

**EASTERN MEDITERRANEAN UNIVERSITY FACULTY OF BUSINESS AND
ECONOMICS DEPARTMENT OF PUBLIC ADMINISTRATION
PADM 206 TURKISH CONSTITUTIONAL SYSTEM COURSE OUTLINE**

Course Code	PADM 206	Semester	Spring 2025-2026	Credit	3
Course	Turkish Constitutional System			ECTS Kr.	
Web	http://staff.emu.edu.tr/dculusoy/			Prerequ.	-
Day/ Hours	Tuesday, 10:30-13:20			Office Hou.	Salı 13.30-15.00
Class	Faculty of Law 3rd Floor LAW L 308				
Gr.	Staff		Ofis No.	e-posta	
1	Assoc. Prof. Dr. Demet ÇELİK ULUSOY		L 205	demet.celik@emu.edu.tr	
Course Description					
<p>This course introduces students to Turkish Constitutional Law, covering the history, principles, fundamental rights, organization of the state, constitutional review, and recent legal developments. Students will analyze legal texts, court cases, and engage in discussions on contemporary issues. This course provides an overview of the fundamental principles of Turkish Constitutional Law and examines the major stages of Turkey's constitutional development. It begins with an analysis of constitutional movements in the Ottoman period, offering students a historical perspective on early constitutional documents and reforms. The course then explores the constitutional transformations of the Republican era, with particular emphasis on the 1982 Constitution. Detailed attention is given to the structure, functioning, and interaction of the three branches of government—legislative, executive, and judicial—under the 1982 Constitution. Special focus is placed on constitutional adjudication, including the role and authority of the Constitutional Court. Throughout the course, students engage with constitutional texts, examine constitutional amendments, and develop an understanding of the institutional dynamics that shape Turkey's constitutional system.</p>					
Learning Outcomes					
<p>Upon successful completion of this course, students will be able to:</p> <ul style="list-style-type: none"> ▪ Identify the basic structure and main characteristics of the Turkish constitutional system. ▪ Explain the organization, powers, and functions of the legislative, executive, and judicial branches under the 1982 Constitution. ▪ Describe the constitutional position, duties, and authorities of the President, the Council of Ministers' former framework, and the post-2017 executive model. ▪ Understand the types of administrative and constitutional acts, including laws, presidential decrees, regulations, and other normative acts. ▪ Explain the functioning of the Grand National Assembly of Turkey (TBMM), including law-making procedures and supervisory mechanisms. ▪ Recognize the basic principles of fundamental rights and freedoms under the 1982 Constitution, including limitations and constitutional guarantees. ▪ Understand the role, structure, and jurisdiction of the Constitutional Court and the basic mechanisms of constitutional review. ▪ Relate constitutional rules to current institutional practice in public administration. 					
Teaching Methods					
<ul style="list-style-type: none"> ▪ The course will be delivered through instructor-led lectures. 					

<ul style="list-style-type: none"> ▪ Students are responsible for completing the assigned tasks. ▪ All information related to the course (such as course materials and announcements) will be provided during the first lecture. ▪ Students may follow the instructor's webpage for announcements. 	
Course Materials	
<ul style="list-style-type: none"> ▪ Lecture notes will be shared with students each week by the lecturer of the course. ▪ In addition, information will be given in the course about additional resource suggestions. <ul style="list-style-type: none"> - Ahmet NOHUTÇU, Turkish Constitutional Law, Savaş Yayınevi, Ocak 2024, ISBN 9786256805231 - Engin SAYGIN, Constitutional Law in a Nutshell, Adalet Yayınları, Ekim 2025, ISBN: 9786253774721. - Constitution Of the Republic of Türkiye: https://cdn.tbmm.gov.tr/TbmmWeb/Yayinlar/Dosya/ea266075-d26a-4bad-8007-efa2b7b773a8.pdf 	
Web Addresses That Can Be Used for Courses	
<p>Constitutional Court: www.anayasa.gov.tr See especially for the decisions, data bank and relevant legislation.</p> <p>Grand National Assembly of Turkey: http://www.tbmm.gov.tr/</p> <p>Legislation and other norms: http://www.mevzuat.gov.tr/</p> <p>Official Gazette: http://www.resmigazete.gov.tr/default.aspx</p>	
Weekly Lesson Plan / Topics	
1. Week	<p>Introduction to the Course: <i>General Evaluation of the Constitution Making Process in Terms of the Nature of Constitutional Documents</i></p> <p>INTRODUCTION TO OTTOMAN CONSTITUTIONAL DEVELOPMENTS</p> <ol style="list-style-type: none"> 1. <i>1808 Sened-i Alliance, (Seenedi İttifak)</i> 2. <i>1839 Gülhane Hatt-ı Hümanyunu (Tanzimat Fermanı/Edict)</i> 3. <i>1856 Edict of Reform (Islahat Fermanı)</i> 4. <i>1876 Kanun-i Esasi (Birinci Meşrutiyet)</i> 5. <i>1909 Amendments to the Constitution (Second Constitutional Monarchy/ İkinci Meşrutiyet)</i> <p>Both constitutional development processes in the Ottoman Empire will be examined in terms of their content, achievements as constitutional documents, and legal and constitutional characteristics in general</p>
2. Week	<p>CONSTITUTIONAL DEVELOPMENTS IN THE REPUBLICAN PERIOD</p> <ol style="list-style-type: none"> 1. <i>1921 Constitution - 1921 Transition to the Organization Law</i> Transition to the process of establishing the national state, evaluation of the Constitution in terms of its characteristics, nature, dynamics, relations of state organs, Regime of Fundamental Rights and Freedoms. 2. <i>1924 Constitution – 1924 Teşkilat-ı Esasiye Law</i> Evaluation of the Constitution in terms of its characteristics, nature, dynamics, relations of state organs, Regime of Fundamental Rights and Freedoms. In this course, a general comparison of the 1921 and 1924 Constitutions will also be made. 3- <i>1961 and 1982 Constitutions</i> Their preparation, Constitutional Characteristics, Establishment, functioning and relations with each other of State Organs and their mutual evaluations in terms of fundamental rights and freedoms regimes.
3. Week	<p>CHARACTERISTICS OF THE 1982 CONSTITUTION</p> <ol style="list-style-type: none"> 1. <i>Characteristics of the Republic</i> Initial Principles, Peace of Society and National Solidarity and Justice, Republicanism, Unitary State, Atatürk's Nationalism.

	<p>2. Social State/Welfare State</p> <p>3. Democratic State</p> <p>4. Secularism</p> <p>5. Principle of Equality</p> <p>6. Rule of Law</p> <p>7. A state that respects human rights</p>
4. Week	<p>INTRODUCTION TO THE REGIME OF FUNDAMENTAL RIGHTS AND FREEDOMS IN THE 1982 CONSTITUTION</p> <p>- Concepts of Right and Freedoms, Typology of Rights and Freedoms of the Constitution</p> <p>- Constitutional Limits on Restrictions</p> <p>1- Legality: Reasons for Limitation by Law, Predictability, Certainty Legal Security-Rule of Law context</p> <p>2- Commitment to the Cause/ requirement of pursuing a legitimate aim General Limitation Clause, Specific Constitutional Grounds for Limitation, Gradual and Cumulative Limitation Regimes: <i>Under the Turkish Constitution, fundamental rights may be restricted through a general limitation clause as well as specific limitation grounds stipulated in individual articles.” “The 1982 Constitution adopts a gradual and layered limitation regime, allowing restrictions to intensify depending on the nature of the right and constitutional requirements.”</i></p> <p>Simple Statutory Limitation Clause (Basit Yasa Kaydı) Qualified Statutory Limitation Clause (Nitelikli Yasa Kaydı) Absolute Right (Mutlak Hak)</p> <p>3- Requirement that Limitations Comply with the Necessities of the Secular Republic</p> <p>4- Requirement that Limitations Comply with The Text and Spirit of the Constitution</p> <p>5- The Essence of the Right -Effective Exercisability of the Right</p>
5. Hafta	<p>REGIME OF FUNDAMENTAL RIGHTS AND FREEDOMS IN THE 1982 CONSTITUTIONS — CONTINUED</p> <p>6- Proportionality (Ölçülülük) Suitability / Appropriateness (Elverişlilik) Necessity (Gereklilik) Proportionality (Orantılılık)</p> <p>7- Limitations necessary in a democratic society order/Limitations requirements of a Democratic Society Requirements of a Democratic Society (minimum elements/standards) <i>Democratic governance, pluralism, tolerance, and respect for fundamental values.</i> The ECHR “Necessary in a Democratic Society” Test- pressing social need, relevant and sufficient reasons, proportionality,</p>
6. week	<p>LEGISLATIVE BRANCH UNDER THE 1982 CONSTITUTION</p> <ul style="list-style-type: none"> • The Functions of the Legislature and Legislative Acts • The Working Procedures and Internal Structure of the Grand National Assembly of Turkey (TBMM) • Election of Members and Their Legal Status
7. week	<p>POWERS AND DUTIES OF THE GRAND NATIONAL ASSEMBLY OF TURKEY (TBMM) — CONTINUED</p> <ul style="list-style-type: none"> • Lawmaking (Statutory Acts) • International Agreements • Parliamentary Oversight / Supervision • Other Constitutional Powers

8. week	<p>EXECUTIVE BRANCH President of the Republic</p> <ul style="list-style-type: none"> • Election, Duties, Powers, Liability and Non-Liability of the President <p>Executive Branch and Regulatory Acts</p> <ol style="list-style-type: none"> 1. Presidential Decrees 2. Examination of the Decree-Law Regime Prior to the 2017 Constitutional Amendments 3. Examination of Presidential Decrees in terms of Authority, Procedure, Purpose (Reason), Subject, and Judicial Review
9. week	<p>EXECUTIVE BRANCH— CONTINUED Ministers and the Vice President: Duties, Powers, Appointment and Dismissal Political, Legal, and Criminal Responsibility of Executive Office Holders Extraordinary Administration Regimes Declaration of a State of Emergency and Its Legal Framework State of Emergency Presidential Decrees</p>
10. week	<p>JUDICIAL BRANCH</p> <ul style="list-style-type: none"> • Judicial Independence and Impartiality • Principles Governing the Judiciary and Their Examination • Council of Judges and Prosecutors (Structure and Functions) <p>CONSTITUTIONAL REVIEW</p> <ul style="list-style-type: none"> • Establishment of the Constitutional Court, Its Members, Duties and Powers
11. week	<p>CONSTITUTIONAL REVIEW— CONTINUED</p> <ul style="list-style-type: none"> • Norms Subject to Constitutional Review and Modes of Review: Annulment Action (Abstract Review) • Additional Methods of Review: Concrete Norm Review (Referral Procedure) and Individual Application <p>conditions for the admissibility of remedies, stages of examination, and types of decisions</p> <ul style="list-style-type: none"> • Characteristics of the Decisions of the Constitutional Court
12. week	FINAL REVIEW
Course Requirements	
<ul style="list-style-type: none"> ▪ Attendance and participation rules will be applied in accordance with the decisions of the EMU Senate and the Department Board. Students who arrive late will not be allowed to sign the attendance sheet if they come more than 15 minutes after roll call. Students cannot sign the attendance sheet at the end of the class. ▪ The Weekly Course Schedule will be followed in the Turkish Constitutional Law course. The order of topics may change. The instructor will inform students in class about any changes. Some classes may be affected by official holidays and make-up classes may be scheduled during the semester with prior announcement. ▪ During the course, students will occasionally participate in practical exercises, case discussions, and/or quizzes. Participation in these activities is compulsory. ▪ All students must bring the text of the Constitution—especially the 1982 Constitution of the Republic of Turkey—to class when topics related to it are covered. ▪ Students are required to use course textbooks to meet the assessment and learning requirements of the course. ▪ Audio recording is strictly prohibited. Recording audio or video without permission violates personal rights and constitutes unlawful processing of personal data. If a student is found recording, an official report will be issued for violating the rights of the instructor and others in the classroom. 	

- The course exams will consist of **classical questions requiring analysis, interpretation, and reasoning** (at least 50%). A smaller portion (no more than 50%) may include **fill-in-the-blank, multiple choice, true/false, or short questions**. Final details will be announced during the last class before the exam.
- Every student has the right to take a **make-up exam**. Students who cannot attend an exam must submit a medical report within **three business days** after the exam date. Students whose excuse is accepted by the Department/Faculty will be allowed to take the make-up exam. Make-up exams will be **classical exams covering all topics**.
- After exam results are announced, students may **appeal their grade within five business days** by submitting a petition. Students whose appeals are accepted may review their exam papers with the instructor during the officially announced “paper review” session.

Evaluation Method				
Değerlendirme	Mid-term	Quizes and Homeworks	Final Exam	
Yüzdeler	30 %	20 %	50 %	