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ASSESSMENT OF LEGISLATIVE FUNCTION WITHIN TURKISH DEMOCRACY

TÜRK DEMOKRASİSİNDE YASAMA FONKSİYONUNUN DEĞERLENDİRMESİ

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ABSTRACT: It is widely accepted that the written constitution period has begun with Constitutional Monarchy I. Basically, the constitution of 1876 is not the first constitutional document in Turkish history. It can be said that the Charter of Alliance is the first document of Ottoman Empire**.** In this article, we will analyze the legislative function of Turkey starting from the legislative documents of Ottoman Empire which constitute the base of current legal structure such as the Charter of Alliance (1808), Constitutional Monarchy I. (1876), Constitutional Monarchy II. (1908), the Constitution of 1921 (some argue that it is not a legal constitution), and then the legislative documents of Modern Turkey such as the Constitutions of 1924, 1961 and 1982. The focus of the article will be the formations of the constitutions and compatible and incompatible developments with democracy. The article will address the effects of international political system and internal developments within Turkish political system on the Turkish legislative structure considering the conditions of that time.

Keywords: Turkish Democracy; Legislative Function; Charter of Alliance; Constitutional Monarchy I; Constitutional Monarchy II; Constitutions

JEL Classification: K10, K40

ÖZET: *Türkiye'de yazılı anayasa döneminin I. Meşrutiyet'le başladığı geniş kabul görür. Temel olarak 1876 Anayasası, Türk tarihindeki ilk anayasal belge değildir. Osmanlı İmparatorluğu'nun ilk anayasal belgesinin Sened-i İttifak olduğu söylenebilir. Bu makalede, Türkiye'nin yasama fonksiyonunu öncelikle yakın geçmişteki Osmanlı'nın son dönemindeki temel yasal yapılanma olan Sened-i İttifak (1808), I. Meşrutiyet (1876), II. Meşrutiyet (1908), Kurtuluş Savaşı dönemindeki 1921 Anayasası (bazıları bu düzenlemeyi anayasa olarak kabul etmemektedirler) kapsamında analiz edeceğiz, daha sonra da Cumhuriyet dönemindeki 1924 Anayasası, 1961 Anayasası ve 1982 Anayasası'nın oluşumlarında demokrasi ile bağdaşan ve bağdaşmayan gelişmeleri demokrasi açısından inceleyeceğiz. Uluslararası sistemin ve Türkiye iç dinamiklerinin Türk yasama fonksiyonundaki etkilerinin neler olduğu o dönemin şartları göz önünde bulundurularak ele alınacaktır.*

Anahtar Kelimeler: *Türk Demokrasisi; Yasama Fonksiyonu; Sened-i İttifak; I. Anayasal Monarşi; II. Anayasal Monarşi; Anayasalar*

1. Pre-Republic Period Turkish Legislative Function and the Democracy

Clearly, it would be a mistake to take the proclamation of the republic as the beginning of Turkish legislative function. Therefore, we could start analyzing the history of Turkish legislation, i.e. establishment of the constitution and the history of

constitutional changes with the first constitutional document of the Ottoman Empire, namely, Deed of Agreement.

1.1. The Deed of Agreement (1808)

All of the reformist actions in the decadence period of the Ottoman Empire were performed under the effect of Western civilization. Consecutive military defeats lie in the roots of the reform actions which had started by the end of the eighteenth century. Therefore, the first reform attempts were in the military area. These developments, which had been described as democratic reforms, continued until the formation of constitutional order with the Deed of Agreement (1808) which had been put into effect with the efforts of the Union and Progress Movement supporters led by Alemdar Mustafa Pasha. The Deed of Agreement had become an important document in Turkish legislative function and in terms of constitutional movements.

This document, which had been established by military actions, is also the first of military movements that were to be effective in the formation of Turkish constitutions throughout the next period. The Deed of Agreement limited the authority of the Sultan on one hand; it empowered the *seigneurs* with authority on the other hand and it forced the Sultan to accept this authority as well.

Briefly, the Deed of Agreement is a bilateral operation from the legal aspect, a political contract which aims the organization of power share between the seigneurs referred as the senate and the Sultan. The seigneurs had both practical and regional powers. This document has two properties: first, the Sultan recognized the senate as a stakeholder and accepted to share the power even if this sharing was limited; second, the senate had the Sultan to recognize their independence. With the Deed of Agreement, Mahmut the II accepted his powers to be limited with respect to Anatolian and Rumeli senates. Therefore, the Deed of Agreement could also be regarded as the first document of "constitutional" management and transition to democracy (Gözübüyük, 1999: 104).

It can be said that, substantially, the Deed of Agreement is constitutional as a whole of written and customary rules which determines the establishment and function of governmental bodies and the basic rights and freedom of the individuals against the government. Formally, it cannot be said that it is a constitution since it is not a whole set of legal rules which is on the top of the norms hierarchy and which is not defined and changed by a superior method. Then, the Deed of Agreement is substantially constitutional, but formally not a constitution. According to this, it will be more appropriate to regard the Deed of Agreement as a "document which is substantially constitutional" rather than a constitution (Gözübüyük, 1999: 8-9).

When analyzed within the context of democracy, although it does not provide full participation of the public in the legislative process, it is a positive step in terms of limiting the power of the Sultan and some part of the public establishing a constitutional document together with the Sultan.

1.2. I. Constitutional Monarchy (1876 Constitution/Basic Law)

After the Deed of Agreement, the Rescript of Gülhane (1839) and the Edict of Reform (1856) are also constitutional documents in the Turkish legislative function.

With the principles given below, the Rescript of Gülhane clearly and undoubtedly shows that the power of the government is limited.

- Tax with respect to financial power (each individual pays a tax with respect to the estate and the ability to pay)
- Constitutionality of the government expenses
- Justice among Muslims and non-Muslims in military
- Reassurance about criminal adjudication
- Safety of life (security of life)
- Immunity of chastity and honor (protection of chastity and honor)
- Right to own property
- Prohibition of arbitrary arrest
- Assigning the Council of Judicial Ordinances in charge along with the Sultan for the preparation of the laws
- Superiority of the laws
- Fundamental rights declaration

Although this delimitation is regarded as the Sultan's delimitation of himself rather than an external delimitation (Gözler, 2000: 9-16), it is known that Western authorities forced the Sultan to do these reforms for their own people living in the Ottoman soil. Since the Rescript of Gülhane is not constitutional and it is a unilateral writ, it is not regarded as a constitutional document.

However the Edict of Reform was prepared in the final years of Crimean War because of external pressures and again it was legislated by Sultan Abdülmecid. This document proposed a full equity between Muslims and non-Muslims. The most important difference of this document from the Rescript of Gülhane is that non-Muslims were able to work as governmental officers with equal rights and they were given equal rights in education and administration as well (Gözübüyük, 1999: 107). In conclusion, we can say that the Edict of Reform is not a constitution but a movement of constitutionalism (Gözler, 2000: 16-19).

Following this period, the First Constitutional Monarchy period has begun with the publication of the Basic Law on December 23, 1876. Prepared by a "League of Specials" appointed by the Sultan, the Basic Law (Tanör, 1995: 111) is a constitution which was prepared by a board appointed by the Sultan with the compulsion of a limited group of people rather than by the nation or by a board representing the nation and was accepted and legislated unilaterally by the Sultan. One of the properties of this constitution is that monarchic and theocratic essence of the Ottoman Empire was not changed. The constitutions which were generally established as a result of the impact of military in the administration indicate the presence of military power in the establishment process of constitutions in the Turkish history. This process was realized in the final periods of the Ottoman Empire by the Committee of Union and Progress (İttihat ve Terakki Cemiyeti) while it has been realized in the history of Turkey by the army.

1.3. The II. Constitutional Monarchy (1908)

The 2nd Constitutional Monarchy, which is also regarded as the 1909 constituonal, has expanded the boundaries of human rights in the Basic Law and established the Turkish parliamentary government. However this was only formal. In fact, with the

1908 Sedition, the Ottoman administration had started to shift to the Union and Progress dictatorship; this shift had been completed with the Babiali Raid on January 23, 1913 (Soysal, 1969: 30).

Main target of the Union and Progress, which had completely acquired the power, was to facilitate abolition of the parliament and enhance their power. In the proceeding period, increasing despotism of the Union and Progress gradually left the constitution completely on paper (Eroğul, 1974: 29-30).

1. 4. The 1921 Constitution (The Law of Basic Organization)

Regarded as the constitution of the Independence period, the Law of Basic Organization became effective after nine months from the establishment of Grand National Assembly of Turkey (GNAT). With this constitution composed of twenty four articles, a new Türkiye Government based on the principle of sovereignty of the nation was constituted (Gözübüyük, 1999: 121).

This constitution has various properties: the constitution has adopted the principle of unity of forces and parliamentary government system. The government is called the Government of the Grand National Assembly and directly selected from the members of the assembly by the members of the assembly. As in the parliamentary system, the assembly has assumed the functions of legislative and executive organs. The assembly's suspending its studies has not been in question. The constitution regards participation of the public in administration as important, does not mention judiciary, and does not solve the problems of sultanate and caliphate (Gözübüyük, 1999: 121-122).

The 1921 Constitution is the most liberal and the widest (composed of just 24 articles) framework for constitution. When further constitutions are analyzed, it could be seen that they are more restrictive; therefore they will be considered together.

2. Republican Period: Legislative Function and the Democracy

Characteristics of the legislative function in the Republican period are that the public is not completely included in the process of establishing the constitution, and the army and a particular elite institution are effective in this process.

2.1. The 1924 Constitution

The Constitution dated April 20, 1924 indicates that the fundamental essence of the government is the republic. However, like the 1921 Constitution, this constitution as well accepts that the religion of the government is Islam and it does not make any amendments on this issue. The Constitution accepts the superiority of the Assembly and again, like the 1921 Constitution, it recognizes the unity of forces – separation of powers. Indicating that the judiciary is appointed to the independent courts, the Constitution briefly mentions rights and freedoms as well. There are no arrangements for securing the fundamental rights and freedoms mentioned in the Constitution, and the determination of the limits is left to the judicial organ's discretion. Classical rights and freedoms are listed and explained briefly, however, economical and social rights are clearly not mentioned (Gözübüyük, 1999: 125-127).

One of the most distinct characteristics of the 1924 Constitution is that, contrary to the 1921 Constitution, it is "rigid". In other words, changing the Constitution requires the application of very difficult methods. As a matter of fact, after the 1924 Constitution, constitutional changes have been performed by the military will rather than the political will.

Both in the periods of single party and multiple parties, it was tried to execute the Constitution without making any amendments. Clearly a Republic with one single party was not a property of the 1924 Constitution. However, societal developments occurred within these periods and attitudes of the leaders inevitably forced the amendment of the Constitution after the May 27, 1960 Coup which is a state of emergency.

2.2. The 1961 Constitution

All political, economical, and societal crises occurred in 1950s caused the May 27, 1960 Coup which is one of the decennial coups in Turkey.

Composed of thirty eight officers, the Committee of National Unity closed the GNAT, arrested the President, the Prime Minister, and members of the Cabinet, and established a new government many members of which were civilians. On June 12, 1960, a temporary law "on Cancellation and Amendment of Some Clauses of the Law of Basic Organization" was legislated. This temporary law placed the May 27 Coup on a constitutional basis. According to this law, the 1924 Constitution was conserved in its general form and some amendments were made in the Constitution.
The 1961 Constitution is longer and more detailed than the 1924 Constitution. It predicates the national sovereignty unconditionally on the nation and indicates that the use of this sovereignty will be realized by those organizations which are authorized according to the principles set by the Constitution. However in the 1924 Constitution it was indicated that the GNAT would use this authority itself as the single authority. Moreover, the 1961 Constitution, different from the 1924 Constitution, had made a clear and detailed arrangement about the right to vote where this voting was approved to be general and equal. According to this, elections would be free, equal, secret, and in accordance with the principle of universal direct suffrage. Another result within the context of democracy is the establishment of the Constitutional Court which controls the compatibility of the laws with the Constitution. However there was not such an institution in the 1924 Constitution and the Assembly was the single authority in the legislative function. The Assembly was not controlled in the legislative function as it was not controlled in other areas. The 1961 Constitution, which widely mentioned basic rights and social rights, prescribed a republican regime based on the grounds of laicism. Unity of forces principle left its place to separation of forces principle and legislative, executive, and judicial organs were differentiated in respect of their tasks and structures. However, this Constitution could not save executive power from being a derivative of legislative and did not acknowledge the executive as a single organ of authority. The 1961 Constitution, which introduced a complete parliamentary system, accepted a parliamentary system with two assemblies. Single assembly system before 1960 where the government had predominant majority was renounced and substituted by a two assembly system with National Assembly and Republic Senate (Gözübüyük, 1999: 137-139).

The 1961 Constitution was amended seven times; the first amendment was made in 1969 and the last one was made in 1974 (Eroğul, 1974: 146-168). Some of these amendments which introduced general and specific constraints on the system of freedoms contradicted with the democracy. For example, the clause (article 119) prohibiting governmental officers from joining trade unions. Increasing the importance given to the National Security Council which is an antidemocratic intervention of the armed forces (article 111); expanding the range of conditions that would require martial law and expanding the judicial area of military judiciary (article 138) were realized and the Military High Administrative Court was established (article 140). Moreover, the Constitutional Court, which was responsible for controlling the legislative function, could only analyze the amendments in the Constitution in terms of format (article 147) and State Security Courts were established for the first time.

Military dominated Turkish legislative function forced the Prime Minister Demirel to resign during the 1971 Cahier. An above-parties government was established with the support from the army and two radical changes were made in the 1961 Constitution. These changes were realized with the law no 1488 dated September 20, 1971 and the law no 1699 dated March 15, 1973. As we have already explained above, antidemocratic changes in the constitution restrained the development of Turkish legislative process.

2.3. The 1982 Constitution

On September 12, 1980 Turkish Armed Forces commandeered the administration of the country completely within the "rank and chain of command". The National Security Council composed of Ground, Air, and Naval Forces Commanders and the Commander of the Turkish Gendarmerie Forces abrogated the GNAT and the government, banned political party actions, and undertook the authorities of legislative and executive until new government and legislative organ were established (Dursun, 2005: 11-14; Gözübüyük, 1999: 143).

The first of the actions performed by the National Security Council was to establish a government on September 21, 1980 which was made of only civilians and responsible to the army (Dursun, 2000: 214-240).

A new constituent assembly was gathered for the new constitution to be established after the coup. This assembly assumed almost the same tasks with the constituent assembly of 1961. The 1981 constituent assembly which acted more systematically was designed with the law legislated by the National Security Council on June 29, 1981 so that the Council itself would also be included in the assembly. The Constituent Assembly composed of the National Security Council and the Advisory Council would perform the legislative function. The army was effective as it was in the 1961 Constitution and the authority of the National Security Council was wider than the authority of the Advisory Council. The final decision about the operations of the Constituent Assembly was given by the (NSC)National Security Council and at the same time, NSC was able to use the authority of legislative organ without the contribution of Advisory Council in case it was required.

The NSC period ended when the GNAT was gathered on November 24, 1983 after the November 6, 1983 elections and the establishment of Presidency Council on

December 6, 1983. However, the military had so much secured itself within the legislative function that the President of the NSC became the President of Turkish Republic after the coup. Members of the NSC were included in the Presidency Council which was established for six years (Gözübüyük, 1999: 145-146).

2.4. The Similarities and Differences between the 1961 and the 1982 Constitutions

It is a common fact that the 1982 Constitution overprotected the military and a president who did not get along with the Armed Forces was never to be appointed the position. Within this context, the president who had a considerably wide range of authority in the legislative function took almost no responsibility. As it is indicated in the constitution, election of the president by the GNAT alienates the president from the public. In fact, election of the president by the public (as it is done in the Presidency system) will be a development which has the possibility of realization in time. On the other hand, decreasing the authorities and increasing the responsibilities of the president on legislative, executive, and judiciary will end the presence of a presidency disconnected from the politicians who are the representatives of the public or from the public itself and executive will become stronger.

If the similarities and differences between the 1982 Constitution and the 1961 Constitution were to be analyzed systematically for one more time, we could say the following;

Both two constitutions were established as a result of military interventions and by the Constituent Assemblies some part (an important part) of which was composed of the members of the council performing the military intervention (the National Unity Commission and the National Security Council) and the civilians (the Assembly of Representatives and the Advisory Assembly). Civilian wing of the members of this Constituent Assembly were not appointed the task by election in both constitutions establishment processes. However, representative power of the 1961 Assembly of Representatives were better than that of the 1983 Advisory Assembly because in the Assembly of Representatives two political parties (CHP and CKMP) other than DP contributed to the establishment of the Constitution (in 1961). However, none of the political parties participated in the drafting of the 1982 Constitution. The two constitutional texts were presented to the referendum and accepted (Özbudun, 1993: 60-70). However, while the 1961 Constitution, which answered the question of what would happen if it were not accepted, prescribed that the Assembly of Representatives would be elected and the studies for drafting of the constitution would restart; the 1982 Constitution did not answered this question at all. Therefore, it suggests that the military authority would stay in the government for some more time in case the Draft Law was declined (Tanör, 1994: 105). By the way, as an antidemocratic practice, the civilian wing did not have authority regarding establishment and abolition of the Cabinet in both two legislative processes (though the legislative processes were all antidemocratic in themselves) (Özbudun, 1998: 30-31).

The military secured itself more strictly in the 1982 Constitution than the 1961 Constitution, and they increased their authority in the government. Within this context, the 1982 Constitution stipulated that the laws made within this period could

not be claimed that they contradicted with the constitution and the members of the government in that period could not be tried (article 3 of the Law no: 2324, Gözler, 2000: 81). Therefore, an action such as the 1971 Cahier following the 1961 Constitution was not required, and the February 28 period was slid over without becoming a cahier.

The amendments made in the constitution have continued from May 17, 1987 (Gözler, 2000: 89) until today and these amendments will continue within the process of joining the European Union. What is required within this period is the establishment of a new constitution. The issue why a new constitution is not established coincides with the issues where democracy is in a deadlock.

Turkish legislative function was not realized in a democratic process within normal measures (because of external pressures, military impact etc.). When we analyze the establishment of constitutions in Turkey we always see that they were drafted by the military in states of emergency. Even if they were approved by parliaments, this approval was not based on legal ground and was not adopted and internalized by the society.

One of the fundamental problems of the Turkish legislative function is that constitutions and the legislation are not institutionalized. One of the main reasons for this is the fact that politicians were arrested and hanged in the periods of coup and there is a strong fear from the military. Today, one of the focal points of these discussions has been established by the ideas that there is no concordance among the institutions and the parties will not agree on establishing the constitution. If we assume that the parties agreed on establishing a new constitution, can a new constitution really be drafted and accepted? This is impossible without the approval of the military. On the other hand, the representation problem in the constituent assembly is another obstacle for establishment of a new constitution.

From another perspective, those who objected the 1982 Constitution were the left parties. However when we analyze the point that we arrived today, it is observed that the part of the society who defend the constitution the most are the people with left view. All these are the paradoxes in the test the Turkish legislative function is taking throughout the history of Turkish Democracy. It will not be easy at all to overcome these paradoxes; however, at least, the effort required for the establishment of a new constitution which is needed by Turkey in the European Union accession period should be made and the way to obtain an important place in the globalized world should be opened by the internal dynamics.

3. The Latest Period: Legislative Function in Turkey

Suggestions of the government that supports changing the 1982 Constitution of the Turkish Republic and establishing a civilian constitution could be summarized under three headings in general. The first are the amendments expected by the Europe to be realized in the EU reform process, the second are the amendments including the structure that prescribes the militaries being tried in civil courts, and finally the third are the amendments regarding the political parties and the structure of the assembly. The absence of a civil constitution in Turkey has always been felt, however each new constitution has been realized after a coup. Although the developments in the recent period seem to be positive within this context, a constitution which is not

drafted by a particular group of parties but which is a total of decisions made by all members of the assembly will meet the expectations of Turkey.

On top of the amendments anticipated in the EU reform process is the "positive discrimination" which means "the precautions to be taken in order to protect those in need of special protection such as children, elderly, and handicapped do not contradict with the principle of equality". In the methods regarding the protection of personal data, individual's being able to request the right over this data is an important development that could be analyzed on the basis of "transparency" principle. Again, the new arrangement that would require the judge's order and criminal investigation conditions on the restriction of a citizen's right to go abroad is an important development in terms of citizenship rights. Besides personal rights, the constitution brings new arrangements regarding the protection of the family and the rights of the children. Within this context, the constitution prescribes that precautions protecting the children against child abuse, sex offences, and violence should be taken. Moreover, governmental officers and other public servants are entitled the right of collective agreement. The final amendment in the EU reform process is the arrangement of the citizens' rights to obtain information along with the right to petition and to apply a public auditor. Within this scope, the arrangement regarding the election of Chief Public Auditor is also present in the draft of constitution.

The judicial arrangements that we can analyze under the second heading establish the most important part of the civil constitution. According to the arrangement which allows civil trials of the military, all judicial services are audited by the Ministry of Justice. The Constitution allowing the civil trial of the military, at the same time, removes the clauses of the 1982 constitution which indicate that civilians can be tried in military courts in case martial law is in effect; moreover, this new constitution states that civilians' being tried in military courts could only be allowed in war times. According to the draft law which requires the Constitutional Court to be composed of 17 members, the members will be elected for a period of 12 years and 3 members will be selected by the GNAT where the remaining 14 members will be selected by the President. In the appointments of the President, three members from the Supreme Court, two members from the Council of State, one member from the Military Supreme Administration, three members from the academicians, five members from the lawyers and Constitutional reporters will be selected.

It has become possible for the General Council to request for a reassessment of the High Council decisions. It is proposed that the Supreme Council of Judges and Public Prosecutors has 21 primary and 10 reserve members and again the decisions of the Council other than "those regarding the penalty of relieving of profession" cannot be appealed in judicial authorities. The draft constitution proposing the removal of the temporary article 15 of the 1982 Constitution aims at making it possible to try the actors of the September 12 coup.

Finally, the arrangements regarding the closure of political parties and relieving of deputy tasks have gained negative reactions from the opponent parties in the assembly as it is the case in many of the other proposals for amendment. According to the draft law which leaves the financial audit of political parties completely to the Court of Accounts, a trial might be issued with the request from the Supreme Court

of Appeals Prosecutor and a permission of the Commission which would require the hidden votes from the 2/3 majority of the number of members. The commission will be constituted in the presidency of the assembly president and the political party will be represented by five members. The government making it more difficult to close political parties and connecting it to the decision of a commission with equal distribution in the GNAT has not again been considered positive by the opponent parties. The expressions of "permanently" closing political parties and the prohibition on the construction of the same party under another name have also been removed. Instead of this article, the restriction on the members of the closed political party about becoming the founder, member, director, and auditor of another party for 3 years instead of 5 years has been proposed. The articles on relieving the deputies of their mission if their political party is closed have also been removed from the constitution.

The opponent parties claiming that it has become difficult to close the parties in power rather than all political parties in general are against the referendum on all articles of the proposed civil constitution which may take place in June. The demands of MHP and CHP, which are the opponent groups, include removing the immunities of deputies, removal of the temporary article 15 and not changing the independence of the judiciary.

Standing on an important turning point in terms of legislative function, Turkey will sign on a societal development with the civilian constitution beyond reinforcing her relationships with the EU. However, the GNAT should be able to act together in this important arrangement to be done for Turkey. Neither the government should consider the interests of Turkey in the secondary plan by using its authority of power, nor should the opponents act solely on the basis of future elections. Within the framework of consensus, by serving only to the interest of Turkish people and the Republic of Turkey, Turkey should hopefully see through its future where legislative, executive, and judicial organs are able to perform their duties separately.

Conclusion

The place of the legislative function in the History of Turkish Democracy is just about the constitutional establishment after the interventions to the democracy. Turkish Constitutions, which were established under states of emergency, were continuously drafted by the military including the final period of the Ottoman Empire. Clearly, the fact that we are a military originated society has a great impact in this process. However, what should not be forgotten is that the world is becoming global and the representatives of the people should be effective in the government, not the military. Turkey should accommodate itself to this process and should emphasize its internal dynamics and civil society. First of all, she should demonstrate this with the reforms to be achieved in the legislative function. The military power and authority which were dominant from the Deed of Agreement until the 1982 Constitution has affected the legislative function as well. While it is accepted that independence is unconditionally the nation's, it is acknowledged that this independence authority should be used by the representatives of the nation (authorized organs). This discourse should not be left as a theory; a democratic legislative function which is not approved by the Turkish Armed Forces should be put in effect in the execution stage.

Turkey is on the edge of establishing a constitution within democratic measures without states of emergency. European Union process is the path where Turkey will be tested for democracy in the legislative function as well, as it is tested in all areas. It should not be forgotten that the 2010 constitution was accepted without military intervention, with a totally democratic referendum. Internal dynamics of Turkey should execute the legislative function for the country's democracy independent of the external dynamics and especially *without protecting the interests of the political parties*. In this constitution, *legislative, executive, and judicial* organs should be *independent* and perform their tasks and functions in accordance with the *separation of powers principle*.

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