

Nine-Point Solution Plan for the high-quality judiciary that Turkey needs

from the Better Justice Association

The Better Justice Association has innovative proposals developed in order to bring a solution to Turkey's judicial problem from the ground up and presented to the public under the title of *Turkish Judicial Reform A to Z*, under nine key headings.

Founded by attorneys, businesspeople and opinion leaders who believe that sustainable development is only possible with the rule of law, and operating to identify the problems of the Turkish judiciary, to develop solutions and to create consensus, the Better Justice Association examined most closely and prioritized the judiciary among the three basic structural problems it identified in the book *Turkey's Middle-Democracy Issues and How to Solve Them* published in 2020. The Association came up with a plan containing innovative solutions; published the designs and drafts of the solutions developed under nine main headings, in both Turkish and English, as a book titled *Turkish Judicial Reform A to Z*, and opened them up for discussion by the public of Turkey and the world.

Judicial systems and experiences of 20 countries were analyzed

In stating that they examined the judicial systems and experiences of 20 countries with the most advanced level of democracy, rule of law and welfare in the world during the development of the proposals, President of the Better Justice Association Atty. Mehmet Gün said, "The book, written by a team of nine people as a result of more than a year of feverish

research and discussion as the product of what we have accumulated over a period of more than 10 years, shows in detail the main problems of the judiciary and their step-by-step solutions. The solutions we have developed based on our own realities and experiences, on the one hand, describe the final goal of the reform efforts that our country has been making for a long time; on the other hand, show step-by-step what needs to be done; and together with this, present designs and drafts that are ready to be implemented.”

How to surpass the middle-income level

From 1980 to 2020, Turkey’s share in the world economy decreased from 0.86% to 0.85%. As the share of developing economies increased by 80%, Turkey’s share of the economy of this group of countries decreased from 3.57% to 1.9%, which is approximately half. When its share is calculated among developed countries excluding China, it should have increased by 80% to 7.2% but in fact it decreased by 25% to 3.1%. In short, Turkey lags behind while other developing economies increase their share in the world economy.

Turkey’s score in the international rule of law indices has decreased from 0.80 to 0.20 in recent years; parallel to this, the country’s per capita annual income decreased from US\$12,500 to \$8,500 in 2020. In order to have a higher share in the world economy, to raise the national income above the “middle income” level and to rapidly increase the welfare of the people, the most important issue that Turkey has to deal with is the judiciary.

The judiciary provides a vital public service that prioritizes health and safety, such as by upholding the rule of law and strengthening faith in justice; the quality of this service is essential. Atty. Gün continued: “Good and stable state administration, secured by high-quality judicial services and the rule of law, means the increase of prosperity. If Turkey ensures the rule of law with a high-quality judiciary, it strengthens the belief in justice, can rapidly increase the share it receives from the increasing world welfare, stands out among developing economies, and can increase its per capita national income five to six times in a short period. The proposed model will make Turkey one of the most advanced 10–20 countries in the world in the rule of law and democracy indexes. These advances will strengthen Turkey’s international image and investor confidence, attract direct investment and improve Turkey’s value creation environment. In this way, Turkey will become one of the most advanced 10 to 20 democracies and economies in the world, its economy will develop and the per capita income will rapidly rise from today’s US\$ 8,000 to US\$25,000 and above.”

The solution proposals, published by the Better Justice Association under the title *Turkish Judicial Reform A to Z*, are as follows:

1. The judiciary is given the capacity to fulfill its duties, focuses on providing high-quality public service, works efficiently, and is made to deserve and maintain full independence through transparency and full accountability.
2. The Council of Judges and Prosecutors' function of producing judicial services is separated from its function as the professional organization of judges and prosecutors and is transformed into the Supreme Authority of Justice, responsible for the production of high-quality judicial services; its complete separation from other state powers is ensured, and its independence is strengthened so that no individual, group or coalition can influence it.
3. A Permanent Law Council; will ensure that the representatives of the institutions for which it is responsible in the provision of services to society and other judicial stakeholders come together institutionally, evaluate the problems and opportunities, and ensure that the judiciary is up-to-date on the needs and developments of society.
4. All kinds of administrative actions and decisions regarding the judiciary are open to judicial review, and for this purpose, the establishment of a Supreme Court of Justice is envisaged.
5. The Chief Public Prosecutor's Office is regulated independently, separating the functions of the Chief Public Prosecutor's Office of the Court of Cassation to protect the Constitution and constitutional order; in relation to crimes committed by public officials, the permission of the administrative chief to investigate is revoked and instead they are tried in the Supreme Court of Justice; and it is strengthened by foreseeing that parliamentary immunity will be lifted by this court instead of the political decision of the Turkish Grand National Assembly.
6. The professions of judges, prosecutors, attorneys and notary publics are being brought into fully independent professional organizations; the independence of the judiciary is spread over a very wide surface.
7. A uniform career plan for legal professionals inspired by the culture of the Ahi community is envisaged in order to train human resources in line with the needs of the judiciary, and to develop and evaluate human resources more effectively.
8. With modern conflict management, the climate of peace and reconciliation is strengthened; by developing the preparatory phase, it is foreseen that complex cases will be resolved in three to four months at the most and with a single trial.
9. It is foreseen that the courts will be distributed optimally to 26 development regions, while the specialties will be concentrated in the center. The service will be brought to

the people's feet and the number of courts, which is currently more than 7000, will be reduced to around 3000.

A call to opinion leaders, NGOs and decision-makers

The details of the nine-point solution plan shared by the Better Justice Association with the public will be announced to large audiences with live webinar conferences to be broadcast on the Association's social media accounts as of 2 September 2021.

Stating that they invite all non-governmental organizations, opinion leaders and academia to examine and discuss the solution proposals, which are still open for opinions at <http://www.dahaiyyargi.org/adan-zye-turk-yargi-reformu>, and contribute to the development with feedback, criticism and suggestions that can be sent to info@dahaiyyargi.org, Atty. Gün said: "Our Association will evaluate the feedback, discuss with experts in the subject through workshops, conferences, webinars and similar events, finalize proposals as agreed upon, republish the final version and present it to decision-makers."

Regarding the Better Justice Association

The Better Justice Association is a politically neutral non-governmental organization which was established to identify the problems of the Turkish judiciary, develop solution recommendations aimed at such problems, reach social consensus on the recommendations and apply the solutions.

In this framework, for the Turkish judiciary to continuously develop, compete with its contemporaries and take the lead in this competition, the Association aims to bring all persons, institutions and organizations related to the judiciary together with society on common ground, ensure agreement and reconciliation by developing ideas and recommendations, and make the necessary efforts to apply the recommendations agreed upon.