

INDEX

- Activism / Activist 28, 30, 41, 99
– Judicial... 90, 92, 126, 233
– Political... 147, 689
- Adjudication cf. Case Law
- Administration 113, 171, 246, 249, 258,
265–267, 289, 290, 293, 294, 310, 338,
339, 346, 435, 511
- Administrative Law 266, 268, 345
- AKP / Justice and Development Party 44,
45, 57, 64, 80, 112, 121, 122, 124, 145–
147, 153, 155, 157, 167, 203, 207, 232–
234, 236, 239, 446
- Amendment(s) 35, 255, 257, 277, 279, 280,
286, 295–298, 300, 309, 315, 333, 385,
387–389, 391, 395–400, 405–409, 413,
418, 425, 431, 446, 448–453, 455, 459–
465, 467, 473, 474, 480, 506, 510, 512,
524, 528, 535, 543–546, 550, 551, 553,
557, 558, 593, 642, 645, 647, 648, 663,
670, 671, 679
– Constitutional... 100, 114, 119, 125,
133, 147, 148, 155–157, 191, 215,
237–240, 277, 388, 405–409, 412,
452, 459, 461, 462
– Legal... 652
- Amnesty Law 173–176, 542, 548, 552, 555,
556, 660, 664, 667, 675, 677
- Analogy 136, 172, 207, 208
- Analysis 23, 26, 28, 32, 34, 36, 38, 43, 44,
47, 67, 75, 78, 84, 86, 88, 107, 118, 119,
127, 137, 150, 170, 202, 205, 235, 237,
239, 374, 423, 526, 598, 687, 688, 690
– Content... 32, 59, 82, 174, 200, 201,
233, 690, 692
– In-depth... 34, 46, 48, 199, 687, 692,
694
– Qualitative... 89, 95
– Quantitative... 29, 31, 102
- ANAP / Motherland Party 282
- Appointment 40, 43, 45, 49–52, 54, 76, 83,
261, 282, 283, 285, 287–292, 294, 295,
297, 299–301, 308–311, 679, 690, 694
– ...Of Justices 49, 282, 289, 294, 295
– ...Procedure(s) 37, 38, 45, 52, 83, 283,
288, 297
– Selection (Procedure) 255
- Atatürkism 150, 151, 223, 689
- Attitudinal Model 26, 30
- Authority 47, 89, 128, 132, 136, 141, 162,
187, 201, 202, 205, 215, 226, 227, 245,
247, 248, 261, 264, 265, 271, 275, 283,
285, 287, 290, 293, 323, 324, 341, 352,
389, 399, 400, 450, 455, 473, 489, 492,
493, 530, 536, 540, 543, 555, 564, 614,
665, 687, 691, 694
- Autocracy 21, 24
– Autocratisation 21
– Re-Autocratisation 112
- Autonomy 22, 28, 92, 130, 144, 652, 687,
689, 690, 693, 694
– Judicial... 22, 45, 133, 694
- Bar Association(s) 52
- Case cf. Decision
- Case Law 22–24, 27–32, 34–36, 41, 46–48,
72, 74, 76, 79, 84–91, 93, 95, 100, 102,
105, 107, 112, 115, 118, 121, 122, 126,
138, 144, 149, 150, 156, 161, 164, 166,
168, 172, 179–181, 185, 193, 198, 200–
202, 208, 209, 216–218, 222, 226, 233,
234, 236–238, 244, 458, 466, 472, 480,
536, 537, 615, 651, 684, 687, 690–693
– ...Analysis 23, 59, 84, 687
- Checks and balances cf. Separation of Pow-
ers
- Chief Public Prosecutor 58, 62, 65, 122,
125, 689
- CHP / Republican People's Party 38, 39,
64, 112, 116, 136, 143, 145, 146, 148,
155, 162, 169, 255, 327, 359, 385, 405,
407, 446, 487, 508
- Civilisation 153, 220, 224, 225, 429, 431,
434, 435, 448, 451, 455, 564, 586, 635,
648
– Civilised Country 198
– Civilised (Family of) Nations 365, 437,
472
- Co-Optation /Co-Opted 49–51
- Commission(s) (of the AYM) 238, 255,
258, 259, 269, 273, 274, 311, 370, 375–
378, 382, 495, 520, 528, 529, 537, 588
- Concept
– Abstract... 635, 648
– Constitutional... 224
– Guiding... 39

INDEX

- Constituent Assembly 39, 42, 557
- Constitution
 - ...of 1924: 38, 246, 284
 - ...of 1961: 38, 40–42, 50, 51, 54, 111, 115, 120, 133, 149, 151, 152, 161, 167, 170, 197, 207, 238, 246, 248, 284–286, 290, 312, 355, 377, 391, 401–404, 415, 421, 434, 451, 460, 482, 487, 488, 520, 615, 679
 - ...of 1982: 38, 43, 50, 51, 60, 69, 111, 115, 122, 126, 133, 149, 152, 206, 207, 239, 244–246, 248, 284–286, 293, 312, 391, 401, 403, 404, 423, 434, 459, 462, 482, 615, 688
- Constitutional Amendment(s) 37, 38, 40, 41, 43–48, 50–52, 54, 56, 57, 60, 62–65, 67, 68, 77, 81, 461
- Constitutional Court
 - ...Act (CCA) 67, 541
 - ...Adjudication 28, 30, 32, 85, 89, 113, 125, 137, 150, 164, 181, 182, 223, 234, 689, 690, 692
 - ...Competences 541
 - ...History 79
 - ...RoP 49, 67, 68, 74
- Constitutional Freedoms cf. Individual Rights
- Constitutional Order 23, 34, 45, 59, 120, 126, 129, 130, 140, 205, 207, 233, 235, 256, 329, 330, 336, 460, 545, 678, 687, 688, 694
- Constitutional Reform 44, 47
 - ...of 2004 647
 - ...of 2010 31, 37, 44, 57, 83, 97, 111, 141, 193, 204, 238, 647
 - ...of 2017 21, 47, 69, 137
- Constitutionality 22, 37, 39, 59, 61, 69, 70, 94, 98, 100, 127, 128, 135, 139, 151, 171, 177, 185, 191, 205–207, 209, 215, 221, 234, 235, 238, 315, 316, 349, 407, 470
- Content Analysis cf. Analysis
- CEDAW (Convention on the Elimination of All Forms of Discrimination against Women) 194, 211, 213, 214, 566, 596, 600, 604, 607, 611, 618, 619, 621, 637, 638
- Council of State 51, 53, 54, 58, 60, 138, 151, 246, 247, 251, 252, 295, 298, 345, 421, 458
- Counter-Majority/Counter-majoritarian 27, 33
- Coup (d'état) 22, 39, 42, 98, 99, 126, 144, 169, 170, 173, 176, 401
 - Attempt(ed)... 22, 47, 55, 99, 233, 687, 693, 695
 - Failed... 21, 22, 47, 99, 130, 141, 235
 - Military... 21, 27, 55, 84, 101, 114, 122, 132, 164, 232, 693
- Court of Cassation 39, 51–54, 60–62, 65, 74, 198, 273, 295, 298, 299, 303, 565, 682, 683
- Court(s)
 - Administrative... 50, 52, 262, 283, 287, 306, 315
 - Instance... 144, 159, 185, 191, 687
 - Ordinary... 39, 44, 100, 115, 150
 - Penal... 176, 178
- Culture 432, 480, 564
 - Constitutional... 150
 - Legal... 168
 - Political... 21
- Danıştay cf. Council of State
- Decision making 32, 33, 37, 38, 46, 60, 68, 70, 75, 76, 78, 82, 83, 87, 94, 103, 210, 277, 689, 690, 692, 694
 - Internal... 26, 37, 68, 79, 82, 83
 - Process of... 31, 32, 36, 75, 78, 694
- Decision(s) 22, 33, 34, 41, 43–46, 48–50, 56, 58–71, 73, 74, 79, 82–91, 97, 99–107, 111, 112, 118, 119, 121, 122, 125, 127, 128, 130–135, 137, 139–153, 155–163, 165–171, 173–176, 178–188, 191–194, 196–211, 215–227, 231–237, 239, 687, 688, 690–693, 695
 - Key... 85, 87, 104, 107, 111, 114, 126, 128, 137, 143, 150, 168, 177, 181, 197, 205, 207–209, 220, 221, 226, 232, 237, 238, 241, 243, 690, 691
 - Leading... 179
 - Majority... 27, 44, 147, 152, 153, 170, 172, 174, 175, 185, 189, 191, 203, 206, 207, 215, 216, 222, 232, 238, 319, 693
- Decree
 - Emergency... 22, 43, 48, 99, 127, 130, 138–141, 209, 235, 331, 332, 335, 345
 - KHK / Kanun Hükmünde Kararname 134, 263, 308–311, 313, 315, 316, 322, 323, 328, 330–334, 337–343, 346–348, 389, 400
 - Power... 127, 133, 137, 138, 141, 207, 208
 - Presidential... 47, 48, 57–60, 69, 133, 134, 287
 - Statutory... 70, 136, 208, 298, 308, 311, 314, 315, 319–321, 327–330, 336, 337, 347, 348, 510, 628

- Deliberation 33, 78–83, 87, 145, 149, 156, 171, 180, 386
- Democracy 24, 27, 28, 40, 42, 65, 113, 115, 140, 149, 154, 156, 219, 220, 223, 227, 253, 293, 316, 322, 371, 381, 432, 434, 437–439, 441, 442, 464, 466, 480, 590, 652, 693, 695
- Constitutional... 21, 43, 688, 691
 - Liberal... 21, 474
- Democratisation 44, 83, 687, 688, 694
- Disciplinary 128
- ...Measures 128, 275, 299, 300, 508
 - ...Proceedings 56, 133
- Dissent cf. Opinion
- Doctrine/Doctrinal 34, 35, 86, 87, 106, 107, 112, 128, 131, 135–138, 141, 171, 178, 181, 188–190, 193, 198, 200, 205, 208, 209, 224, 225, 227, 233–237, 239, 287, 293, 324, 356, 432, 450, 470, 472, 535, 536, 584, 598, 629, 633, 654, 662, 665, 687, 688, 691, 692, 695
- ...Change 70, 207, 209, 235, 239
 - ...Principle 138
- Emergency
- ...Measures 99, 139, 335, 338
 - ...Power 212
 - State of... 21, 22, 47, 48, 99, 127, 130, 137–141, 235, 329–343, 345–347, 361, 362, 428
- Equality
- ...Before the Law 142, 150, 155, 157, 159, 169, 178, 181, 182, 184, 186, 188, 190, 198, 205, 217, 219, 220, 225, 226, 236, 318, 363, 446, 476, 503, 584, 590, 596, 604, 611, 621, 639, 654, 682, 687, 692
 - Equal treatment 182, 183, 192, 196, 222, 236, 365, 424, 435, 480, 607, 626
 - Gender... 150, 181, 182, 184, 185, 187–189, 210, 217, 236, 237, 602, 612–619, 635, 647, 648, 651, 652, 691, 692
 - Inequality 186, 187, 189, 211, 302, 424, 584, 585, 601, 604, 608, 613–616, 626, 627, 630, 638, 648, 668, 669, 683, 684
 - Right to... 159, 198
- Erdogan, Recep Tayyip 447
- ECtHR (European Convention on Human Rights) 67, 68, 120, 121, 157, 168, 186, 191, 211–214, 216, 306, 329, 335, 349, 359, 362, 476, 478, 596, 600, 604, 607, 611, 617, 618, 636–638, 641, 646, 650, 672, 682
- ECtHR (European Court of Human Rights) 46, 68, 79, 100, 118, 120, 121, 157, 168, 180, 191–194, 210, 211, 213–218, 446, 458, 459, 465, 476, 478, 636–638, 641, 643, 644, 647, 649, 650, 652
- Evren, Kenan 43, 429
- Executive Law-Making Power 209
- Fair Trial 48, 213, 249, 252, 264, 265, 267, 302, 305, 306, 377, 688
- Family 431, 468, 471, 474, 476–482, 581, 585, 587, 590–595, 598, 599, 601, 605, 608–610, 612–614, 616, 618, 619, 621, 623, 624, 628–633, 635–638, 640–652, 654, 656, 657, 659–662, 664–669, 671, 674, 676–679
- ...Hierarchy 190
 - ...Law 187–191, 193, 225, 237, 612, 614, 616, 618, 629, 632, 633, 635, 641, 648, 653, 674
 - ...Name 109, 110, 159, 160, 181, 190–194, 210, 216–218, 221, 222, 226, 229, 230, 236, 476–482, 613, 618, 631, 633, 635–637, 640–642, 645, 646, 648, 649, 651, 659, 674, 676
 - ...Values 181, 186, 190, 193, 194, 196, 216, 222, 225, 236, 692
 - Traditional... 181, 186, 188, 190, 194, 196
- Federal Constitutional Court of Germany (BVerfG) 37, 111, 193, 197, 218
- Freedom of Religion 150–155, 157, 352, 416, 424, 426, 428, 433, 434, 436, 440–442, 444, 446–448, 453, 464
- Freedom of Speech and Media 150, 164, 193
- Fundamental Rights cf. Individual Rights
- General Assembly (of the AYM) 46, 56, 76, 78, 80, 81, 231, 311, 327, 456, 529, 542
- Gül, Abdullah 145, 146, 148, 149, 203, 207
- Gülen Movement (FETÖ / PDY) 22, 56
- Hegemonic Preservation (Theory) 27, 28, 92, 93, 119, 693
- High Council of Judges and Prosecutors (HSYK) 44, 131, 132, 282, 283, 285–288, 291, 292, 295, 296, 299
- Human Rights 27, 28, 128, 144, 151, 211, 220, 304, 365, 373, 439, 443, 448, 457, 461, 465, 472, 479–482, 487, 536, 563, 574, 578, 590, 600, 601, 606, 639, 649, 660, 665, 682

INDEX

- Immunity 55, 63–65
- Parliamentary... 58, 64, 111, 144, 145, 368–384, 388, 396, 397
- Individual Complaint 37, 45, 57, 67, 78, 80, 81, 97, 99, 101, 105–107, 113, 150, 157, 164, 166, 168, 178, 179, 181, 193, 204, 236, 687
- Individual Rights 22, 25, 27, 30, 37, 45, 46, 48, 67, 68, 70, 79, 85, 94, 99, 107, 115, 133, 140, 149–151, 155, 157–160, 162, 163, 165, 167, 168, 172, 173, 177, 178, 180, 181, 191, 193, 196, 197, 210, 219, 226, 227, 233, 310, 322, 348, 465, 488, 489, 536, 565, 609, 687, 695
- Inequality cf. Equality
- Interim Measures 68–70, 237, 238
- International Reference(s) 218
- Interpretation/Interpretative 32, 34, 41, 45, 57, 72, 272, 273, 324, 386, 393, 403, 463, 465, 475, 487, 513, 532, 555, 579, 615, 680, 690, 691
- Legal... 32, 158, 206–208
 - ...Technique(s) 86
- Islam/Islamic 121, 126, 151, 153–155, 433, 442, 667
- ...Party 44, 166
 - ...Pro-Islamic 27
 - ...Religion 155
- Judgement(s) 270, 302, 306, 398, 426, 434, 438, 493, 536, 599, 605, 606, 609
- Judicial Behaviour 25, 26, 30, 93
- Judicial Independence 28, 29, 83
- Judicial Reform 78, 690
- Judicial Review 25, 27, 36, 37, 39, 40, 43, 48, 54, 57, 58, 65, 72, 75, 85, 93, 103, 105, 144, 146, 148, 167, 208, 346, 693
- Abstract... 41, 58, 60, 69, 71, 72, 90
 - Concrete... 57, 60, 68, 69, 71, 73, 74, 90
- Jurisprudence cf. Case Law
- Justices
- Alternate... 40, 50, 52, 78, 83
 - Constitutional... 45, 51, 52, 54, 55, 63, 86–88, 100, 103, 182, 205, 236
 - Regular... 40
- Justices of the Constitutional Court of Turkey (mentioned in Parts I and II of the book)
- Adalı, Sacit 156, 215, 251, 254, 255, 282, 321, 345, 359, 368, 385, 395, 396, 405, 406, 421, 424, 446, 453, 459, 497, 503, 581, 587, 596, 604, 607, 608, 610, 621, 631
 - Altan, Alparslan 55, 262, 302, 327, 363, 407, 476, 559, 637
 - Arslan, Zühtü 69, 79, 559
 - Arıç, Şahap 170, 174, 175
 - Gürün, Muhittin 163, 175, 269
 - Kantarcıoğlu, Fulya 55
 - Kantarcıoğlu, Fulya 191, 251, 255, 262, 266, 268, 327, 345, 363, 385, 395, 405–407, 409, 410, 412, 446, 476, 478, 497–499, 503, 559, 561, 563, 587, 596, 604, 621, 629–631, 633, 634, 637, 642, 649
 - Kılıç, Haşım 147, 160, 191, 207, 232, 245, 249–251, 254, 255, 262, 282, 302, 318, 320, 321, 327, 335, 340, 343, 345, 349, 356, 359, 363, 368, 384, 385, 395, 396, 404–407, 421, 424, 446, 453, 459, 464, 476, 478, 481, 497, 503, 559, 563, 581, 587, 593, 594, 596, 604, 608, 621, 631, 637, 672, 682
 - Müftügil, Şevket 172
 - Özden, Yekta Güngör 152, 153, 183, 209, 245, 282, 292, 294, 296, 297, 299, 300, 308, 311, 312, 318, 319, 321, 329, 335, 344, 349, 356, 368, 384, 415, 418, 421, 426, 427, 429, 468, 566, 574, 577, 581, 611, 654, 667, 672, 682
 - Paksüt, Osman Alifeyyaz 105, 130, 160, 174, 251, 255, 262, 266, 302, 327, 363, 385, 396, 405, 407, 409, 446, 476, 478, 497–499, 563, 587, 621, 637, 642
 - Sezer, Ahmet Necdet 145, 148, 174, 175, 359, 581, 604, 631
 - Tercan, Erdal 55, 302, 363, 407, 476, 478, 559, 563, 637
 - Tuğcu, Tülay 55, 146, 251, 345, 347, 348, 385, 395, 398, 503
 - Vrana, Kani 269, 538, 548
- Kemalism/Kemalist 40, 153
- ...Elite(s) 27, 29, 44, 126, 200, 690
 - Ideology 28, 149
- Key Decisions (analysed and documented in the book)
- Amnesty for Certain Groups of Political Prisoners 109, 112, 173, 174, 227, 228, 233, 542
 - Appointment of Judges and Public Prosecutors 131, 229
 - Appointment Procedures of Judges and Public Prosecutors 108, 131, 282

- Constitutional Amendments Concerning Presidential Elections 109, 228, 405
- Constitutional Basis of Privatisation Law 108, 111, 136, 208, 209, 230, 321
- Constitutional Review of Emergency Decrees I 108, 138, 202, 208, 227, 228, 235, 329, 336
- Constitutional Review of Emergency Decrees II 108, 138, 202, 208, 227, 229, 235, 335
- Constitutional Review of Emergency Decrees III 108, 138, 208, 230, 235, 345
- Constitutionality of Anti-Terrorism Law 108, 206, 210, 223, 228, 349
- Constitutionality of the New Presidential Election Law 109, 147, 229
- Crime of Stirring Up Social Unrest 109, 114, 165, 228, 500
- Criminal Responsibility of Children in Case of Terrorist Accusations 108, 143, 220, 225, 363
- Death Sentence 70, 109, 169, 174, 201, 202, 228, 233, 237, 508, 693
- Duties of a Demonstration's Organisation Committee 109, 164, 229, 497
- Equal Treatment of Spouses in Case of Adultery I 110, 185, 211, 221, 231, 236, 596, 604
- Equal Treatment of Spouses in Case of Adultery II 110, 230, 236, 604
- Freedom of Association and Assembly 109, 112, 162, 164, 223, 228, 487
- Freedom of Association of International Organisations 109, 114, 161-163, 228, 483
- Headscarf Decision I 109, 112, 154, 210, 230, 429
- Headscarf Decision II 109, 155, 210, 215, 229, 239, 446
- Hierarchy of Enabling Laws and Statutory Decrees 108, 134, 205, 209, 229, 308
- Immunity of Members of Parliament 109, 144, 231, 368
- Increase of Sentence in Domestic Violence Cases 110, 184, 217, 221, 225, 230, 587
- Independence of Public Prosecutors 108, 112, 131, 228
- Judicial Emancipation in Review of Statutory Decrees 108, 202, 231, 238, 318
- Judicial Self-Restraint in Review of Statutory Decrees 108, 136, 209, 228, 327
- Legal Basis of the Formation of State Security Courts 108, 132, 228, 275
- Limitation of Executive Influence on Selection Procedures 108, 129, 220, 230, 255
- Limits of Administrative Privilege in Prosecution 108, 128, 229
- Mitigation of Sentence for Honour Killings 110, 183, 197, 225, 226, 230, 581
- Mitigation of Sentence for Rape Crimes 110, 197, 215, 225, 229, 566
- Parliamentary Procedure of Presidential Election 109, 146, 228, 232, 385, 693
- Press and Broadcasting Privilege 109, 229, 503
- Re-Organisation of the Statistical Institute 108, 220, 229, 262
- Religious Identity in ID Cards I 109, 151, 202, 209, 229, 415
- Religious Identity in ID Cards II 109, 151, 202, 208, 229, 421
- Right of Female Spouses to Use Their Premarital Family Name I 110, 190, 225, 230, 237, 631
- Right of Female Spouses to Use Their Premarital Family Name II 237, 637
- Right of Minorities to Choose a Non-Turkish Family Name 109, 159, 217, 220, 229, 476
- Right to Life of Terror Suspects 108, 143, 215, 228, 359
- Right to Property of Foreigners 109, 112, 158, 210, 229, 468
- Rights of Children Born Out of Wedlock I 110, 194, 197, 209, 229, 654
- Rights of Children Born Out of Wedlock II 59, 110, 194, 197, 198, 230, 672
- Severance Payment for Female Employees 110, 188, 215, 225, 226, 230, 236, 237, 621
- Social Equality and the Right to Receive Health Benefits 110, 198, 230, 682
- Stay of Execution and Freedom to Claim Rights 108, 128, 215, 220, 230
- Time Limits of Enabling Laws 108, 135, 209, 228, 312
- Treatment of Prisoners and Visiting Rights 109, 176, 179, 230, 559

INDEX

- Unequal Standards in Military and Civilian Criminal Law 109, 177, 230, 563
- Unequal Treatment of Military and Civilian Judges 108, 133, 230, 302
- Work Permission of Female Spouses 110, 187, 225, 231, 236, 611
- Kurds/Kurdish 21, 64, 120, 121, 125, 142, 144, 145, 158, 213, 368–370, 381, 689
- Laicism 107, 116, 117, 126, 150–158, 166, 219, 223–225, 239, 244, 415, 416, 418–424, 426, 427, 431–437, 441, 442, 444, 446, 448, 453, 454, 458, 459, 463–466, 689
- Legitimacy 35, 88, 89, 128, 129, 205, 210, 275, 450, 454, 460, 461, 652, 694
- Majority 689, 692, 693
 - ...Decision 38, 192, 232
 - Absolute... 51, 52, 76, 81, 146, 231, 278, 327, 386, 387, 390–394, 401–403, 544, 546, 551, 553, 554, 558
 - Qualified... 119, 121, 385, 391, 395
- Merits 69–71, 79, 81, 97, 106, 120, 121, 127, 129, 130, 132, 133, 136, 139, 145–148, 154, 156–159, 162, 164–166, 170, 173, 175, 177, 178, 182, 183, 187–193, 195, 197–202, 206–210, 215, 218, 221, 222, 225–227, 231–234, 236, 239, 242, 309, 329, 336, 347, 349, 368, 374, 384, 385, 395, 398, 401, 459, 463, 547–549, 552, 595, 596, 670, 673, 691, 692, 695
- Methods 54, 66, 249, 310, 324, 350, 351, 355–357, 359, 362, 382, 400, 454, 531, 691, 692
 - Interpretative... 89, 576
 - Legal... 86, 87, 200
 - ...of Argumentation 175, 205, 208
- Military 21, 22, 27, 28, 39–43, 50, 55, 62, 64, 77, 84, 98, 101, 114, 122, 126, 132, 133, 137, 145, 161, 164, 169, 178, 232, 302, 303, 516, 517, 563–565
 - ...Coup 21, 27
 - ...Court 50, 52, 53, 60, 61, 77, 114, 133, 169, 302, 303, 516, 517, 565
 - ...Regime 43
- Minority 27, 42, 51, 126, 150, 172, 174, 403, 445, 453, 466, 689
- National Security Council 42, 339, 373, 401
- Nationalism 150, 151, 158–160, 219, 223, 224, 429, 436–438, 448, 461, 465, 590, 689
- Obiter Dictum 41
- Opinion
 - Dissenting 692
- Opinion(s)
 - Concurring... 89, 94, 103, 132, 160, 227, 231, 232, 243, 245, 251, 262, 269, 275, 282, 308, 312, 318, 321, 327, 329, 335, 345, 349, 359, 385, 405, 407, 415, 421, 429, 446, 468, 476, 483, 487, 497, 500, 503, 508, 542, 559, 563, 566, 581, 587, 604, 621, 631, 637, 654, 672, 682
 - Dissenting... 26, 31, 72, 75, 79, 82, 103, 104, 130, 141, 142, 147, 152, 153, 155, 160, 169, 170, 172–175, 177, 178, 183, 184, 189, 191–193, 196, 200, 202, 207, 210, 215, 216, 218, 227, 231, 232, 235, 239, 398, 412, 426, 508, 527, 533, 534, 553, 559, 631, 644, 648, 692
 - Individual... 156, 490
- Opposition 25, 27, 38, 39, 51, 64, 92, 97, 111, 114, 131, 134, 136, 138, 142, 143, 145, 148, 150, 155, 158, 169, 170, 173, 239, 255, 282, 308, 312, 323, 327, 329, 335, 349, 383, 385, 405, 407, 416, 503
- Parliament 98, 111, 113, 114, 125, 127, 134, 136, 144, 145, 148, 158, 170, 173, 185, 186, 193, 194, 203, 207, 220, 233, 239, 241, 276, 375, 379, 383, 389, 391, 393, 394, 400, 401, 447, 449, 488, 553
 - Great National Assembly 129, 146
 - Member of... / MP 38, 42, 52, 63, 64, 112, 131, 143, 144, 368, 381, 389
 - Parliamentary Sovereignty 38, 144, 207
 - TBMM (Türkiye Büyük Millet Meclisi) 146, 148, 155, 165, 169–173, 175, 186, 203, 204, 207, 208, 232, 255, 282, 308, 311–313, 315, 316, 318, 321–323, 327, 329, 335, 349, 359, 368–370, 372–378, 380, 382–391, 393–400, 403, 405, 407, 429, 446, 447, 449–451, 468, 503, 530–533, 535, 537, 628
- (Political) Party 241, 255, 275, 282, 293, 308, 312, 323, 327, 329, 330, 335, 349, 372, 375, 380, 382–385, 394, 405, 407, 484, 503, 508, 515, 518, 540, 556, 585, 600, 637, 689, 690
 - ...Ban 85, 93, 107, 111, 115, 118–122, 126, 156–158, 689
 - ...Dissolution 93
 - ...Prohibition 80, 95, 241

- Political Regime 450, 452, 689, 693, 694
 Political System 21, 23, 25, 26, 32, 37, 83, 84, 89, 114, 115, 119, 126, 154, 161, 438, 453, 687, 689, 694, 695
 President 259, 260, 262–268, 273, 276, 287, 384, 407, 410, 414, 429, 497, 498, 517–519
 – Court... 22, 31, 55, 57, 69, 76, 79–81, 83, 146, 152, 153, 207, 231, 581, 690, 694
 – ...of the Republic 40, 43, 44, 51, 53, 54, 58–60, 63, 133, 137, 148, 172, 255, 260, 261, 273, 282, 283, 286, 292, 299, 337–339, 385–387, 390–396, 398, 401–403, 405, 407–414, 429, 449, 450
 – State... 83, 97, 112, 131, 133, 145, 147, 148, 154, 203, 207, 232, 262, 265
 Principles 688, 690, 695
 – Constitutional... 58, 59, 85, 89, 94, 115, 140, 143, 149, 168, 183, 199, 205, 218, 249, 275, 288, 325, 413, 440, 471, 485, 488, 530, 532, 533, 536, 558, 579, 631, 637, 652, 689, 691
 – Fundamental... 151, 208, 424, 443, 449, 450, 465, 471, 472, 506, 537, 564, 575, 584, 625, 628, 689
 Prisoners' Rights 150, 168, 172, 176, 178, 179, 181, 688
 Procedure 32, 37, 38, 40, 41, 43, 45, 48, 50, 52, 54–56, 60, 62, 63, 67–80, 83, 97, 99, 112, 113, 115, 118, 128, 139, 140, 146–148, 150, 157, 164, 166, 168, 169, 171, 173–175, 180, 193, 207, 236, 239, 249, 250, 252, 256, 270, 275–280, 303, 309, 319, 337, 338, 348, 363, 364, 368, 370, 372, 374–380, 385, 386, 388, 390, 394–401, 405, 415, 468, 507–530, 533, 537–540, 545, 553, 556, 559, 589, 628, 687, 694
 – Formal 535
 – Procedural 247, 253, 269, 275–277, 279, 281, 315, 318, 333, 342, 347, 365, 366, 368, 375, 382, 384, 403, 405, 406, 415, 429, 451, 459, 462, 487, 488, 508, 517, 522, 532, 537, 542, 543, 548, 550–553, 587, 671
 Proceedings 689
 Professionalisation 75, 78, 204
 Public Order 152, 153, 158–164, 166, 180, 181, 186, 190–192, 205, 216, 219, 221–223, 256, 258, 261, 338, 339, 347, 352, 353, 356, 357, 367, 373, 382, 416, 421, 422, 424, 426, 427, 434, 440, 447, 457–459, 464, 478, 480, 482–484, 486, 489, 491, 492, 498, 500, 503, 506, 507, 537, 547, 549, 569, 603, 607, 608, 610, 633, 635, 640–644, 648, 650, 663, 670, 692
 Putschist(s) 42, 43, 114
 Rapporteur 76, 77, 79–83, 298, 690, 694
 Reasoning 35, 242, 243, 292, 294, 296, 297, 299, 300, 309, 312, 318, 348, 349, 463, 488, 521, 541, 542, 574, 577, 619, 635, 638, 642, 643, 650, 659
 – Constitutional... 30, 34, 35, 59, 84, 85, 88, 89, 104, 139, 141, 144, 149, 153, 162, 163, 172, 177, 179, 185, 191, 194–196, 198–201, 204, 205, 207–210, 215, 219, 222, 223, 233, 234, 236, 237, 687, 691–695
 – Legal... 22, 33, 34, 86, 156, 158, 169, 172, 173, 175, 206
 – Political... 34, 38, 43, 82, 84, 201, 227, 239, 694, 695
 Reference(s) 58, 72, 74, 243, 261, 279, 309, 390, 421, 424, 437, 491, 540, 568, 572, 585, 600, 643
 Referendum 21, 40, 43, 44, 46, 67, 147, 342, 406–409
 Reform cf. Constitutional Reform, Judicial Reform
 Republican Alliance 28, 29
 Research and Case-Law Unit (of the AYM) 78, 90, 91, 101, 106
 Rule of Law 21, 22, 35, 43, 47, 55, 65, 66, 79, 86, 245, 253, 259, 262, 264–268, 282, 284, 303–305, 316, 329, 333, 335, 349, 365, 373, 386, 389, 399, 413, 427, 435, 437–439, 443, 449, 461, 465–467, 488, 489, 506, 531, 532, 536, 554, 563–566, 587, 590, 594, 637, 639, 641, 672, 676, 685, 687, 688, 691, 693, 695
 Rule(s) of Proceedings/RoP 69, 114, 132, 146
 Rulings 243, 244, 253, 318, 433, 438, 524, 535, 569, 577, 615, 647
 Sample/Sampling 36, 91, 104, 105, 177, 204, 226, 243
 Secularism cf. Laicism
 Section(s) (of the AYM) 113, 179, 231
 Selection (Procedure) cf. Appointment
 Separation of Powers 21, 25–27, 49, 127, 136, 141, 245, 247, 266–268, 282, 288, 316, 322, 349, 398, 448, 463
 State of Emergency 21, 329, 332, 334–336, 338, 339, 341–343, 345–348, 361, 687

INDEX

- State Organisation 44, 56, 85, 89, 107, 114,
126, 128, 149, 150, 234, 304, 521
Supreme Court of the United States 39
Supreme Criminal Tribunal 58, 61–63
- Terrorism 64, 349, 351, 353, 359, 363, 364
Torture 73, 167, 168, 178, 570, 616
Translation 23, 36, 107, 167, 179, 188, 203,
204, 243, 244, 256, 287, 319, 361, 376,
415, 423, 437, 467, 529, 576, 597, 631,
656
TİP / Workers' Party of Turkey 41, 113,
114, 116, 120, 161, 165, 483, 500
- Unconstitutionality 29, 32, 38, 39, 45, 60,
61, 64, 65, 69, 71, 72, 80, 89, 93, 101,
102, 104, 111, 114, 132, 134, 136, 140,
141, 143, 160–162, 164, 165, 169, 173–
178, 191, 193, 194, 196, 197, 208, 216,
234, 247, 264, 314, 325, 350, 354, 357,
361, 422, 447, 470, 488, 490, 492, 499,
505, 516, 543, 556, 568, 584, 589, 599,
606, 633, 676, 683
UDHR (Universal Declaration of Human
Rights) 186, 211–214, 216, 217, 251, 252,
302, 363, 468, 472, 497, 596, 600, 604,
606, 607, 611, 617, 618, 637, 660
- Vice-President 78, 160, 183, 192, 196, 232
Violation
– ...Constitutional 57, 99, 101, 121, 130,
141, 168, 179, 192
– ...of Rights 37, 45, 46, 99, 101, 141,
150, 152, 155, 167, 172, 179, 192
– ...of the Constitution 56, 72, 162, 206,
269, 309, 328, 342, 348, 356, 377,
378, 418, 429, 485, 513, 525, 529,
539, 543, 552, 553, 556, 559, 581,
587
- Yargıtay cf. Court of Cassation
YHK (High Council of Judges) 131, 269,
273, 285, 286