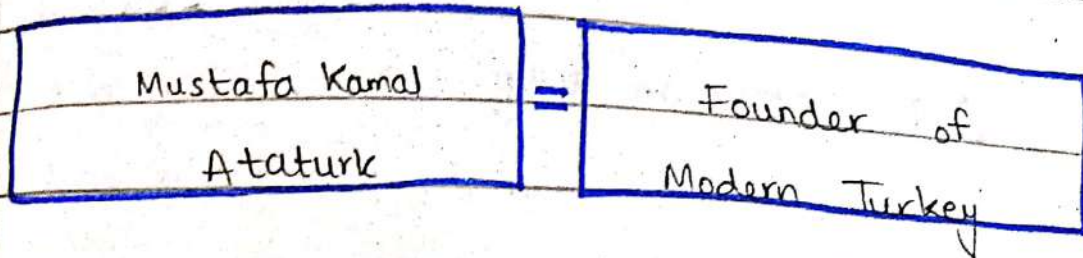
Q20. Mustafa Kamal's political philosophy provides stability and ideological foundations to the Turkish Political System. Discuss it. (CSS-2002)

Q. Role of Atatürk in building-up modern Turkey. (CSS-2005)

Q. Discuss six principles of Kamalism as the basis of Turkish political system. (CSS-2007)

Q. Analyze the role of Mustafa Kamal Ata-Türk as the first President of Turkish Republic with special reference to "six principles of Kamalism" to modernize Turkey on western pattern. (CSS-2008)

I-INTRODUCTION: ROLE OF ATATURK IN BUILDING UP MODERN TURKEY



The once great Ottoman Empire after facing defeat in the world war I, got dismantled by a treaty and came to an end in 1922. Mustafa Kamal Ataturk proclaimed the Republic of Turkey the following year and is known as the founder and first president of ^{the} Turkish Republic. He separated modern Turkey from its old Ottoman Predecessor by sweeping legal, social, cultural, political and religious reforms. Ataturk introduced the six principles of Kamalism which provides stability and ideological foundations to the Turkish Political system. These principles are: Republicanism, Populism, Secularism, Nationalism, Statism, and Revolutionism.

II - THE OTTOMAN EMPIRE, ITS FALL AND MUSTAFA KAMAL ATATURK

a) The Ottoman Empire

The Ottoman Empire was one of the mightiest and longest-lasting dynasties in world history. It grew from a Turkish stronghold in Anatolia into a vast state that at its peak reached far north.

b) Fall of the Ottoman Empire

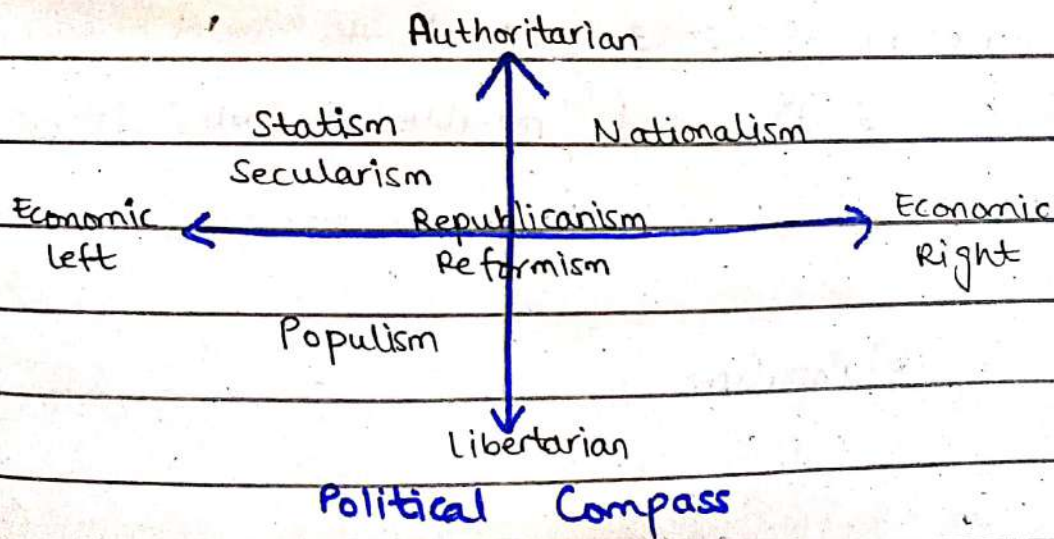
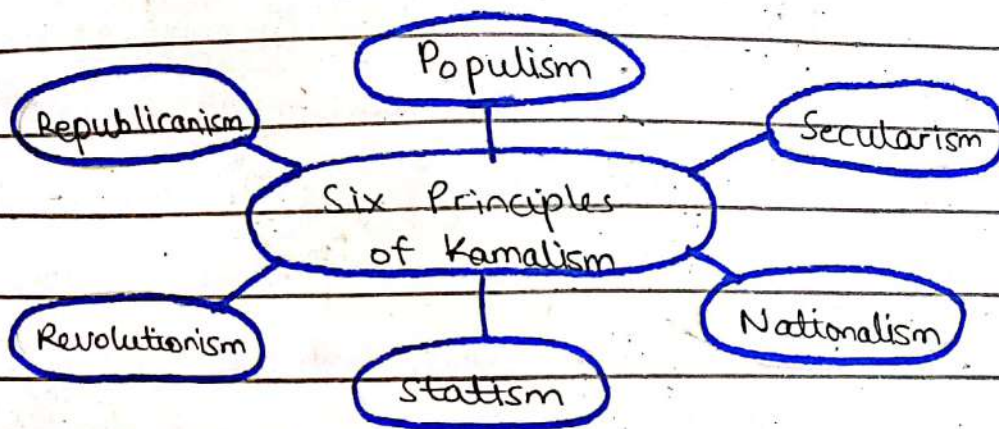
The Ottoman Empire, after fighting on the side of Germany in World War-I, suffered defeat, got dismantled by treaty and came to an end in 1922 when the Sultanate was abolished by Mustafa Kamal Ataturk, who proclaimed the Republic of Turkey the following year.

c) Mustafa Kamal Ataturk

Mustafa Kamal Ataturk was an army officer who founded an independent Republic of Turkey out of the ruins of the

Ottoman Empire. He then served as Turkey's first president from 1923 until his death in 1938, implementing reforms that rapidly secularized and westernized the Turkey.

III - SIX PRINCIPLES OF KAMALISM



Ataturk believed that the old political and administrative structure of the Ottoman Empire was to ~~be~~ blame for failure. So, he introduced the six principles of Kamalism.

as follows:

a) Republicanism

"Sovereignty belongs unconditionally to the people."

Republicanism means government through the will of the people, parliamentary elections, rotation of office and popular sovereignty. The beginning of the Republic in Turkey is usually dated at April 23, 1920, with the opening of the Grand National Assembly in Ankara.

Example: As of 2023, 159 of the world's sovereign states use the word "republic" in their official names.

b) Populism

Populism means democratic control by the people of internal politics. through the rule of law. Self-government, popularly elected leaders, and regular elections constitute "populism" in the Turkish sense. This revolution aims to ensure to the best interest

of the general public without limiting opportunities, individual rights, freedom, development and progress

Example: The introduction of universal suffrage in Turkey in 1934.

c) Secularism / Laicism

Secularism means complete separation of religion from state and its affairs. It means not against religious truth; but meant separating it from scientific and purely political matters.

Example: End of the domination of state by the Islamic officials, abolition of Caliphate and putting Caliph in exile, replacement of Arabic script by Latin, changing of the Call to Prayer to Ara Turkish from Arabic, etc.

d) Nationalism

"The folk which constitutes the Republic of Turkey is called the Turkish Nation."

(Kamal Atatürk)

Nationalism means an independent, powerful country free from foreign domination. Unlike the multicultural Ottoman Empire, the Turkish nation is distinct in culture, but it pledged to tolerate diversity in culture and religion and respect individual freedom and conscience.

Example: The displacement of Pan-Turkism and Turanism.

e) Statism

Statism refers to the mixture of private property/free enterprise economics with government control of major industries and regulation of the overall economy for the good of the whole country.

Example: State-owned manufacturing comprise major chunk of the Turkey's Gross National Product (GNP).

f) Revolutionism/ Reformism

Revolutionism means a continuous progressive change in any subject that are

interests of Turkish society to conform with modern civilization, better human conditions and progress. In this context, the reforms were made in three domains:

i) Legal Reforms

The abolishment of Shariat Courts, the replacement of Islamic law with European law, the incorporation of Swiss Civil Code as a replacement of Muslim Personal, Family and Inheritance law, etc., are all the introduced legal reforms.

ii) Social Reforms

The remodeling of cultural patterns and lifestyles, the recruitment of women in civil service (on a large scale), the banning of the symbolic Ottoman Dress Code for both men and women, making mandatory the wearing of western style dress code, etc.

iii) Administrative Reforms

The policy of administrative

centralism, the division of territory into new provinces, districts and other smaller units, the adoption of friendly foreign policy relations with eastern and western countries.

V - CRITICAL ANALYSIS

The decline of the once great Ottoman Empire started with the impact of Western capitalism in the 17th century. For the Turks, Mustafa Kamal was a liberator, a great reformer and builder of modern Turkey. He united his people in creating a new, progressive and proud nation, Modern Turkey. However, his opponents argue that he introduced aggressive secularism, violated many religious rights, forced western-oriented cultural assimilation. Currently, under the rise of Justice and Development Party (AKP), the Turkey is going back to Ottoman roots. Whatever the achievements or criticisms of Ataturk be, it is to be noted that if there would be no Mustafa Kamal, there would have been no Turkey and Turkish nation and they would be

parts of European powers.

VI - CONCLUSION

To summarize, Mustafa Kamal is known as the founder of modern Turkey. Following the collapse of ^{the} Ottoman Empire, he led the Turkish War of Independence, which defeated European powers who hoped to invade the crumbling empire. His six principles of Kamalism i.e., Republicanism, Populism, Nationalism, Statism and Revolutionism provided political stability and ideological foundations to Turkey. Thus, he is rightly termed as the "Ataturk" meaning "the Father of the Turks."

Q.1. Discuss the salient features of 1982 Constitution of Turkey. (CSS-2013)

Ans. I - INTRODUCTION: SALIENT FEATURES OF 1982 CONSTITUTION OF TURKEY

The 1982 Constitution with 2017 Referendum	=	Current Supreme law of Turkey
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The 1982 Constitution is the 4th constitution of Turkey since 1921. It was incorporated after the military coup of 1980 and ratified by the popular referendum of in 1982 during the Junta Rule. It was in-line with the concepts of principles of Ataturk. Its salient features are that it is written and codified, promotes secularism, protects fundamental human rights, and is a partially rigid, is of presidential form, and having a unicameral parliament. Later, in 2017, the constitutional referendum introduced 18 constitutional reforms in the domains of executive, legislative and judicial powers of the

president and in the parliamentary, electoral and judicial domains.

II - THE 1982 CONSTITUTION MAKING AND ITS SALIENT FEATURES

a) The 1982 Constitution Making

Following the operation carried out on 12 Sept, 1980 by the Turkish Armed Forces in response to a call from the Turkish Nation, the constitution was prepared by the Consultative Assembly, given final form by the Council of National Security, which are the legitimate representatives of the Turkish Nation, and adopted, approved and directly enacted by the Turkish Nation.

b) The Salient Features

i) Written and Codified

The 1982 Constitution is a lengthy document comprising of 177 articles divided into seven chapters.

ii) Secularism

Turkey has been declared a modern secular polity in which religious beliefs have nothing to do with politics.

iii) Protection of Fundamental Human Rights

The Constitution ensures the protection of fundamental rights to all without any discrimination.

iv) Turkish as the official language

The Turkish language has been declared as official language.

v) Constitutional Amendment

The Constitution of 1982 is partially rigid. The Grand National Assembly could initiate amendments with the support of one-third of its members.

Scenario 1: Amendments must be ratified by two-third majority of GNA.

OR

Scenario 2: Amendments must be put to public referendum.

However, it should be noted that Kemalist ideological and cultural reforms are exempt from alterations.

Example: The Constitution has been amended 19 times (16 via GNA and 3 via public referendum). 117 of the 177 articles of the Constitution of 1982 are amended overall.

2017 Constitutional amendment was very significant.

vi) Separation of Powers

The Grand National Assembly is the legislature (5-year term post-2017). The President has immense executive powers and had more influence in council of ministers than Prime Minister (Pre-2017 Constitutional Amendment). The President can block the way of legislation and can dissolve the Grand National Assembly. A comprehensive and well-knit system

of distinct military, administrative and state courts exist. There is also a balance between Parliamentary matters and autocratic rule. Example: The concept of courts is same as that of France (except France does not have military courts).

vii) Parliamentary to Presidential System

The Prime Minister and Ministers were part of the Grand National Assembly and PM was a majority leader. He was subject to the vote of no-confidence and accountable to the Assembly. However, in the 2017 Referendum, PM office was abolished and the system was changed to Presidential System.

Example: This was similar to the 1962 Constitution of Pakistan that changed parliamentary to Presidential form.

viii) Unicameralism

Constitution of 1961 declared legislature to be a combination of National Assembly and Senate. Constitution of 1982 abolished Senate and reduced Grand National Assembly into a single house. GNA members to be elected for a period of 4 years which was changed to 5 years in 2017 referendum.

ix) Rights and Obligations of Citizens

A list of fundamental rights has been incorporated in the 2nd part of the constitution. The underlying philosophy of fundamental rights has been made subservient to the requirements of justice, fair play and secular ideology of Turkey.

x) Right to Form Political Parties

21 years or older could form political parties which was reduced to 18 years age in 2017 referendum.

Political Parties Act:

1. No party on the basis of religion
2. Must adhere to secular ideology
3. Promote national solidarity.

xi) Proclamation of Emergency

Article 199 stated the power to declare emergency in National Disaster or Economic Crisis. Article 120 empowered Council of Ministers to declare emergency in situations of violence and chaos. The pre-2017 amendment, constitution had four types of extraordinary rule:

1. Martial law
2. State of Emergency
3. Mobilization
4. Situation of war

However, the martial law has been abolished and all other forms have been merged into single form of state of emergency since 2017 amendment to Turkish Constitution.

Example: The 2016-2018 Emergency declaration following failed coup.

xii) Imposition of Martial Law

Article 122 of the Constitution granted the military to impose Martial law under circumstances beyond the control of civil government. Martial law operates within the democratic constitutional framework. The Grand National Assembly approved the Martial Law. GNA was entrusted as competent to make alterations in the period of its enforcement or repeal it. It was abolished after the 2017 Constitutional Amendment.

III- THE 2017 CONSTITUTIONAL AMENDMENT

a) The Context

The 2017 Constitutional Amendment is one of the greatest transformations since the inception of the Republic. 18 Constitutional Reforms were introduced in this amendment. Since 2007 referendum

of electoral reforms, 65 fragile coalition governments changed. This referendum was made to avoid future political stalemates. It was passed with a close vote ratio of 51.4% to 48.6%. It minimized the role of military in the wake of failed coup attempt in 2016 and the purge that followed.

b) The Amendments

i) Parliamentary to Presidential System

This amendment abolished the post of the Prime Minister. Executive presidency was introduced and the President was to be directly elected. The President has maximum two years term with five years tenure. Example: Afghanistan, America, Belarus, etc., all have presidential systems.

ii) Executive Powers of President (Article 104)

The President is both the head of state and the head of government. He has the power to appoint and sack Vice Presidents and Ministers, power to

dissolve Parliament with the approval of three-fifth members and subject to re-election for the President too. He selects the vice-presidents. Turkey has no line of succession in case of no President. He also proposes the fiscal budget to the parliament.
Example: In 2022, Turkish President sacked statistics-chief as inflation tension escalated.

iii) Legislative Powers of President

President is freed from the Parliamentary vote of confidence. President has the power to veto the legislation.

To overcome a presidential veto, the Parliament needs to adopt the same bill with an absolute majority (301).

(Article 89). The president can call referendums and issue decrees to regulate the executive.

If legislation makes a law about some topic that President issued an executive order, decree will become invalid and parliamentary law become valid. (Article 104)

iv) Judicial Powers of the President

The President appoints 12 out of 15 members of the Constitutional Court (rest of the 3 by the ANA). He appoints four civil/administrative judges of the Council of Judges and prosecutors which has total of 13 members. The President can also request the Constitutional Court for the annulment of laws passed by the Grand National Assembly.

Example: The Constitutional Court of Turkey is analogous to the constitutional court of France.

v) Parliamentary Reforms

Laws of the Parliament to stand supreme over Presidential decree in case of clash. The Parliament can override presidential veto with absolute majority (301). Parliament seats are increased from 550 to 600. Parliamentary term is extended from 4 to 5 years. It can appoint 3 members of the Constitutional Council Court, and 7

members of the Board of Judges and Prosecutors. The parliament can vote to indict the president with a two-third vote (400) in favor. Parliament can investigate against Vice President and Ministers. Further:

1. Interpellation was abolished with Parliamentary Investigation. Parliament now detects Cabinet and Vice President with Parliamentary Research, Parliamentary Investigation, General Discussion and Written Question (Article 98).

2. Both President and Parliament can renew elections. If President decides on the renewal of elections, ^{its} ~~their~~ presidency will be over as well. Parliament can decide on the renewal of elections by $3/5^{\text{th}}$ (360) of the deputies. In either case, presidential and parliamentary elections will be held jointly (Article 116).

3. The Parliament can approve, extend, remove or shorten the emergency declared for no more than 6 months by the President (Article 119).

Vii) Electoral Reforms

Age limit for forming a political party and Candidacy for an election reduced from 21 to 18 years. Conditions for necessary military service was abolished. Individuals with relations to the military would be ineligible to run for election.

Parliamentary and Presidential elections are to be held on the same day with Presidential elections going to a run-off if no candidate wins a simple majority in the first round. Presidential candidates are required to have endorsement of one or more parties that won at least 5% votes in the

preceding parliamentary elections and 100,000 voters. The elected president no longer needs to terminate their party membership if they have one. The president cannot renew the elections while being investigated.

There is no term limit for MPs and there is two term limit for President.

Example: Erdogan became President in the 2014 election and was re-elected in the 2018

early election, which was held due to the constitutional amendment.

vii) Judicial Reforms

1. Military courts were abolished except the ones charging military personnel under conditions of war.
2. Presidential decrees subject to Judicial Review by the Constitutional Court.
3. Catch: President appoints 12 out of 15 members of the Constitutional Court.
3. Annulment of laws of Grand National Assembly by the Constitutional Court on the appeal of the President.

IV- CRITICAL ANALYSIS

The 2017 Constitutional referendum in Turkey brought changes which were necessary for a strong and stable Turkey and bring brought about an end to the unstable coalition governments that had dominated Turkish politics since the 1960s

up until 2002. However, its opponents argue that it is alleged that 1.5 million invalid ballots were accepted as valid in favor of the referendum. If it had not happened, the referendum would not have been passed. It was held under state of emergency. The increased role of President is also feared with his dictatorial tendencies, he can exert massive influence over the Parliament through hand-picked MPs, he also has a strong patronage in the Constitutional Council with which he can keep parliamentary legislation under his thumb. Although, the President has accumulated power but the checks and balances like Parliamentary override of veto, indictment of President and his cabinet and judicial review (though weak) make steps in favour of a stable democracy.

V- CONCLUSION

To summarize, the 1982 Constitution of Turkey is the current constitution

incorporated after the military coup of 1980.

It has significant features like it is written and codified, promotes Atatürk's principles, is presidential form and has unicameralism. The 2017 referendum introduced 18 constitutional reforms in order to stabilize democracy in Turkey. These reforms were in the domains of executive, legislative, judicial powers of the president and in the parliamentary, electoral and judicial domains.