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Intersections. EEJSP
10(1): 155–170.
<https://doi.org/10.17356/ieejsp.v10i1.1228>
<https://intersections.tk.hu>

Legislation and practice of observing of human rights in Turkey in terms of European integration processes in the country

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Abstract

The relevance of the stated topic is determined by the constant decline in the level of democracy in the Republic of Turkey over the past few years, which is characterised by the decline in the development of the fundamental rights and freedoms of its citizens. Arbitrariness in the judicial system, international law violations, antidemocratic legislation is the chosen course for deeper European integration and has every chance to remain an exclusively imaginary strategy without its external embodiment. In this regard, this work is aimed at analysing Turkish legislation in the area of human rights and determining its compliance with the principle of the rule of law. Also, the study is focused on covering the essence of the effective democratic governance, controversial political and legal decisions of the Turkish government, as well as Turkey's political problems in its relations with the European Union.

The leading methods of the study were theoretical methods of generalisation and analysis, with the help of which the current factors inhibiting European integration processes in the state were comprehensively considered, as well as the method of studying regulatory documentation, which made it possible to analyse the national legal framework and the current state of compliance with international treaties in the area of human rights protection.

The article reveals the importance of the rule of law and freedom in the fight against discriminatory manifestations within the country, as well as the need to develop a protected legal framework as a necessary criterion for membership of the European Union. At the same time, the gradual waning of democracy and the reinforcement of authoritarianism in the Republic of Turkey were substantiated. The materials of this scientific work are intended to draw the public's attention to the democratic freedom issue and especially its absence, and the obtained conclusions will be a foundation for further practical studies.

Keywords: fundamental freedoms; political control; European Union; authoritarianism; democracy

1 Introduction

The rule of law is one of the foundational pillars of modern democratic societies, intricately woven into the fabric of governance and social contract theory. At its essence, the rule of law promotes the principle that all individuals, including the government itself, are subject to and accountable under the law. This concept provides a robust framework for the protection of fundamental rights, ensuring that power is neither arbitrary nor unfettered. A society upholding the rule of law is one where laws are transparent, predictable, enforceable and applied evenly, irrespective of an individual's status or power (Melnyk, 2022). Embedded within the framework of the rule of law is the unwavering commitment to human rights (Tykhonova, 2022). These rights are not merely lofty ideals; they represent tangible obligations. Their enforcement ensures that individuals are protected from actions that infringe upon their inherent dignity. Furthermore, human rights are not just static principles but are constantly evolving, expanding to address the multifaceted challenges of modern societies.

Turkey's journey towards European integration offers a rich tapestry of complexities and contestations in this domain. While the country has, at various moments, demonstrated its commitment to aligning its human rights practices with European standards, there have been instances of divergence as well (Yuzheka, 2023). Scholars have pointed out the dichotomies in Turkey's legislation and its practical enforcement, especially in areas concerning freedom of expression, minority rights, and judicial independence. It can be argued that while Turkey has taken considerable strides in formulating progressive legislation in line with European directives, challenges remain in their consistent and impartial implementation. Furthermore, while the discourse often places Turkey in the spotlight, reflecting on its democratic backsliding or human rights breaches, a more holistic view requires examining the EU's role in this evolving relationship. The Union's oscillating commitment to Turkey's accession, couched in terms like 'privileged partnership' or concerns over 'absorption capacity', has also contributed to the dynamics, influencing Turkey's own stance towards European norms (Bettiza et al., 2023).

At its core, the concept of the rule of law stands as a foundational principle, asserting that no individual or institution is above the law, and that laws should be justly and consistently applied. It emphasizes governance through established laws rather than arbitrary dictates, ensuring fairness, predictability and stability (Buzunko & Krasnova, 2022). Integral to the concept of the rule of law is the protection and enforcement of human rights, which function as a cornerstone for the development of democratic societies. These rights, grounded in the principles of justice, freedom, and equality, are recognized universally, transcending borders, cultures, and systems. Illiberal political systems have increasingly become a subject of discussion in contemporary political science. Characterized by a retrenchment of democratic norms, these systems often reflect a centralization of power, curtailment of freedoms, and suppression of opposition. While illiberalism can manifest itself in various degrees and forms, it stands in contrast to liberal democratic systems that value individual freedoms, pluralism and checks and balances (Tekdemir, 2023).

Positioning Turkey on this spectrum requires a nuanced understanding of its evolving political landscape. Historically, Turkey has oscillated between periods of democratic openness and authoritarian tendencies. Recent years have seen challenges to the independence of the judiciary, restrictions on media freedoms and suppression of dissent. Yet, categorizing Turkey purely as an illiberal state oversimplifies its complexities. Regarding the focus of this study, it is crucial to contextualize why certain issues, like women's rights and LGBTQI rights, are emphasized in the context of the EU's normative framework. The European Union prioritizes these rights as essential indicators of a country's adherence to democratic values and human rights. Thus, Turkey's alignment or divergence from these standards becomes a litmus test for its European integration aspirations. Lastly, the significance of Turkey's Anti-Terrorism legislation is pivotal. Often, counter-terrorism measures, when unchecked, can compromise the rule of law, leading to potential abuses and violations. In the Turkish context, understanding how this legislation is framed and implemented provides insights into the balance – or imbalance – between security concerns and upholding the rule of law, a key criterion for EU integration (Way, 2022; Pirro, 2023).

Such primary criteria as the rule of law or democracy are essential for the cooperation of the world's leading states and their joining the economically powerful alliances. The repeated violation of values enshrined in The Treaty of Lisbon (2009), such as respect for human dignity, freedom, democracy, equality, the rule of law, and respect for human rights, is collectively perceived as one of the key factors in the suspension of European integration processes in the Turkey. Having a rather long history of negotiations, even after decades, Turkey has not been able to establish itself as a Member State of the European Union. Moreover, the gradual enforcement of authoritarian attitudes only separates the state's potential affiliation from a political alliance. Certainly, legal factors are not the only criteria for joining the EU, but they occupy an important place in developing conditions for gradual integration. That is why it seems appropriate to consider the reasons for the inaccessibility of the desired membership due to a significant lack of rule of law in the country (Aydın-Düzgüt & Kaliber, 2016).

In general, the topic of democracy or the issue of the enforcement of human and citizen rights is a central place in the works of many researchers, for example, E. Yazici (2019), who covered the connection between the nationalism elements and the practice of observing human rights, or S. Akboga and O. Sahin (2021), who analysed the reasons for the decrease in satisfaction with democracy among Turkish citizens. At the same time, the seeds of an authoritarian regime in Turkey are clearly demonstrated in the works of E. Fratanuono (2020) and B. Çelik (2020), both of whom emphasised the role of the current Turkish president in the development of antidemocratic attitudes. Along with this, the chronology of the European integration processes of Turkey was considered in the work of O. Kurylo (2019) who paid attention to the analysis of diplomatic relations between the country and the European union.

This topic really has a rather extensive scientific base, however, the systematic violation of constitutional freedoms, gaps in legislative regulation and a significant increase in cases of illegal imprisonment forces us to study this issue again.

2 Materials and methods

The basis of methodological study is a combination of theoretical methods of generalisation and analysis. Using the scientific method of generalisation, the current level of observance of the basic rights and freedoms of Turkish citizens was analysed, as well as the work of the judicial system and available methods of legal protection were considered, their efficiency was also determined. The method of theoretical analysis of regulatory documentation was a tool for studying the national legal framework of Turkey in the area of observing the interests of citizens, identifying gaps in legislation and conflicting constitutional provisions. In particular, the authors reviewed Turkey's anti-terrorist legislation and the provisions on the Institution of Human Rights and Equality. At the same time, the analysis method made it possible to study the way of the Republic of Turkey as a candidate for joining the European Union and to identify the main political factors behind the suspension of negotiations and the constant approach of an antidemocratic regime. First of all, the scientific work is focused on covering unvalued contribution of fundamental freedoms to the world political institutions functioning, as well as establishing the central factors of freezing the prospects of Turkish European integration. The theoretical base, prepared in advance by the authors, is a useful scientific basis for further analysis of the issue at hand.

The works of European, Ukrainian, and especially Turkish researchers who devoted attention to covering the problem of systematic violations and restrictions of the constitutional privileges of citizens of the Republic of Turkey form the theoretical basis of this work. European conventions, regulatory protocols and international pacts relating to the protection of fundamental human rights were also necessary materials.

This scientific work was carried out in three main stages. First of all, the authors defined the main purpose and issues of this scientific article. The preparation of the international and Turkish legal and regulatory framework was carried out for its further analysis, the studies of existing legislative gaps, as well as identification of the reasons for the introduction of the unlawful legal documents' list. At the same time, the first stage was marked by the consideration of the Copenhagen criteria and the determination of the leading violation factors by the Turkish government of the political conditions of membership in the European Union. The importance of observing the principle of the rule of law in terms of European integration processes within the state, as well as the primary causes of the current manifestations of the authoritarian regime of the Turkish government were covered.

The second stage of study work was characterised by covering the current status of women in the conditions of modern transformational processes in the country and establishing the reasons for the increase in the number of daily manifestations of femicide against the female population of Turkey. The article also reveals the contradictory actions of the Turkish government regarding the LGBTQ+ (lesbian, gay, bisexual, transgender, queer) community that directly contradict the European Union directives and shows how such decisions bar the Republic of Turkey from EU membership. Regular restrictions on the rights and freedoms of the ethnic Kurdish minority are also emphasised, which once again undermines the democratic regime and legality in general. At the same time, the

impact of religious freedom on the implementation of European values was studied. At the second stage, the conclusions obtained during the study work were clarified and the authors' analytical material was provided.

At the third stage, the final conclusions were formulated and effective ways to overcome the systematic violations problem of the fundamental rights of Turkish citizens were proposed. A number of illegal legislative acts that are tools for the prosperity of antidemocratic government were also identified. In the future, the results of this scientific study will be a relevant basis for further searches for ways of fighting illegal restrictions of fundamental human rights.

3 Results

The relations model between Turkey and the European Union has always been characterised by their complexity and dynamics. Having started its journey at the end of the 1950s of the 20th century, achieving full membership turned out to be too complicated, which was to some extent predictable. Obtaining the status of a candidate country in 1999 meant the enforcement of the state's partnership with the political union, but in practice it did not bring the expected results. The Cyprus problem, the government's obstacles to the implementation of political reforms and the attempted Turkish coup are the pretext for stalling the negotiations which became more and more obvious every year. Here it should be added that from the very beginning, the European Union did not consider Turkey sufficiently prepared for the start of negotiations on full membership due to its economic characteristics and, more importantly, the lack of respect for human rights (Turan et al., 2019). After all, it was the restriction of constitutional rights and the lack of effective means of legal protection that forced the European Parliament to vote to pause joining negotiations with Turkey. And although clearly defined differences between the Turkish worldview and European values significantly hinder the cooperation establishment, different beliefs regarding the issue of the protection and observance of fundamental freedoms are a source of friction in the Turkish European integration processes.

First of all, it should be emphasised that the strained relations between the EU and the Republic of Turkey are mostly based on the latter's violation of a number of requirements, the implementation or observance of which directly implies potential membership in the European Union. The joining criteria, better known as the Copenhagen joining criteria, were officially introduced as a fair and open method of competing for EU membership, receiving practical feedback and finally implementing the standards in the most effective way (Veebel, 2011). Figure 1 shows the conditions according to three main criteria.

For a long time, Turkey's policy focused on the economic market development and implemented European directives as part of national legislation, but the issues of promoting the principle of the rule of law or protecting the civil/political rights of the population occasionally became the subject of public discussions. The European Commission's conclusions about the progress towards the implementation of membership conditions had the following statements as 'serious concession has taken place,' 'progress is generally restricted,' 'withdrawal is continuing and the recommendations of previous reports have not

been accepted or implemented' or even 'a rapid deterioration of the situation regarding human rights' (Galan & Marini, 2021). It is obvious that compliance with the principle of the rule of law should be seen as a guarantee of a high level of justice, the establishment of an anti-discrimination policy and the functioning of available and effective means of protection of civil rights. Therefore, member countries, or in the case of Turkey, candidate countries, recognise European values and make the first attempts to join the political union.

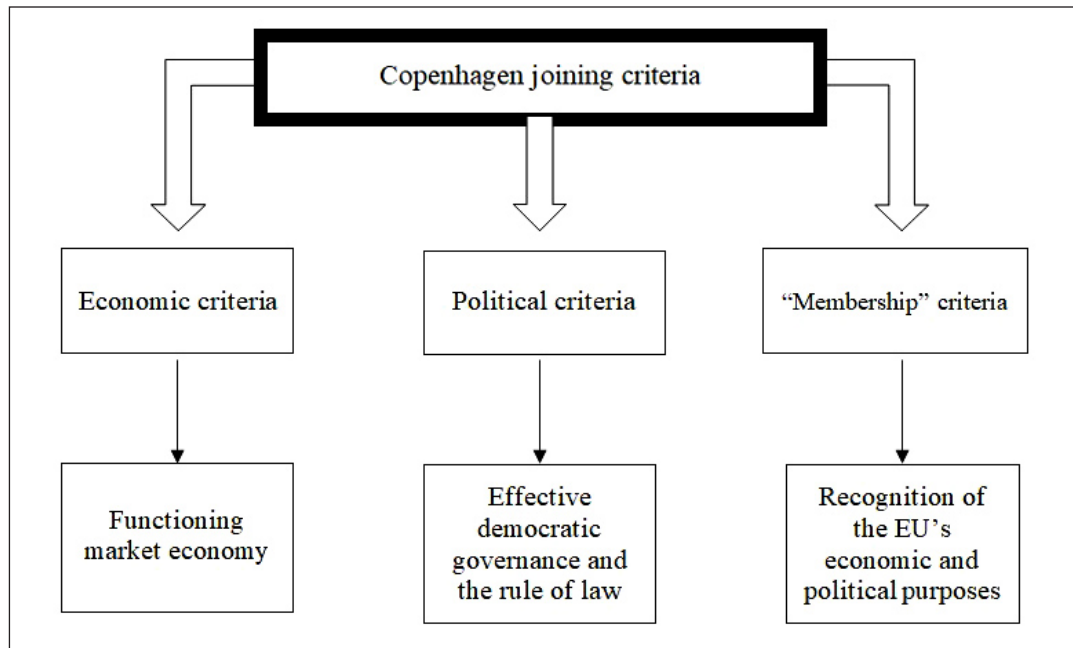


Figure 1 Copenhagen joining criteria

However, currently, the main achievement of the Republic of Turkey among other candidate states is the catastrophically low level of observance of the rights and freedoms of its citizens. In Turkey, there is a restrictive environment for the mass media, human rights defenders, the LGBT community, Kurdish political activists and other government critics (Human Rights Watch, 2022). The Turkish legal framework contains a considerable number of documents that significantly restrict main freedoms and directly contradict the European conventions.

(1) International human rights organisations are extremely concerned about the Turkish Anti-Terrorism legislation, which, in addition to preventing the use of violence, is aimed at purposely intimidating citizens who are not in favour of the Turkish government. Law of the Republic of Turkey No. 3713 'On Combating Terrorism' (1991) and Law of the Republic of Turkey No. 7262 'On Prevention of Financing the Proliferation of Weapons of Mass Destruction' (2020) significantly exceed the legitimate purpose of deterring cases of terrorist acts, instead of this they generate a legally regulated justification of repressive procedures. Selahattin Demirtaş, Nazlı Ilıcak, Osman Kavala, Yasin Özdemir are a small

list of political figures, journalists and philanthropists who due to public statements, comments on social networks or active citizenship, were wrongfully accused of involvement in terrorist activities. 'In Turkey, human rights lawyers are particularly prosecuted for their work that represents human rights defenders, victims of human rights violations, victims of police violence and torture, as well as many people who simply express dissenting opinions' – United Nations Special Rapporteur Mary Lawlor (2021). If membership of the European Union requires a democracy guarantee, then from the Anti-Terrorism Laws point of view, the Turkish government is doing everything possible to destroy the possibility of potentially joining, because the court decisions issued after the coup attempt in 2016 are devoid of any legal basis. This judicial practice created another precedent of criminal liability, contrary to the presumption of innocence.

(2) The illegal actions of the Turkish authorities contradict not only international conventions, but also the Constitution of the Republic of Turkey (1982) that de jure enshrined the state's obligation to respect the freedoms of every individual, but in practice is not perceived as an effective legal protection instrument. Probably, one of the most inconsistent constitutional provisions is Article 26, which affirms the common right to spread their thoughts and views verbally, in writing or in images, as well as in other ways individually or collectively. However, the observance of this constitutional right obviously does not extend to criticising the Turkish president. Any criticism of Erdoğan is met with threats such as investigation, punishment and arrest as the regime tries to frighten society (Türkoğlu, 2018). It is clear that freedom of expression exists on paper, but in real life one must be extremely careful.

Indeed, it would be wrong to claim that the Turkish regulatory framework does not attempt to coordinate national legislation with the legal system of the European Union. Thus, for example, Law of the Republic of Turkey No. 6701 'On the Institute of Human Rights and Equality' (2016) formally recognises the priority of fundamental rights and prohibits discrimination in any of its manifestations, and the established Regulation of the Functioning of the National Human Rights Council (2017) should confirm the wish of the Republic of Turkey to accept obligations in the area of protection of civil freedoms. Although discrediting demonstrations based on religious views or sexual orientation occur systematically, the state has at least laid the legal basis for the elimination of discrimination and intolerance. A similar situation is observed with international regulatory acts. Table 1 shows Turkey's clear commitment to international law in the area of fundamental human rights protection.

Certainly, the provided list is only a small fraction of the total number of signed legal acts, but it clearly indicates the readiness of the Republic of Turkey to comply with the legislation of the European Union. However, it should be noted that the International Covenant on Civil and Political Rights (1966), which entered into force in 1976, was signed by Turkey only in the middle of 2000, which is surprising, because the Universal Declaration of Human Rights, the text of which can be traced in the content of the Covenant, was adopted almost immediately after its announcement. If they adhere to the statement that the level of human rights in the country (at least partially) depends on the influence of international laws of human rights (Chae, 2021), then in this case their priority over the internal legislation of the republic is only of a formal nature. Citizens of Turkey are indeed protected by a number of European conventions officially recognised by the state, how-

ever, in the authors' opinion, this protection in the legal framework is abstract, while in practice the country does not have any specifically defined instrument for the protection of basic interests and freedoms, including the judicial system.

Table 1 International legal documents ratified by Turkey

Regulatory documents	Date of ratification
Convention for the protection of human rights and fundamental freedoms	18.05.1954
European convention for the prevention of torture and inhuman or degrading treatment or punishment	26.02.1988
Convention against torture and other cruel, inhuman or degrading treatment or punishment	02.08.1988
Optional protocol to the convention on the elimination of all forms of discrimination against women	08.09.2000
International covenant on civil and political rights	23.09.2003

Source: Convention for the protection of human rights and fundamental freedoms (1950), European convention for the prevention of torture and inhuman or degrading treatment or punishment (1987), Convention against torture and other cruel, inhuman or degrading treatment or punishment (1984), Optional protocol to the convention on the elimination of all forms of discrimination against women (1999), International covenant on civil and political rights (1966).

The country's state policy on the female half of the population is also quite controversial. At the beginning of the 20th century, Turkey had a very liberal position, being one of the first states, which in 1930 gave women a number of political and civil rights. In the first ten years after the republic's proclamation, the status of a woman as an 'equal person' in the family, education, public life and politics was ensured (Kayrak & Kahraman, 2016). The right to abortion, to obtain a permission to divorce, the right to be elected and occupy higher state positions, it would seem that Turkish women have a wide range of freedoms and constitutional protection. However, each generation of women is constantly faced with manifestations of domestic violence and women fall become victim to forced marriages. The European Court of Human Rights (ECHR) has repeatedly emphasised Turkey's violation of European legislation regarding the prohibition of torture, inhuman, humiliating treatment (Abdel-Monem, 2009). However, May 2021 saw President Erdoğan issue a decree, which reports Turkey's decision to leave the Council of Europe Convention on the Prevention of Violence against Women and Domestic Violence and the Combating these Phenomena. Certainly, the reaction of the world community was clearly negative, not to mention thousands of women who protested on the capital's streets. Not only the EU representatives but also the leaders of the Western world called on the President to change this decision. However, if the European community was more concerned about potential signals for Member States, then Turkish human rights activists were concerned about the real consequences for the Turkish and Kurdish population. Since women in Northern Kurdistan are too often victims of rape, oppression, forced labour and especially domestic violence, withdrawal from the Istanbul Convention will cause a new wave of femicide and illegal legislative proposals.

It is quite obvious that the wish of the candidate countries to join the political alliance should reflect their willingness to be guided by the guiding principles of the European Union. Thus, they are not legally binding, but de facto form the foundation for future cooperation and representation. Among other principles that are of concern to the public to one degree or another, the principle of respect for the rights of the LGBTQ+ community is perhaps the most frequently violated by the Turkish authorities. Although homosexuality is not criminalised in the country, as in most Muslim countries, LGBT discrimination is a fairly common practice. Certainly, Turkey is not the only country that restricts the freedoms of representatives of non-traditional relationships, moreover, the republic remains a deeply religious state, but beatings, harassment and death threats have nothing to do with religious beliefs. It seems that the main factor that will lead to the introduction of new antidiscrimination laws in Turkey will be the result of the country's wish to join the EU (Fishman, 2013), however, constant violations of international directives are an unreasonably high risk both for the Republic of Turkey itself and for its potential joining the political union.

It seems that when discussing the above categories alone, they do not constitute a real threat to the prosperity and development of democratic rule, because it would be a mistake to say that the Turkish Republic is not completely modernised or improved, especially comparing it with other Eastern states. However, considering the existing picture comprehensively, it becomes clear that small steps, but obviously the democratic style of Turkish authority is increasingly reminiscent of an authoritarian one, and the current development hides instability and chaos. It is clear that July 2016 had its consequences in the form of a prolonged state of emergency, and what is the most important a new wave of governing authorities' permissiveness. The efforts of the President to consolidate political domination have become the beginning of serious transformational processes, which have since provided neither liberal reforms nor the development of an independent human rights institution but have probably contributed to enforcement of the authoritarian progress. As a result, the Parliamentary Assembly of the Council of Europe called on Turkish authorities to take the necessary measures to restore democratic principles (Soyaltin-Colella, 2021).

It is essential to acknowledge the multifaceted nature of Turkey-EU relations. While the democratic backsliding in Turkey over the years is undeniable, the EU and its Member States have also played a role in shaping the current dynamics of this relationship. The EU's approach, often emphasizing concepts like 'privileged partnership' and concerns over 'absorption capacity', has arguably created a sense of distance and skepticism from the Turkish side. This perception of a lukewarm reception from the EU has at times furthered the sentiment in Turkey that European integration might not be as achievable or beneficial as previously thought. The relationship is a two-way street, and while internal politics in Turkey have evolved in a direction that raises concerns about democratic norms, the EU's approach and certain reservations expressed by member states have also influenced Turkey's stance towards European integration.

Once the most democratic country in the Middle East, it currently suffers from increasing autocracy and a lack of reliable legal institutions. Violation of international obligations in the area of human rights protection is a logical component of repressive policy. Criminalisation of opposition opinion, the politicisation of the judiciary, the wish of the political elite to censor every civil area, the destruction of mass media freedom as well as

ignoring the directives and jurisdiction of the ECHR, regrettably, but, in the author's opinion, the Turkish government is destroying not only the democratic regime, but also the legal future of the country in general.

4 Discussion

Despite the wishes of the leadership of the Republic of Turkey, the level of compliance with the principle of the rule of law in the international arena remains one of the key factors in building a diplomatic foundation. After many years of struggle for a European future, the fragility of democratic rule and the gradual decline of the institution of law is the decisive factor that can fundamentally separate Ankara from the leading countries of Europe.

As it turns out, enshrining the term 'democracy' in the Constitutional Law of the state does not automatically transform its political processes: intimidation, arrests and political repression actually degrade this regulatory norm. History has many examples of populist states whose totalitarianism could not be hidden by either the Constitution or the electoral system. Studying the legislation of Turkey concerning the protection of civil rights, the authors came to the conclusion that in fact the regulatory acts do not contain any human rights protection mechanism that they promise. Certainly, it is referred to the Institute of Human Rights and Equality (IHRE), which was introduced by the Law of the Republic of Turkey No. 6701 'On the Institute of Human Rights and Equality' (2016) mentioned above. Considering the annual practice of destroying constitutional freedoms, it can be stated that the functioning of this body is restricted only by its existence. Turkish researchers hold a similar opinion, for example, Ö.H. Çınar and T. Şirin (2017) noted the narrowness of Law of the Republic of Turkey No. 6701 'On the Institute of Human Rights and Equality' (2016), as it cannot fight either against discrimination against women or against discrimination based on sexual orientation. From their part, B. Gunes (2017) summarised that the IHRE cannot play an active role in overcoming bias and discredit precisely because of the current legal framework. Surprisingly, the signing of international conventions or the constant adoption of new draft laws are not urgent measures that will restore the damage caused to the rule of law, at least without the intention of their implementation and gradual realisation.

The Institute of Human Rights and Equality (IHRE) holds a 'B' status as a National Human Rights Institution (NHRI), a designation provided by the Global Alliance of National Human Rights Institutions (GANHRI). On examining the IHRE's practices and structure in light of the Paris Principles, there are commendable efforts but also areas of concern. The IHRE's mandate is clear and grounded in human rights, and it has made significant strides in promoting and advocating for human rights within its jurisdiction. Its efforts in raising awareness, providing education, and advising the government on human rights issues have been noticeable. However, the 'B' status also indicates areas where the IHRE could potentially improve. The primary concerns revolve around its independence and pluralism. While the IHRE is designed to operate autonomously, there have been instances where its decisions or stances might appear influenced by external factors or governmental pressure. This potential lack of complete independence can sometimes

undermine its credibility and effectiveness in the eyes of the public and the international community. Pluralism, both in representation and in inclusive decision-making, is another area where the IHRE could strengthen its practices. Ensuring diverse voices, including minority groups, are adequately represented and heard is crucial for any NHRI.

Surely, European integration processes are connected not only with law-making transformation, but also with social and political factors. The path of Turkey's joining the European Union has already taken more than half a century and is an example that legislative reforms and consistent implementation of legal regulation standards and political mechanisms of the European Union are not an absolute guarantee of joining the European Community (Kurylo, 2019). Cultural and ethnic, and especially religious factors, have a direct impact on the state system of the Turkish Republic, and therefore, compared to all other Member States, play a significant role in the implementation of pan-European standards. As was already noted, the government of the republic has chosen a clear course for Islamisation of society, which not only contradicts the Constitutional provisions, but also exacerbates the differences between Christian Europe and Muslim Turkey. A. Kaya (2020) notes that the growth of right populism in EU member-states is an obstacle to the integration process of Turkey through hostility to religious and ethnocultural diversity. Indeed, the prosperity of secularisation and the principle of free choice of worldview can significantly damage the conservative policies of authority representatives, and especially the Head of state, who have been persistently imposing religious order over the secular for the last decade. And yet, according to the author's opinion, the Muslim country joining the European Society would significantly contribute not only to the expansion of religious freedom of its citizens, but also to the modernisation of social views in general. Being perhaps the most developed state of the Middle East, Turkey had once proved that it could combine the latest democratic aspirations with a comprehensively rooted Islamic identity.

However, the shift in steadfast church dogmas will undoubtedly affect the most vulnerable groups of the population: women, children, ethnic minorities and representatives of the LGBTQ+ community. The latter currently face physical or psychological violence and various forms of discrimination on television, in the mass media and in politics on a daily basis. In addition, even though the EU includes the fight against homophobia in political dialogues almost all the time, as noted by H. L. Muehlenhoff (2019), the European Union has not succeeded in promoting the rights of sexual minorities in its external relations, and the community funding of LGBT rights organisations in Turkey had ambiguous consequences. It is clear that it would be a colossal mistake to assume that conservative countries with high-volume religious heritage will have rapid success in promoting sexual freedom and tolerance. However, in this case it is not even about the legalisation of same-sex relationships, which in terms of current Turkish politics it is extremely early to talk about, but about respect for the individual and their civil freedoms. The author believes that the elimination of homophobia and transphobia in the political environment of the state is on the agenda first, increasing the level of government respect for the freedoms of its citizens, not to mention the practice of observing fundamental rights. Since this Muslim religious country chooses the European integration way, it should learn to recognise the universal human values that should be connected only with the democratic attitudes of Turkish society.

It should be reiterated that democracy itself, as the primary focus of modernisation and liberal reforms, is currently in an incredibly weak position. According to B. Burak (2021), what has been happening in Turkey since 2018 can be considered a 'political collapse'. Observing the steady destruction of legal institutions and the unavailability of the independent activity of judicial bodies, this statement is quite difficult to disprove. However, it is the period of Erdoğan's presidency that is connected with the beginning of the authoritarian era in the republic. For example, studying the personalistic rule of the twelfth president of Turkey, scientists came to the conclusion that his personality is currently the 'foundation of legitimate governance,' which cannot be undermined by any statement or dissatisfaction (Över & Tuncer-Ebetürk, 2022). At the same time, Z. Yilmaz and B. Turner (2019) stated that the totalitarian core within its current project of an authoritarian regime gradually eroded the already fragile divisions in the areas of knowledge, law and politics at every moment of political crisis. The author fully agrees that the government of the current president is extremely difficult to portray as a liberal government: note the destruction of freedom of speech, the arrest of human rights defenders, the practice of violence and political chaos. It should be mentioned at least that during the years of his rule, Erdoğan openly hinted at the potential legalisation of the death penalty several times (Ceylan, 2022). It seems as if modern Turkey has the lowest level of democratic freedoms in its entire history. Certainly, it is easier to govern the country by narrowing the scope of civil rights, but maintaining the image of an economically strong, social and legal state. As M. Lowen (2016) notes: 'When it comes to the democracy vision, there are two realities in Turkey – each side has its own narrative.'

It is obvious that the enforcement of authoritarian manifestations harms not only the establishment of political relations with the countries of Europe, but also, first of all, the progress within the Muslim, one-time democratic country. The definition of the 'permitted freedoms' framework is based on the worldview of one person, whose autocratic rule reduces the existence of liberal government institutions to nothing. Pre-empting its neighbours in the past, today's Turkey has every chance to compete for the title of the most conservative country in the region. The practice of observing fundamental rights, or more precisely, its absence, objectively shows the decline of Turkish freedom and the consequences of the permissiveness of the governing bodies. Gradually, the government uses less diplomatic rhetoric, which cannot but affect the level of its support. Certainly, the socio-economic level plays far from the last role, but the potential of the Republic of Turkey joining the European Union with almost destroyed political and public freedoms looks more doubtful or even impossible than ever.

5 Conclusions

Therefore, neither membership in the Council of Europe, nor the declaration of its leading principles in its constitution, nor the ratification of European legislation – nothing guarantees automatic joining of the ranks of the European Union. The Republic of Turkey is a clear example of a long-term way that has practically ended before it even began. Despite the close economic connections, the full consolidation of the country as part of the EU is impossible without a strong foundation in the form of a functioning institution of the rule of law.

Currently, it can be noted that the fundamental rights of Turkish citizens are almost destroyed by the centralised government, which continues its destructive policy against democratic freedoms. Firstly, as this study has shown, the signing of international pacts does not determine the level of legal security at all if the country's government prefers domestic discriminatory legislation. The presence of ambiguous regulatory documents only hints at the unwillingness to improve social and legal instruments and to some extent restrict the activities of human rights organisations. The Turkish government uses the legal system to impose 'convenient' views and threatens repressive policies. Secondly, it seems that none of the implemented reforms were aimed at developing or at least protecting the constitutional rights and interests of the citizens of the Republic of Turkey. Women, opposition activists, lawyers, ethnic and sexual minorities – the list of vulnerable groups is only added to every year, but the authorities do not provide effective independent protection mechanisms. The public withdrawal from the Istanbul Convention once again showed the authority of international obligations for the country's governing bodies, and the actual criminalisation of opposite opinion confirmed the autocratic course of the state. In addition, the discrediting statements of the political elite show clear disrespect for citizens and encourage policies of violence and coercion.

Since the purpose of this scientific work was to characterise the mechanism of development and protection of the state's legal basis, summarising everything above listed, the authors should state that currently this instrument does not exist within the Republic of Turkey, which is transparently hinted at by internal legislation and the political situation of the country. Obviously, the legal doctrine of the rule of law is covered in the most convenient form for the Turkish government, gradually losing its original meaning. That is why the search for effective ways to overcome the democratic crisis should attract the attention of researchers and lawyers. Certainly, Turkey is still far from a totalitarian regime, but an effective liberal government is losing prospects for future existence every year, and the arbitrary behaviour of the government is no longer restricted by the constitution or the 'democratic' status.

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