

**TÜRKİYE'DE
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EXECUTIVE SUMMARY



Pelin Ayan Musil

REFORMS IN POLITICAL PARTIES

Organizational-Ideological Freedom of
Parties, Financial Audit, and Intra-Party
Democracy Mandate for Political Parties

LIBERAL PERSPECTIVE REPORT

No: 25
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ELECTORAL SYSTEMS IN TURKEY ISSUES AND REFORM SUGGESTIONS

Pelin Ayan Musil

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This study was obtained by taking into account the opinions expressed in the workshop titled “The Need for Reform in Political Parties Law” on MArch 26, 2022 which is as a part of the ‘Structural Reforms in Turkey Project’ conducted by Freedom Research Association with the support of National Endowment for Democracy and Friedrich Naumann Foundation – Turkey Office

Any views expressed in this study do not reflect the institutional view of the Freedom Research Association, the National Endowment for Democracy and Friedrich Naumann Foundation -Turkey Office; belongs to the author.

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Pelin Ayan Musil commenced her undergraduate education at Marmara University, Department of Political Science and International Relations. She studied master's degree at Central European University and got her doctorate from Bilkent University. Musil worked as a visiting researcher at Stanford University in 2019. Currently, she is a Lecturer at Anglo-American University and a Senior Researcher at the Prague Institute of International Relations. Her areas of interest are Political Parties, Turkish Politics, and Regime Change. She has various national and international publications in these areas.

As Freedom Research Association, we have been researching the recent institutional erosions that cause Turkey to decline in the rule of law, and governance indexes and propose possible solutions. For this purpose, we have initiated the “Project of Structural Reforms in Turkey” with the support of the National Endowment for Democracy. In this project, we designated ten main institutions/areas that require immediate reforms; Post-Legislation Control Mechanisms, Political Party law, Election Law, Constitution-making Processes, Executive Branch, Legislature Branch, Public Procurement Regime, Public Personnel Regime, and Media Independence. We aim to identify and concretize problems as well as provide reform proposals. Within this objective, in her report “Political Party Reform: Organizational-Ideological Freedom, Financial Audit and Intra-Party Democracy Mandate for Political Parties”, Dr. Pelin Ayan Musil is discussing the needed reforms in law on political parties while analyzing some critical social issues that exist in the political party literature. She answers the questions of how to legislate a law on the political parties that will ensure the broadest representation of different opinions, to what extent political parties should be governmental and societal, and the scope of the political party law.

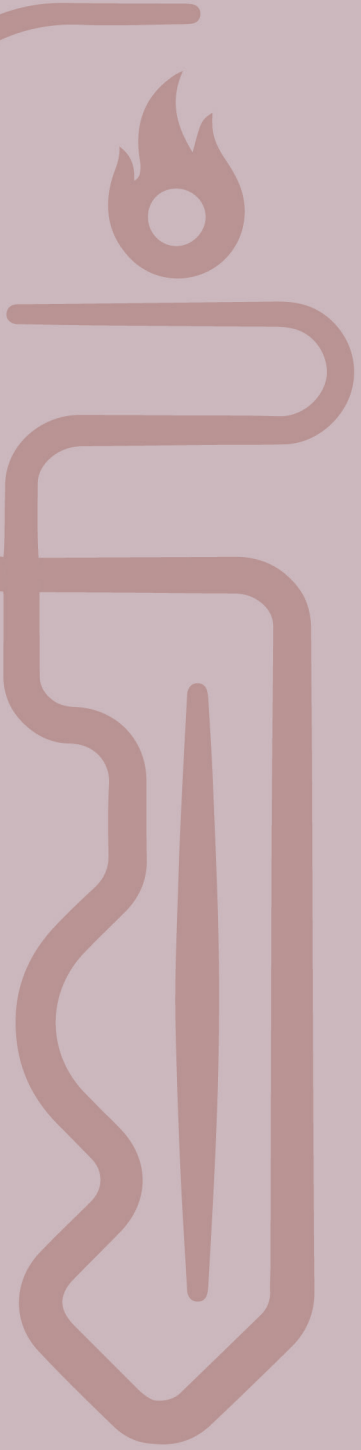
The report discusses the effects of the current political parties law, the 1980 Constitution, and governance of AKP for 20 years on political parties and the current conjuncture. The conclusion is that the existence of unregulated parallel mechanisms takes advantage of the legal gaps in the Political Parties Law (PPL) and it is a significant threat to the democratization of Turkey. Therefore PPL requires urgent reform. Ayan-Musil has examined the party-society and party-state relations in four fundamental issues.

1. Article 68th of the Constitution on PPL regulates the ideologies, programs, and actions of political parties. Its results such as party closures and limitations within the scope of this article were discussed. Party prohibitions implemented to keep certain ideologies under control in reference to article 68 of the Constitution ended up having the opposite outcome. In an environment of social reconciliation, all provisions that regulate parties' identities, ideologies, and programs should be removed, and Venice Commission principles should be adopted.
2. The homogenous and hierarchical organizational structure of parties: The current PPL leads to a uniform and hierarchical organizational structure for political parties. One example of this is PPL's uniform regulations on party leaders' determination at the central and provincial levels. By not allowing political parties to take a unique approach to their organizational structures, it stands in the way of smaller parties and regional set-ups.
3. "Favoritism" and "Leadership oligarchy" keep parties or party leaders away from integrating with the society; It is emphasized that the culture of "leadership oligarchy" in Turkey caused intra-party democracy to suffer visibly in all political parties and the presidential system reinforced this issue. Moreover, the fact that Favoritism is a social norm in Turkey, is also reflected in intra-party dynamics and relations. This causes intra-party appointments to be made not according to merit but loyalty.
4. Non-transparency in financial resources, expenditures, and supervisions of political parties; PPL has too few articles that regulate party finances. This lack leads to 1) Concentration of financial aid on the headquarters of the party, 2) No financial aid for the parties that couldn't get 3% or more votes, 3) the secret donations and the relations between parties and business establishments, 4) inefficient financial audits of constitutional court have been discussed in this report.

In light of these issues, reform proposals to create more democratic, transparent, and accountable political parties, which are one of the core actors of a democratic state are as follows:

1. Removing all articles that regulate parties' ideologies and programs from PPL as well as implementing prohibitions only in the cases of violent acts and anti-democratic stand;

2. Removing all articles leads to a uniform and hierarchical structure and homogenizes the process of determining candidates and executives. Granting organizational freedom to parties;
3. Reformation of PPL articles on treasury aids in a way that encourages both intra-party democracy and smaller parties;
4. Formation of new articles to ensure gender equality, participatory democracy, and merit with respect to parties' organizational freedom in determining executives and candidates;
5. Formation of new articles that make secret donations visible to promote transparency in party finances;
6. Carrying out and enacting GRECO's 2021 recommendations to Turkey to ensure an effective financial audit for political parties.



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