



daha iyi yargı

# 80 Proposals in 8 Chapters for a Strong Economy, Stable Rule of Law and Advanced Democracy

We, the Better Justice Association, are a politically neutral think tank and civil society organisation. We were formed for the purpose of identifying issues in Turkey's judiciary and their root causes in order to develop solutions and build a consensus between all relevant stakeholders in support of these proposals. We believe that the judiciary is the main pillar of our democracy and that the rule of law is not only the path to the advancement of our country, but also the means by which to increase its prosperity in a sustainable fashion.

We have published several opinions and proposals aimed at improving the Turkish judiciary to bring it more in line with its international counterparts. We have also set out all the root causes and proposed solutions in our book titled, **Turkey's Middle-Democracy Issues and How to Solve Them: Judiciary, Accountability, Fair Representation**.

As a contribution to substantially reforming the rule of law and democracy to strengthen our country's economy, we have formulated 80 concrete proposals, organised into 8 chapters, and have already presented them for the attention of **Mr. Lütfi Elvan, the Minister for Treasury and Finance and Mr. Abdülhamit Gül, the Minister of Justice**.

## Our proposals fall into the following 8 categories:

- 1. Creating value by delivering high quality judicial services is the obligation of the judiciary. Without delivering this, it cannot claim legitimacy. Therefore, the courts and their adjudication procedures need to be improved by ensuring that they function efficiently and deliver their services to a high standard.**  
  
**For this purpose: A National Disputes Database should be created and each dispute must be given a unique number, similar to an IBAN; courts' expertise must be concentrated in the centres of 26 development zones; judicial preparatory courts should be established to both improve the preparation of cases and bring the delivery of judicial services to the public's doorstep; 90% of the burden of trials should be taken off the judges and transferred to the advocates (attorneys at laws) who make up almost 90% of the jurists in the country; cases must be finalised within 3-5 months at a single hearing and the judiciary must fully embrace the benefits that technology can bring, including creating a "platform for Turkish legal artificial intelligence".**
- 2. All issues adversely affecting freedom of expression, and therefore also the climate for innovation and the public's confidence in the rule of law, must be eliminated.**
- 3. Courts must use experts solely where they can offer relevant insight from their academic or professional field. The judiciary should be prevented from using court appointed experts as if they are judicial assistants. The distortion that the corrupt court appointed expert system at present must be immediately eliminated from the judiciary. Courts should only maintain a ledger of experts, thus making them truly accountable.**
- 4. All judicial organs and individuals - including The Council for Judges and Prosecutors, the Court of Cassation, and The State Council - must be made fully transparent, held truly accountable and assessed on merit. Any and all acts or decisions concerning their appointment, performance review, promotion, designation and disciplinary matters must be made open to judicial review. For this review, a specialised court with bespoke and swift procedures must be established and have jurisdiction to try all individuals employed by or involved in the judiciary. The regulation and practice of concealing the appeal review reports of the reporting judges in the Court of Cassation should be abolished, thus by ensuring full transparency and true accountability the public's confidence in the justice system should be strengthened.**
- 5. A General Administration Procedural Law must be enacted to define how politicians and other government employees should use their authority and to make public administration more compliant with the law. To make public servants more accountable to the law and equal with the ordinary members of the public before the law, Article 129 of the Constitution and the Law 4483 and the requirement for their superior's permission to prosecute public servants must be abolished.**
- 6. The public's right to participate in and have a say in the governance of state affairs should be improved. To this end, the delegate system in the political parties and public professional associations should be abolished; block list practices in elections should be prevented; the discretion of leaders and central management to select candidates should be limited to 10%; political party candidates for single person positions should be determined through two round elections; and the resolution of the Supreme Election Council should be made subject to judicial review by the Constitutional Court.**
- 7. All organs and elements of the judiciary should be strengthened to become fully independent, capable of robust self-governance and of preserving its own independence, as well as able to improve the performance of its members. Public professional associations for legal professionals should be regulated as judicial professional associations within the judicial chapter of the Constitution. Managers and governance organs must be democratically appointed solely by the members of the profession.**  
  
A regulatory institution should be established to oversee the supply of judicial services in accordance with the needs, preferences, and priorities of society. It should have a sufficient number of members with the skills needed for it to function properly, appointed by all stakeholders of the judiciary fairly representing the whole of society. The composition and total number of its members should ensure that it cannot be influenced by any group of coalitions. Duties and authorities performed by the Ministry of Justice and the Council for Judges and Prosecutors should be transferred to this institution.
- 8. For the making of a new and civil constitution that Turkey needs a specific framework law must be passed, setting out the methodology for establishing a new constitution; creating the procedures needed to determine the public's preferences fairly; the secretariat; and operational procedures so that the long-term efforts are not interrupted and do not go to waste. Constitution is the most basic societal agreement ensuring compromise, tolerance, and peace in society. For this reason, work towards creating a constitution should commence only after public confidence in the rule of law, especially in the freedom of expression is strengthened significantly, in other words, after the environment and conditions for building a constitution have matured. Making a constitution cannot be the result of an initiative of a person or one group. It needs to be a nationwide undertaking and resolution.**

Our 80 solid proposals in 8 chapters (currently available in Turkish) that we would like to establish a public consensus around can be found on our website at <http://www.dahaiyiyargi.org> We are working to publish the English version of our proposals soon. We would be delighted to hear criticism or suggestions from the public and improve our proposals accordingly.

We are delighted and proud to announce the news that the intensive work of our 9-person team during the Covid-19 lockdowns has been fruitful. We are preparing to share our design proposals and drafts with the Turkish and international public in a book named, **"A to Z Turkish Judicial Reform"** in Turkish and in English.

We respectfully submit to the public that we will continue to work voluntarily to contribute to our country's progress towards an advanced democracy and enter the ranks of the most prosperous nations in the world; and be ready to assume responsibility for any assignment that we may be given.

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**Av. Mehmet Gün**  
Chairman  
Better Justice Association

