

Capstone Project II

An Empirical Investigation of Constitutional Review in Turkey

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Springboard
Machine Learning Bootcamp
2019-2020

Motivation

- Judges are influenced by the factors such as ideology, better economic conditions and political conjecture in their decisions.
- The Turkish Constitutional Court (TCC) and its judges are not exempt from this tradition.
- The TCC, as one of the most powerful representatives of the official state ideology in Turkey, has a strong ideological bias in its decisions.
- I empirically investigate the decisions of the TCC in order to reveal the determinants of constitutional review and to predict judge behaviors in the future in Turkey.
- To this aim, I use unique dataset including the individual decisions of judges between 1984 and 2014.

Constitutional review, political setting, and ideology in Turkey

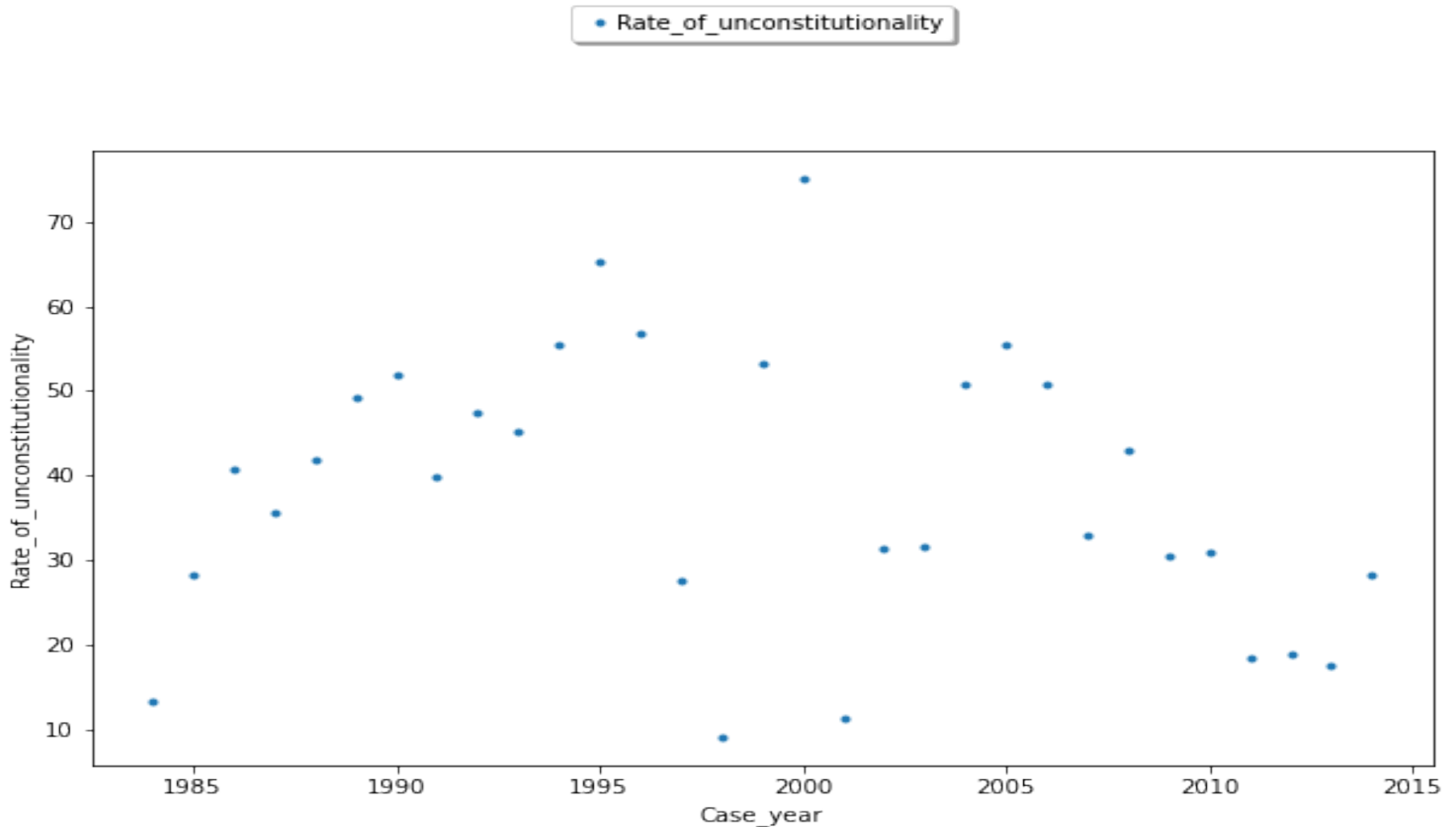
President	Period	Ideology	Governments	Period	Ideology	Government structures
K. Evren	(1982-1989)	Kemalist	ANAP	(1983-1991)	Right-wing	One party
T. Özal	(1989-1993)	Right-wing	DYP	(1991-1996)	Right-wing	Coalition
H. Cindoruk*	(1993)	-	ANAP	(1996)	Right-wing	Coalition
S. Demirel**	(1993-2000)	Kemalist	RP	(1996-1997)	Right-wing	Coalition
A. N. Sezer	(2000-2007)	Kemalist	ANAP	(1997-1999)	Right-wing	Coalition
A. Gül	(2007-2014)	Right-wing	DSP***	(1999-2002)	Undefined	Coalition
R. T. Erdoğan	(2014-...)	Right-wing	AKP	(2002-...)	Right-wing	One party

*I do not include Cindoruk in our analysis, because he was the President of a transition period for one month in 1993.

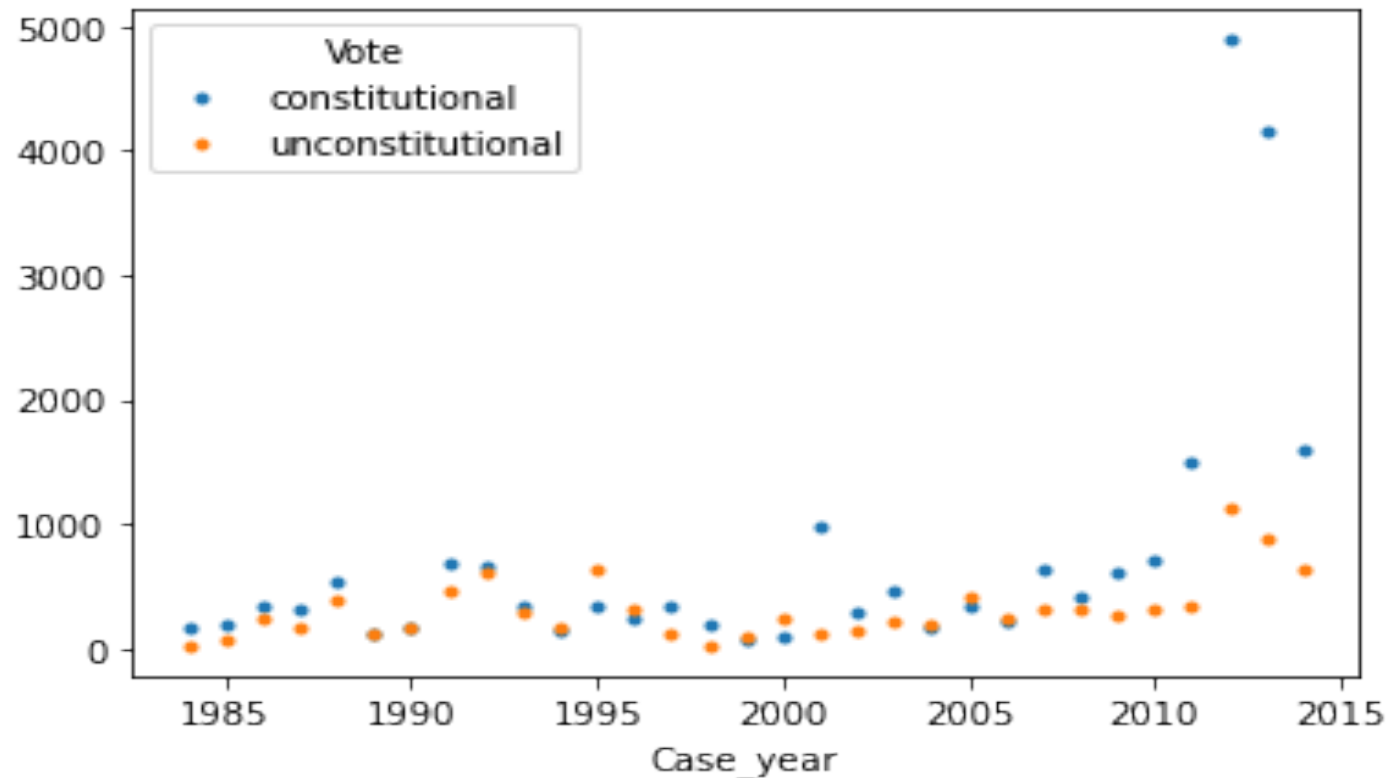
**Even though S. Demirel is a right-wing politician, following Icener (2010), Narli (2000) and Bora (2000), I define Demirel as Kemalist, because he acted as the President who has the Kemalist ideology in his Presidency term.

***Although it is possible to define the coalition government of DSP as a left-wing government because the Prime Minister was Bulent Ecevit, who is a left-wing politician, I accept this term undefined because this government consisted of MHP (Nationalist Party) and ANAP and it stayed in power only three years between 1999 and 2002.

Constitutional review, political setting, and ideology in Turkey



Constitutional review, political setting, and ideology in Turkey



Data and methodology

- I use individual level dataset, including 419 annulment actions between 1984 and 2014.
- An action can include more than one decision. This is because each petition might challenge more than one article of the same law and each article has to be reviewed according to the constitution.
- The dataset (*data*) includes the vote of each judge at every voting for articles and consists of 31.556 votes.
- Variables in Table 2, which are extracted from *data*, allow us to investigate the judicial decision-making process at the level of judge.
- Data regarding all the variables were gathered from the web site of the TCC and Turkish Statistical Institute.

Data and methodology

List of variables

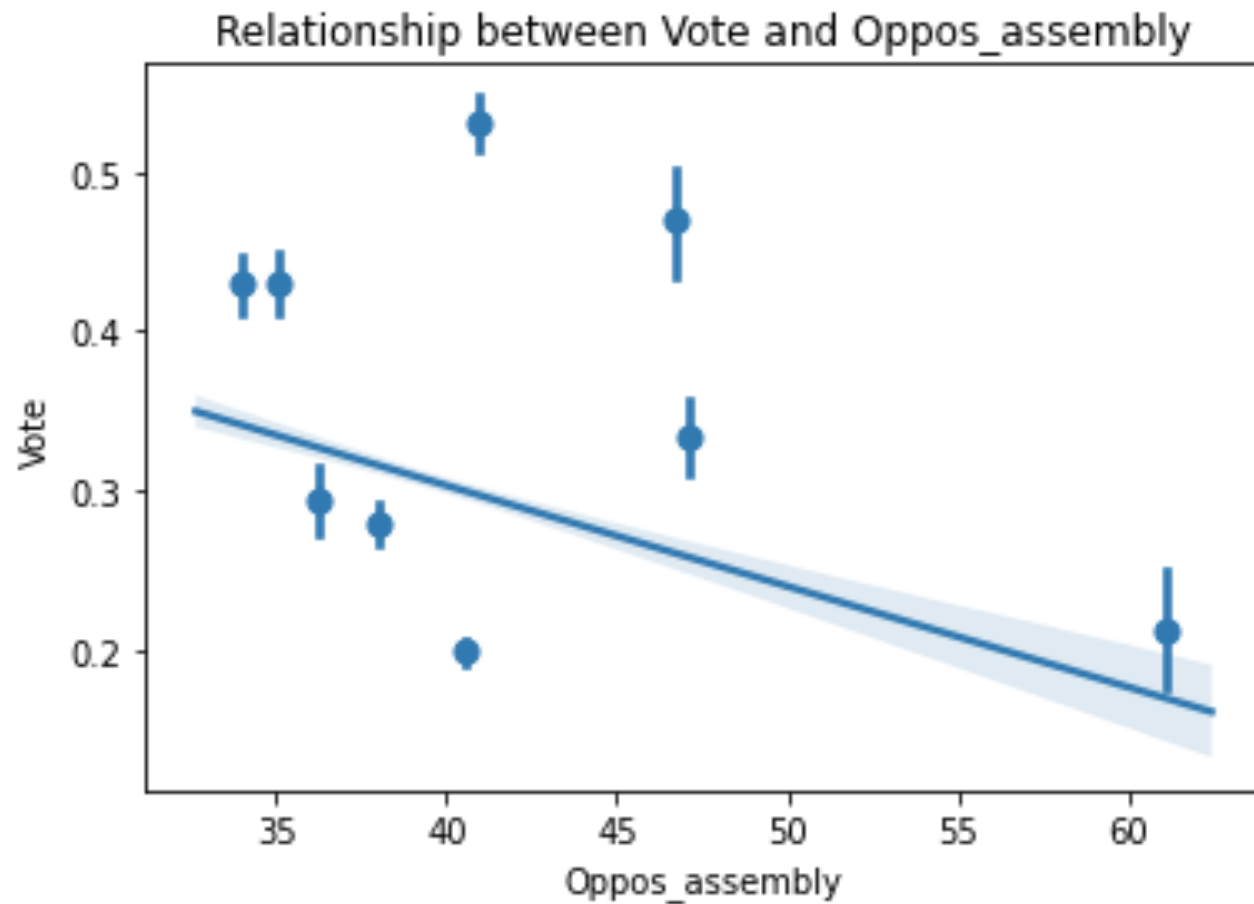
Dependent variable	
Vote_of_judge	=1, if law/article is rescinded by judge; = 0 otherwise
Explanatory variables	
Polity	
Gov_structure	=1, if government consists of one party at the time of decision; = 0 otherwise
Gov_right	=1, if government is right-wing at the time of decision; = 0 otherwise
Oppos_assembly	percentage of opposition in the Assembly at the time of decision
Leg_right	=1, if law was legislated by right-wing party; = 0 otherwise
Presidency	
Petit_president	=1, if the petitioner is the President; = 0 otherwise
President_right	=1, if the President is right-wing at the time of decision; = 0 otherwise
President_ag	=1, if judge was appointed by the President Abdullah Gul; = 0 otherwise
President_ans	=1, if judge was appointed by the President Ahmet Necdet Sezer; = 0 otherwise
President_sd	=1, if judge was appointed by the President Suleyman Demirel; = 0 otherwise
President_to	=1, if judge was appointed by the President Turgut Ozal; = 0 otherwise
President_ke	=1, if judge was appointed by the President Kenan Evren; = 0 otherwise

Data and methodology

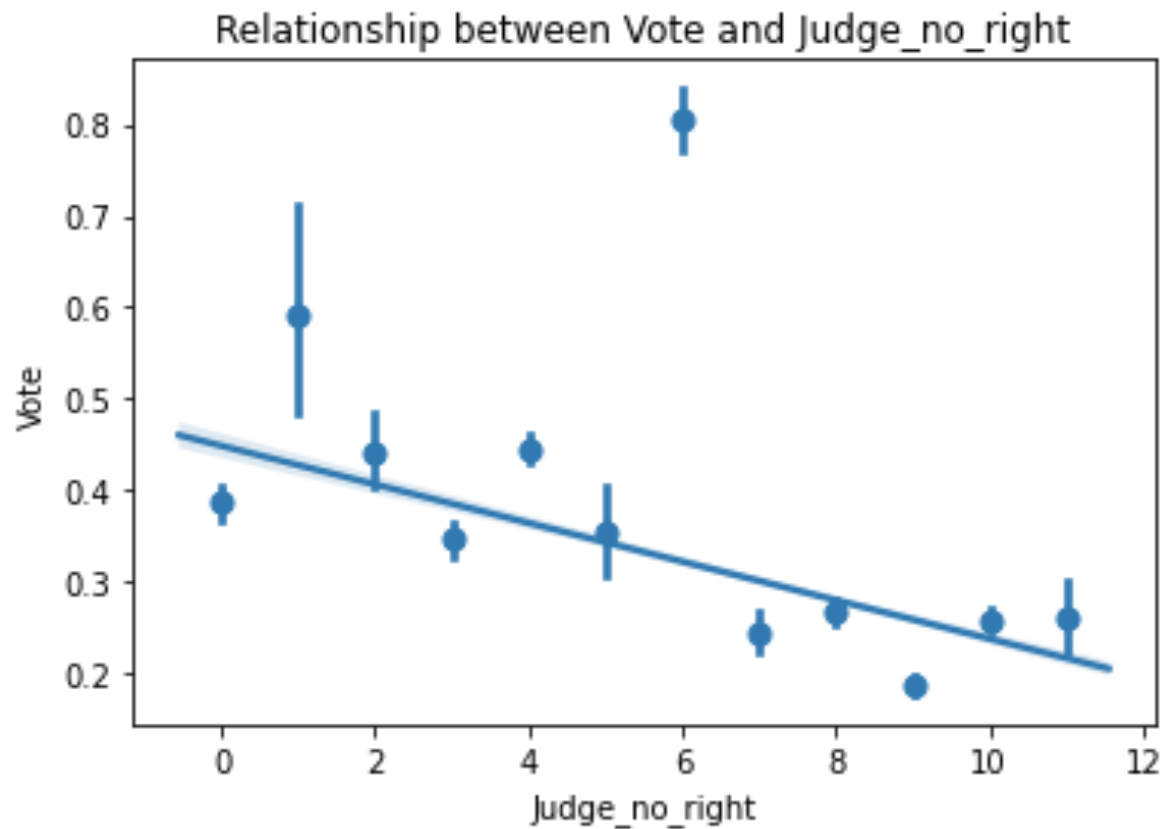
Descriptive statistics

Variable	Obs	Mean	Std.	Min	Max
Vote_of_judge	31556	0.30552	0.4606348	0	1
Gov_structure	31556	0.801654	0.3987603	0	1
Gov_right	31556	0.936557	0.2437615	0	1
Oppos_assembly	31556	39.65151	4.113087	34.00	61.09
Leg_right	31556	0.919477	0.2721063	0	1
Petit_president	31556	0.021993	0.1466617	0	1
President_right	31556	0.763405	0.4249984	0	1
President_ag	31556	0.236088	0.4246838	0	1
President_ans	31556	0.264926	0.4413007	0	1
President_sd	31556	0.094689	0.2927893	0	1
President_to	31556	0.162853	0.3692377	0	1
President_ke	31556	0.084833	0.2786379	0	1

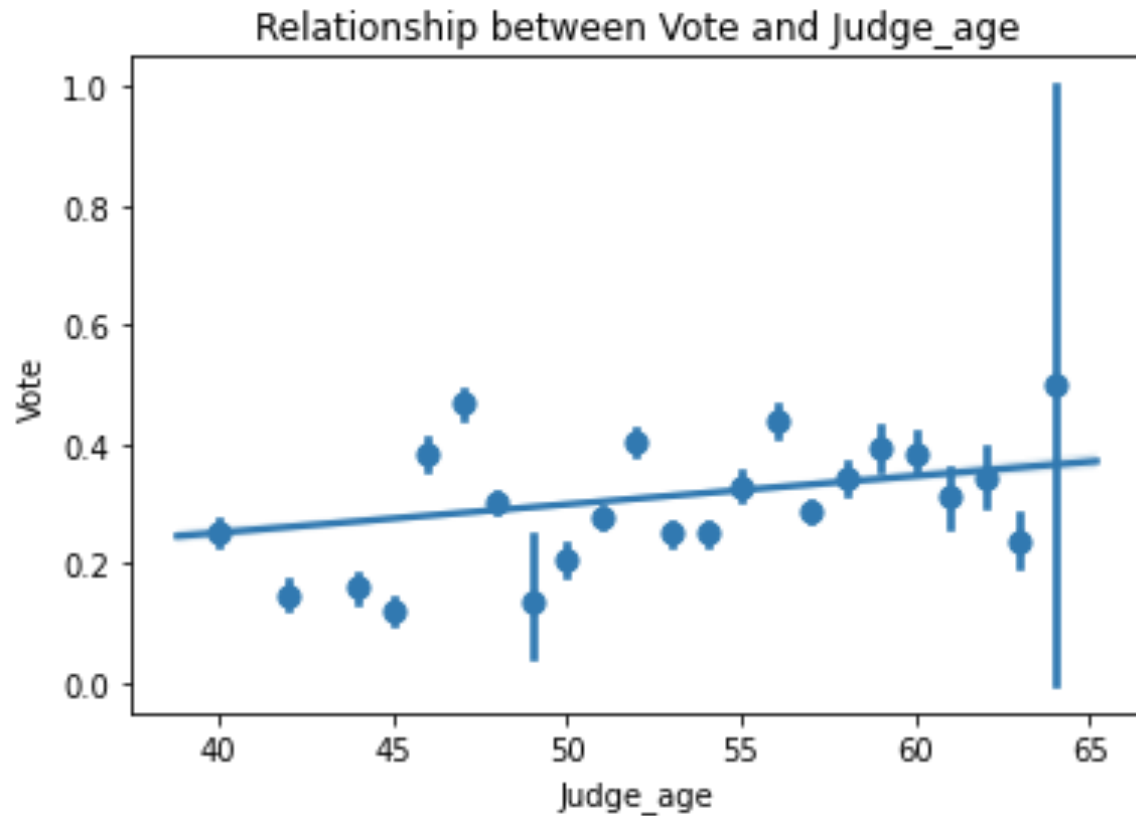
Outliers



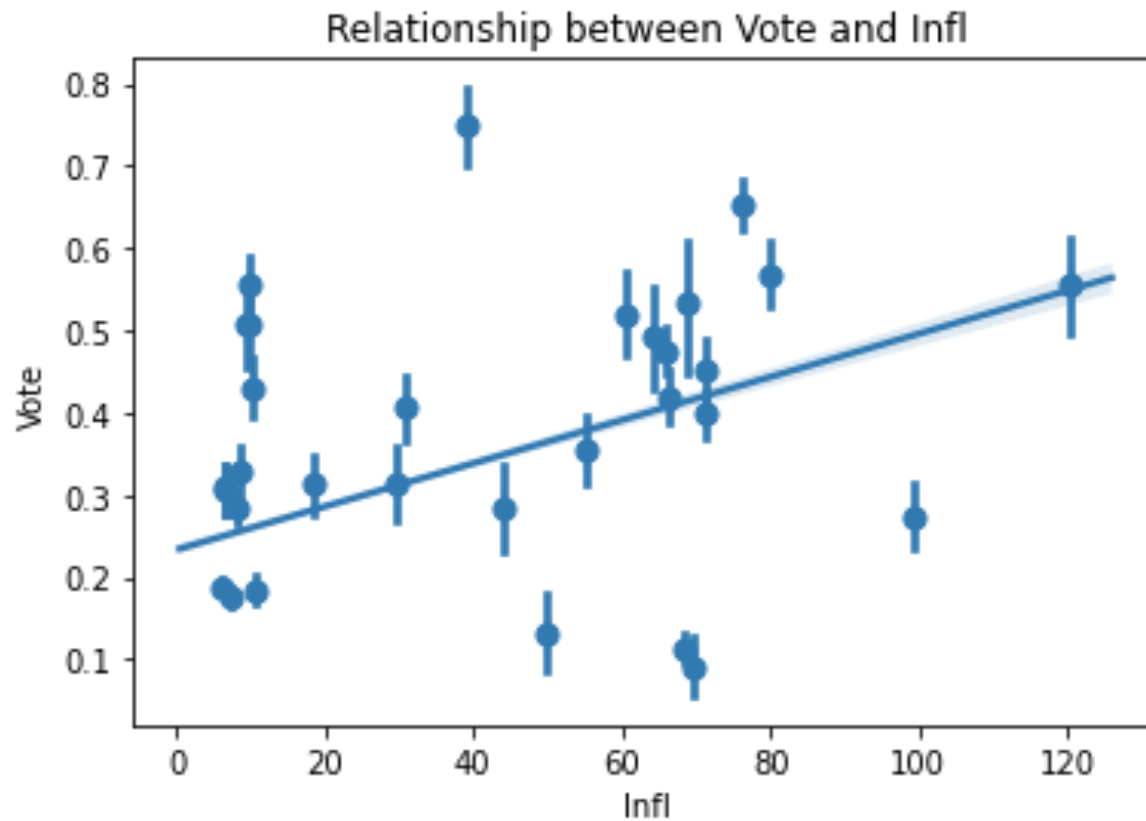
Outliers



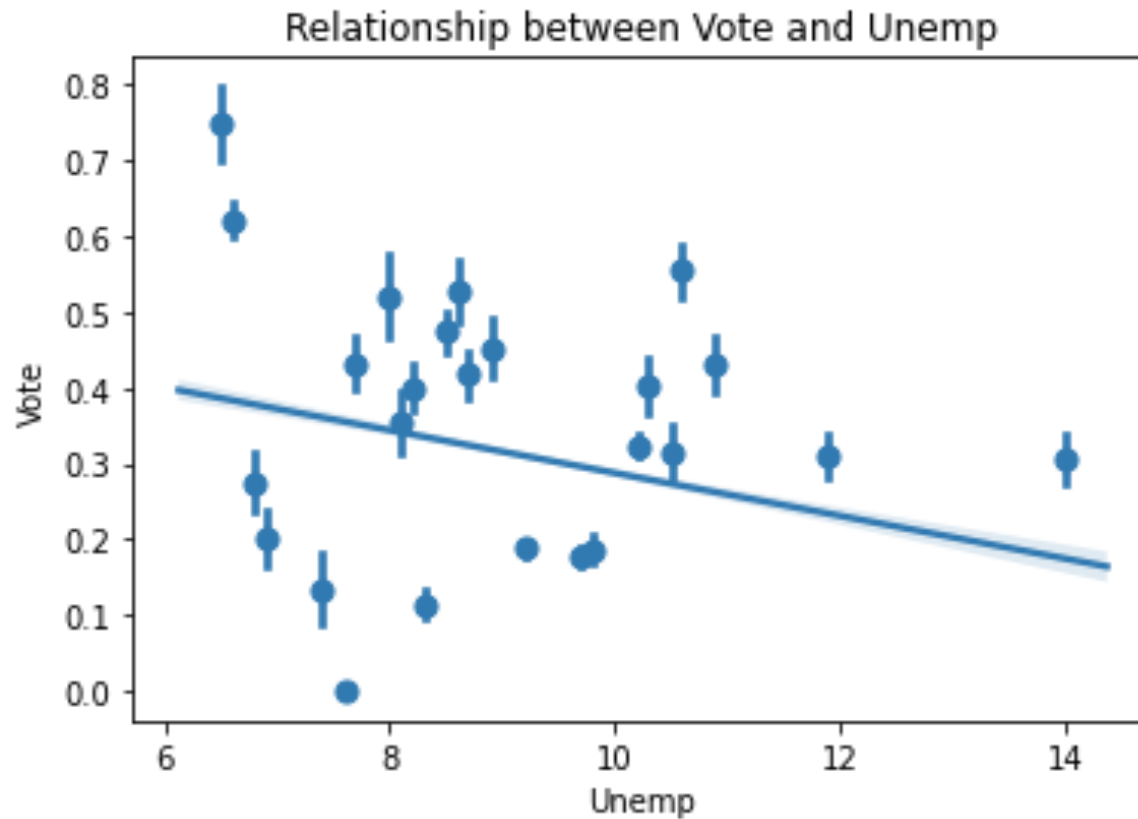
Outliers



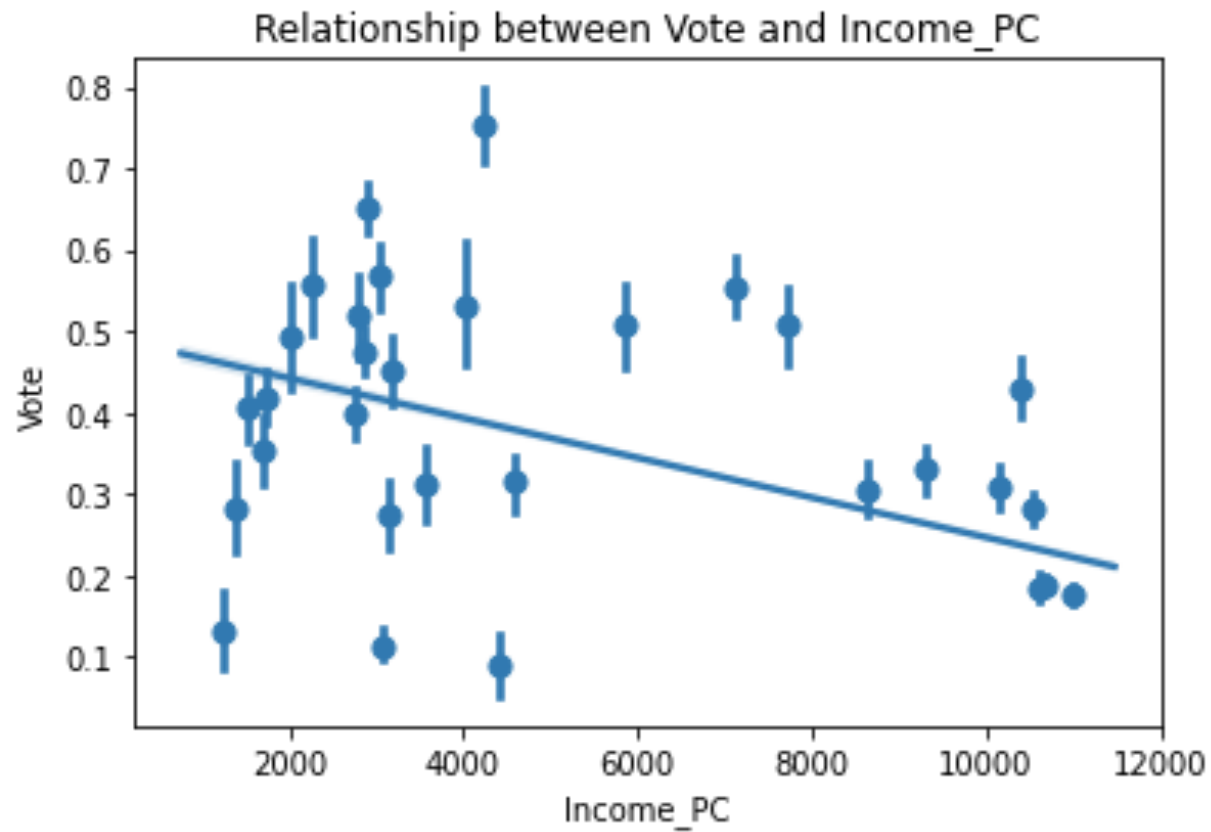
Outliers



Outliers



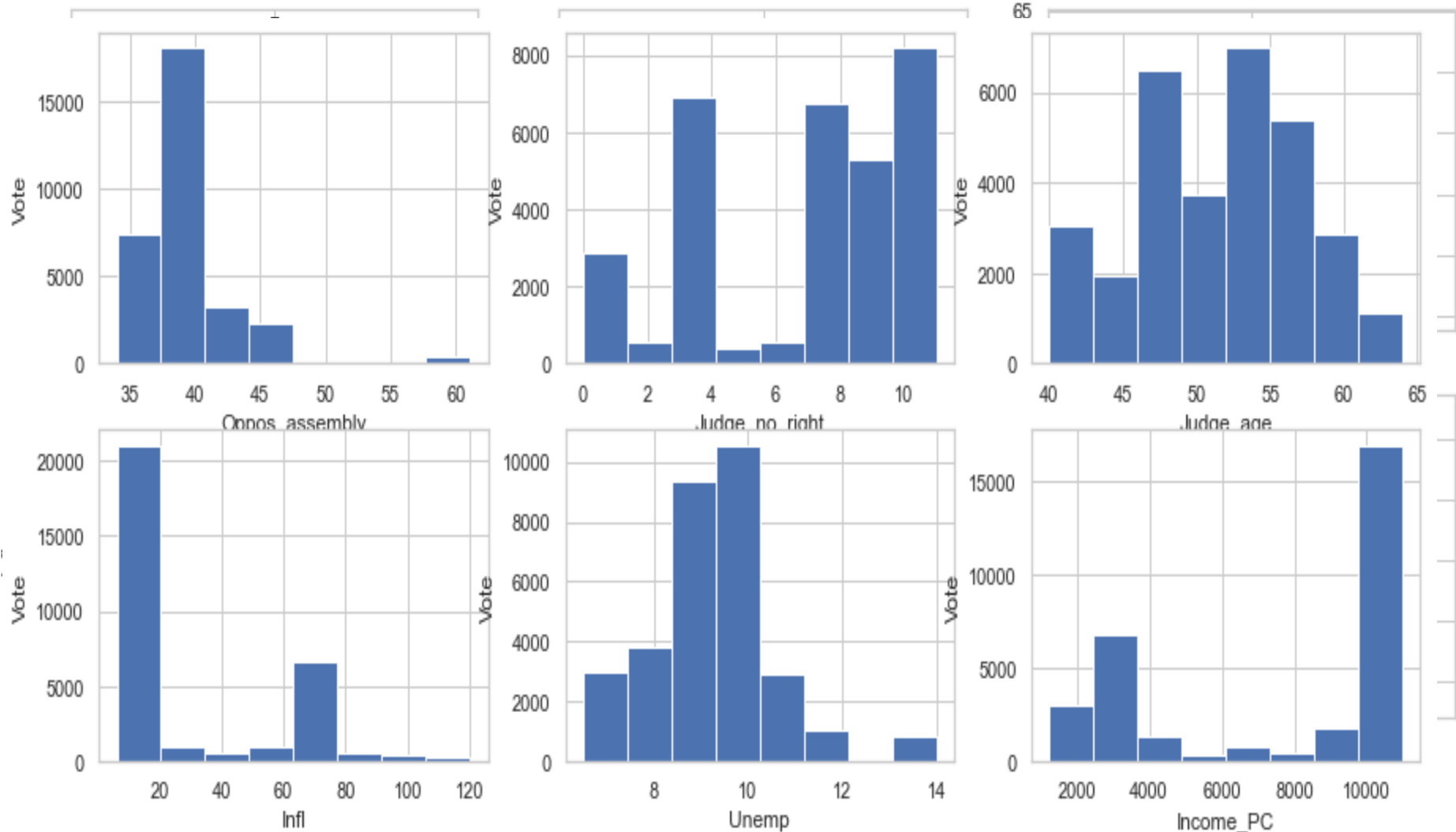
Outliers



Outliers

- Oppos_assembly outliers are values < 30.35 or > 48.19
- Judge_no_right outliers are values < -14.0 or > 28.0
- Judge_age outliers are values < 23.0 or > 79.0
- Infl outliers are values < -166.73 or > 237.53
- Unemp outliers are values < 3.40 or > 15.29
- Income_PC outliers are values < -19751.02 or > 33469.54

Outliers



Predict_proba method

Check accuracy score

- Model accuracy score: 0.7253
- Training-set accuracy score: 0.7295

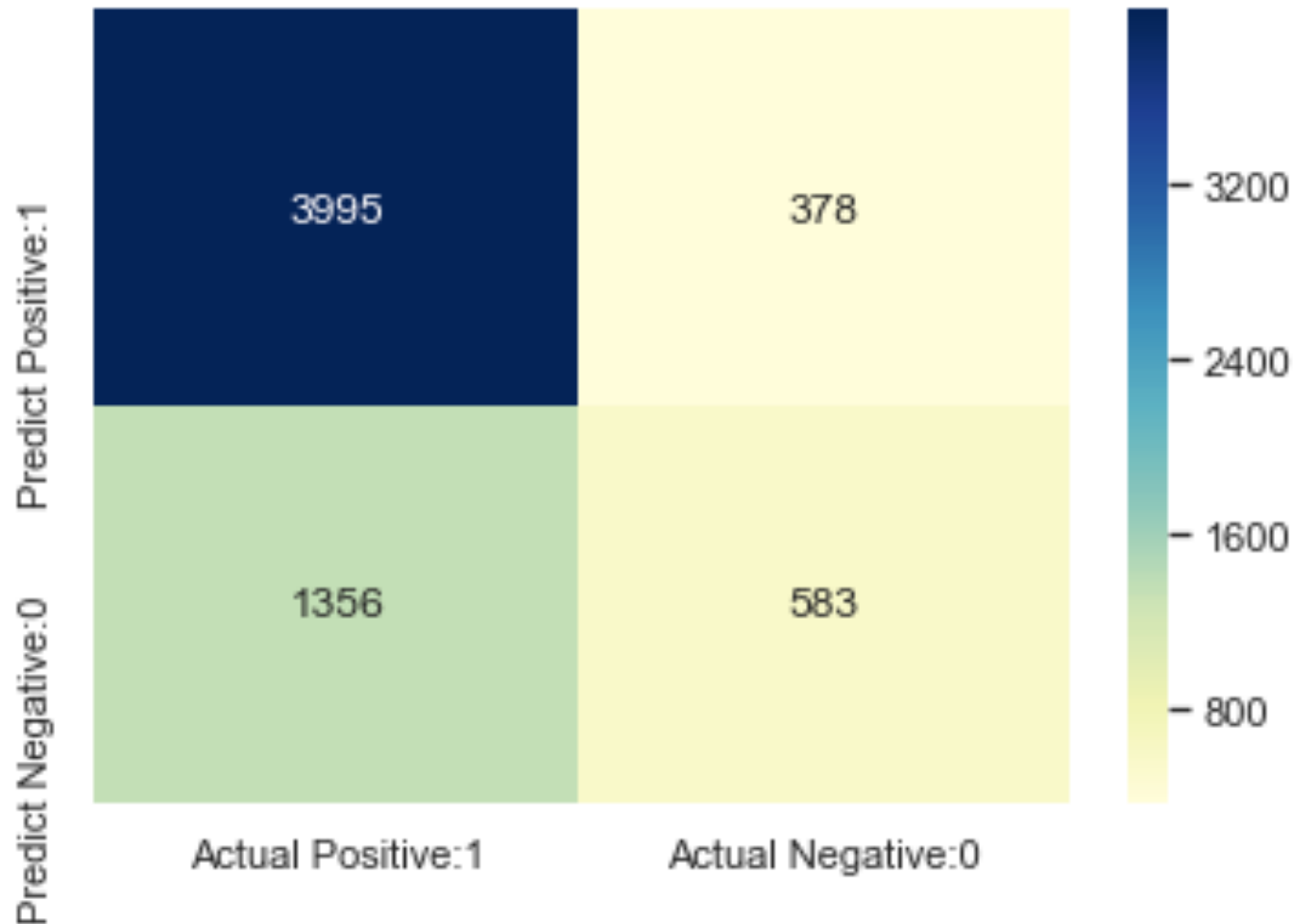
Check for overfitting and underfitting

- For $C = 1$ (default)
 - Training set score: 0.7295
 - Test set score: 0.7253
- For $C=100$
 - Training set score: 0.7289
 - Test set score: 0.7239
- For $C=0.01$
 - Training set score: 0.7131
 - Test set score: 0.7098

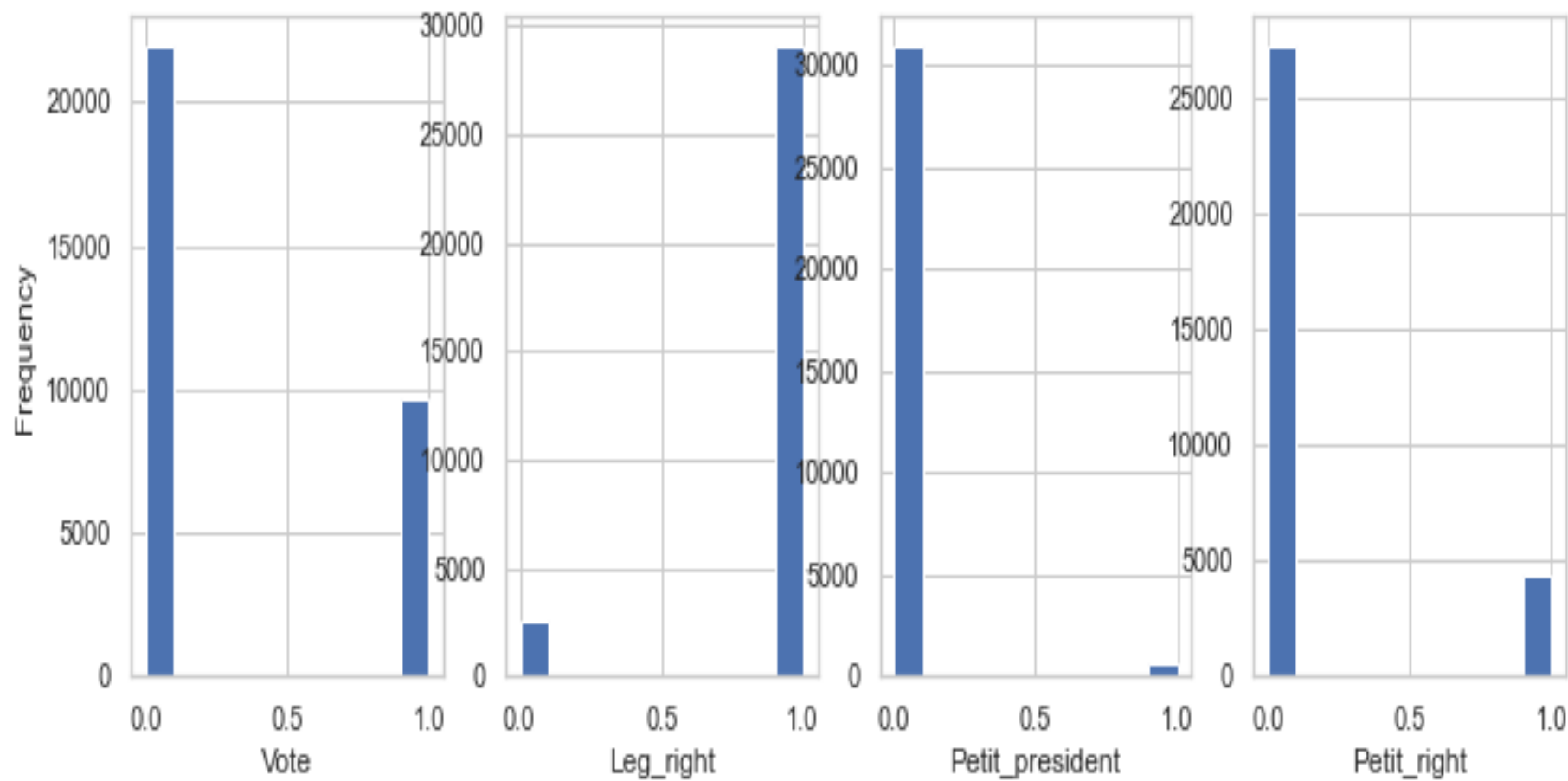
Null accuracy score

- Null accuracy score: 0.6949

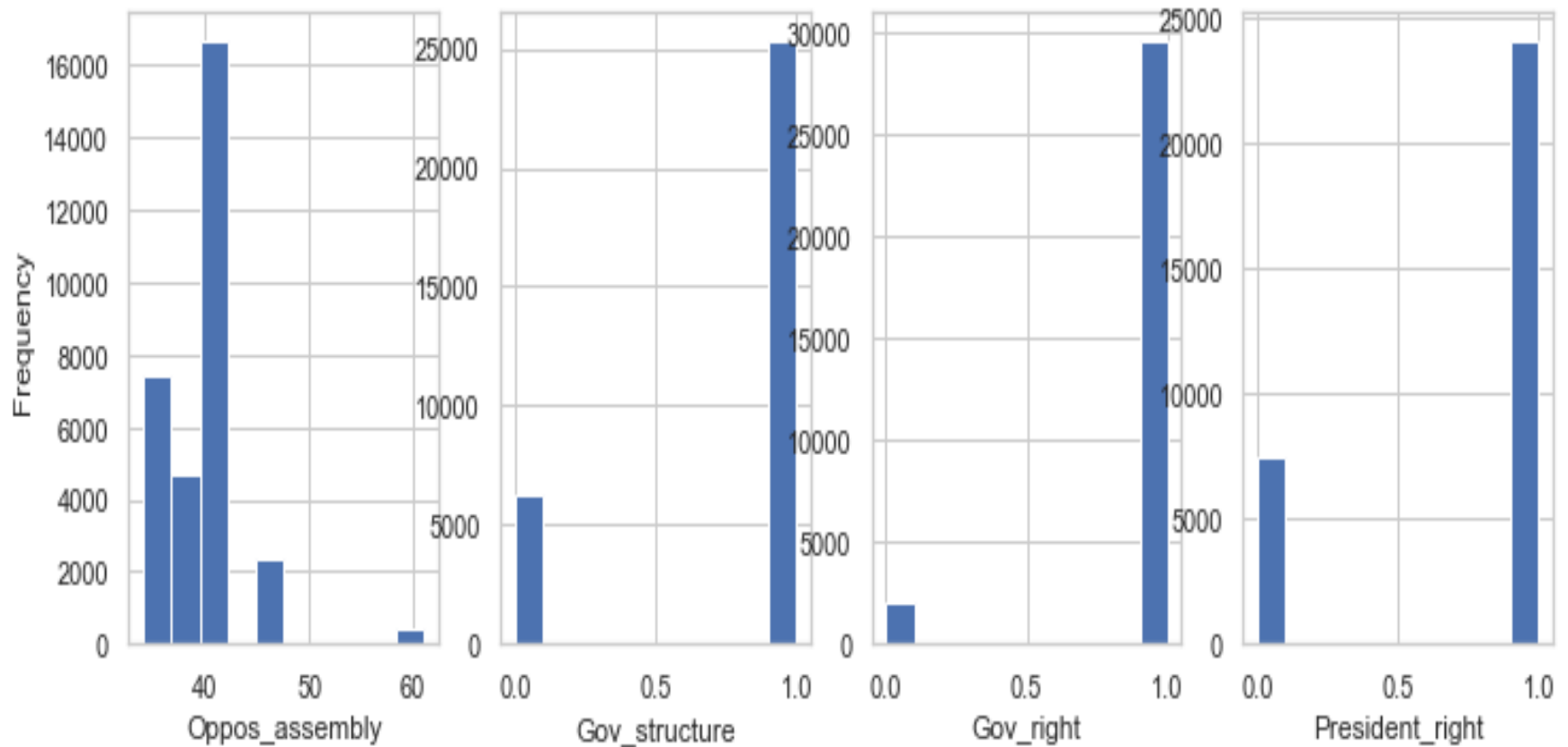
Confusion matrix



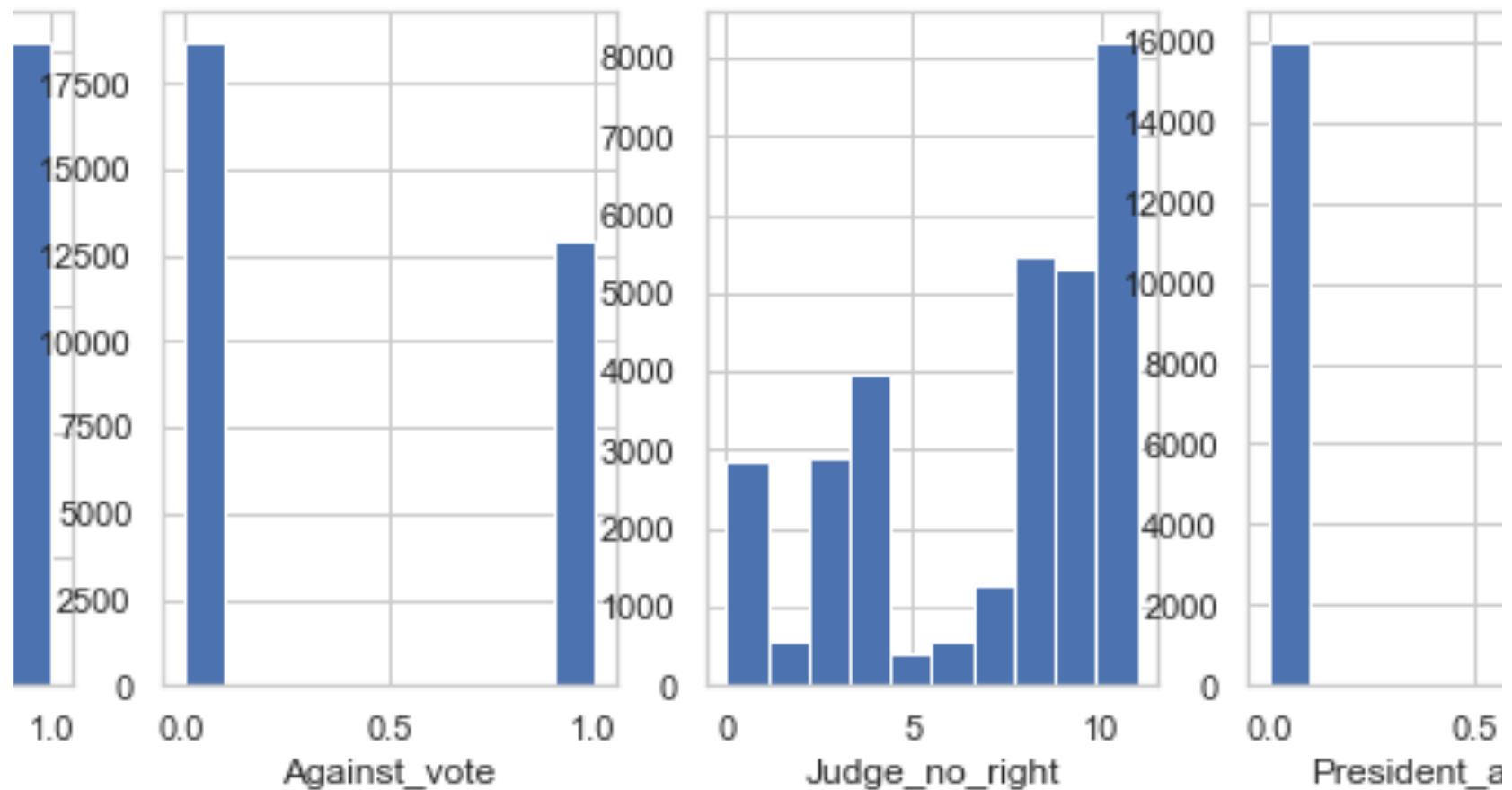
Histograms



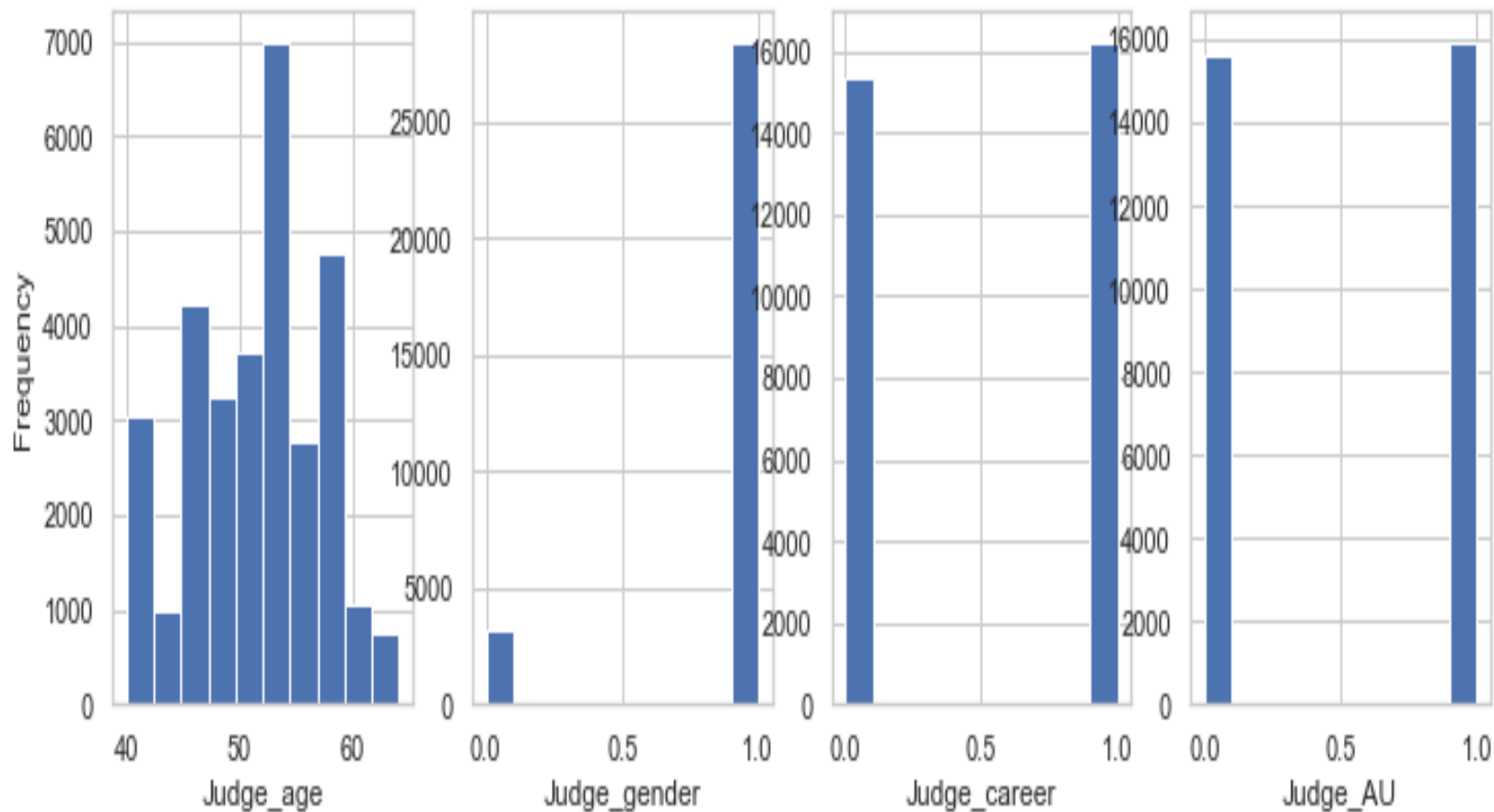
Histograms



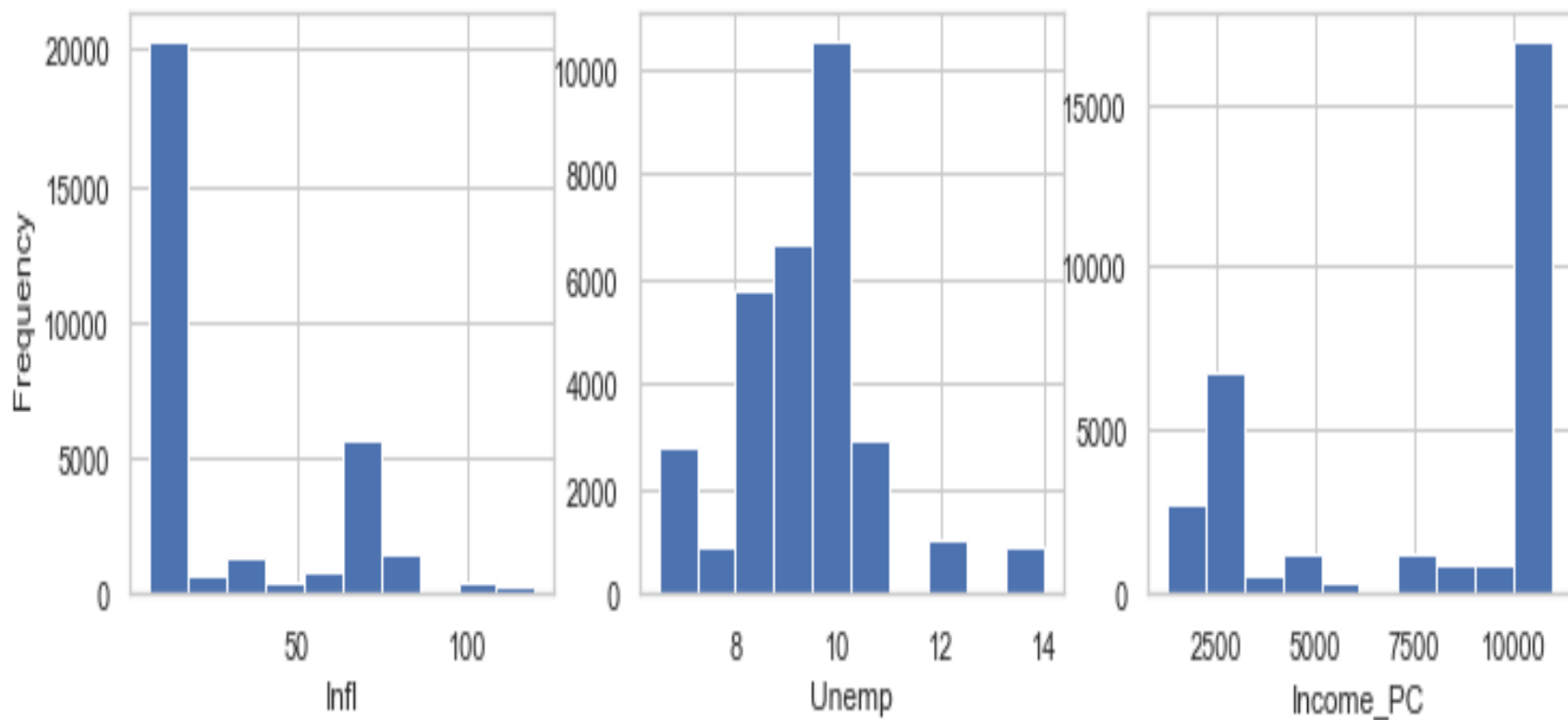
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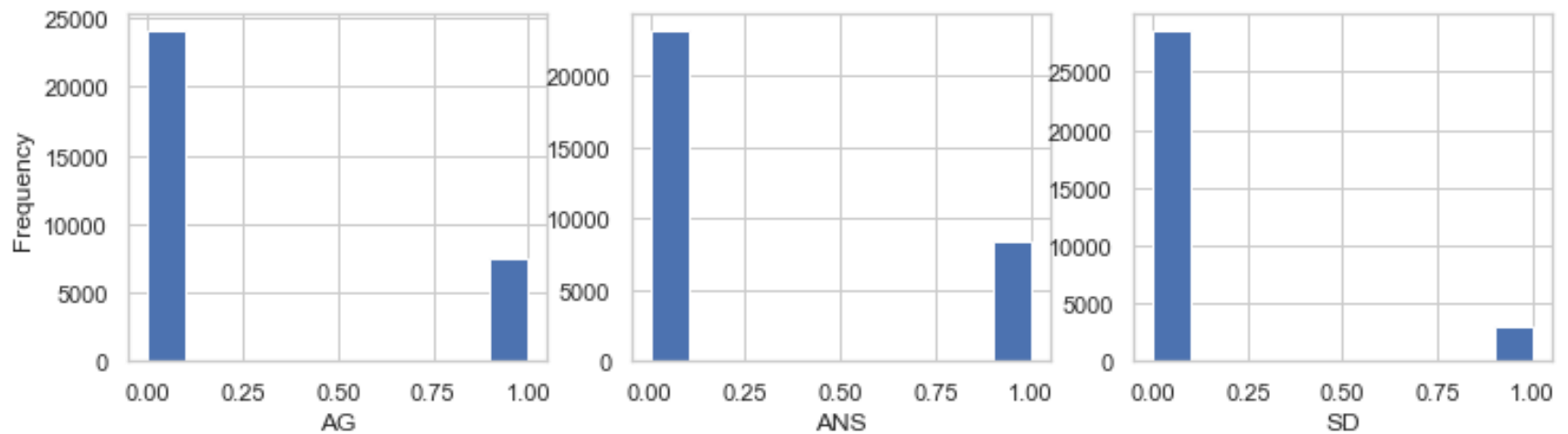
Histograms



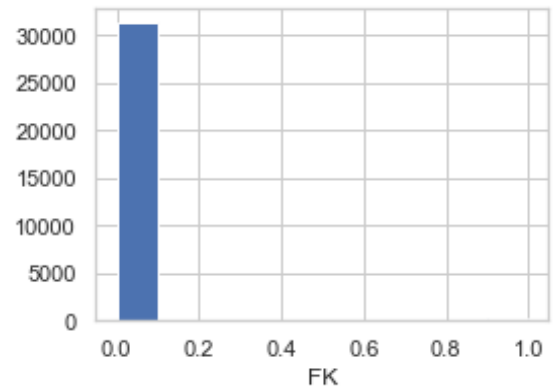
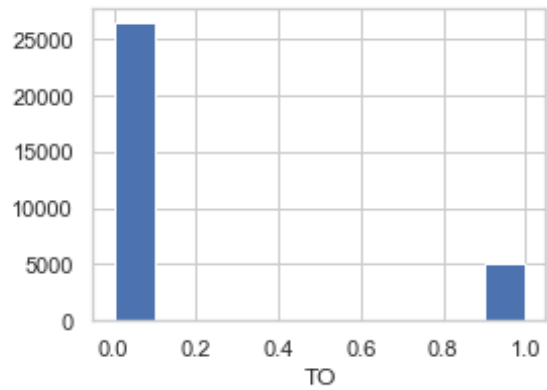
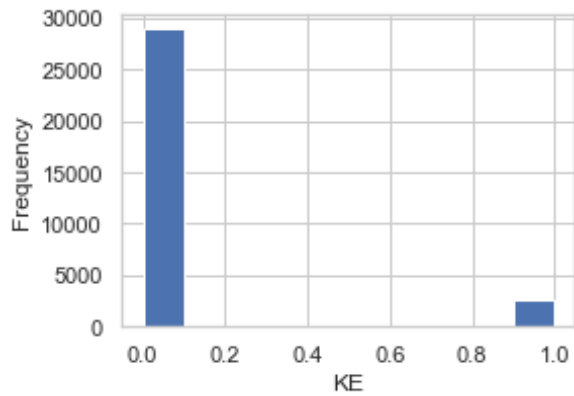
Histograms



Histograms



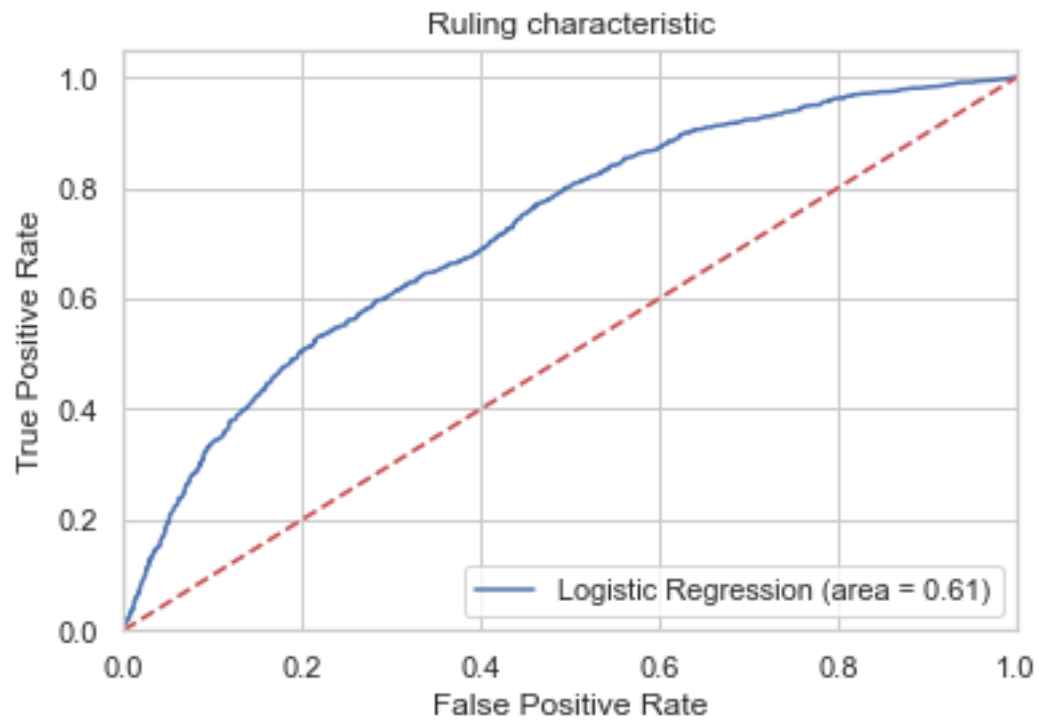
Histograms



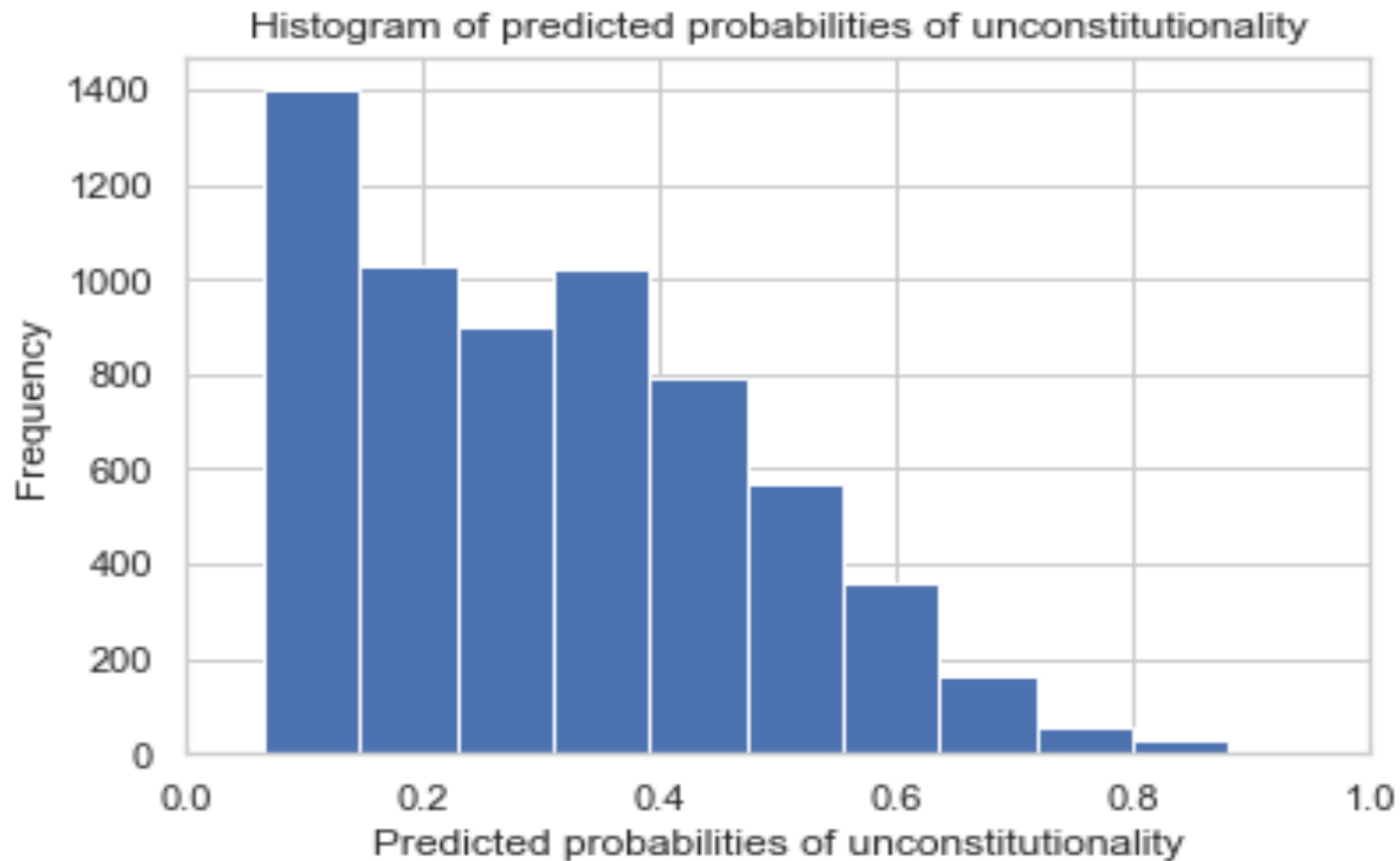
Classification Report

	precision	recall	f1-score	support
0	0.75	0.91	0.82	4373
1	0.61	0.30	0.40	1939
accuracy			0.73	6312
macro avg	0.68	0.61	0.61	6312
weighted avg	0.70	0.73	0.69	6312

ROC Curve



Probability of votes' unconstitutionality



Findings and Inferences

Prediction Models

- Because the logistic regression model accuracy score is 0.7253, we can infer that the model is valid to predict whether or not vote will be constitutional in the next voting in the Turkish Constitutional Court.
- Small number of observations predict that there will be rain tomorrow. Majority of observations predict that there will be no rain tomorrow.
- While small number of observations predict that vote will be unconstitutional in the next vote of the judges, majority of observations predict that vote will be constitutional in the next vote of the judges.

Findings and Inferences

Prediction Models

- The model shows no signs of overfitting.
- Increasing the value of C results in higher test set accuracy and also a slightly increased training set accuracy. So, we can conclude that a more complex model should perform better.
- Increasing the threshold level results in increased accuracy.

Findings and Inferences

Prediction Models

- ROC AUC of our model approaches towards 1. So, we can conclude that our classifier does a good job in predicting the unconstitutionality of judge votes.
- The original model accuracy score is 0.7253 whereas accuracy score after RFECV is 0.7273.. So, we can obtain approximately similar accuracy but with reduced set of features.
- In the original model, we have $FP = 295$ whereas $FP1 = 594$. So, we get approximately same number of false positives. Also, $FN = 1918$ whereas $FN1 = 1345$. The results suggest that false negative significantly decreases while false positives significantly increases.

Findings and Inferences

Prediction Models

- The original model score is found to be 0.7253. The average cross-validation score is 0.7273. So, we can conclude that cross-validation does result in performance improvement.
- The original model test accuracy is 0.7293 while GridSearch CV accuracy is 0.7253. We can see that GridSearch CV does not improve the performance for this particular model.

Estimation Model 1

Logit Regression Results

```
=====
Dep. Variable:          Vote    No. Observations:          31556
Model:                  Logit    Df Residuals:              31549
Method:                 MLE     Df Model:                  6
Date:                   Mon, 25 May 2020    Pseudo R-squ.:        0.05441
Time:                   12:52:03    Log-Likelihood:        -18365.
converged:              True     LL-Null:              -19422.
Covariance Type:        nonrobust    LLR p-value:           0.000
=====
```

```
=====
              coef      std err          z      P>|z|      [0.025      0.975]
-----
Intercept          1.9215      0.140      13.760      0.000          1.648          2.195
Gov_structure      -1.5028      0.039     -38.681      0.000         -1.579         -1.427
Gov_right           1.2044      0.089      13.474      0.000          1.029          1.380
Oppos_assembly     -0.0787      0.004     -21.826      0.000         -0.086         -0.072
Leg_right           1.0454      0.080      13.039      0.000          0.888          1.203
Petit_president     0.6115      0.081       7.520      0.000          0.452          0.771
President_right      -0.7436      0.035     -21.538      0.000         -0.811         -0.676
=====
```

Estimation Model 1

Logit Marginal Effects

```
=====
Dep. Variable:          Vote
Method:                dydx
At:                    overall
=====
```

	dy/dx	std err	z	P> z	[0.025	0.975]
Gov_structure	-0.2964	0.007	-42.487	0.000	-0.310	-0.283
Gov_right	0.2375	0.017	13.619	0.000	0.203	0.272
Oppos_assembly	-0.0155	0.001	-22.432	0.000	-0.017	-0.014
Leg_right	0.2062	0.016	13.168	0.000	0.175	0.237
Petit_president	0.1206	0.016	7.544	0.000	0.089	0.152
President_right	-0.1467	0.007	-22.116	0.000	-0.160	-0.134

Estimation Model 2

Logit Regression Results

Dep. Variable:	Vote	No. Observations:	31556
Model:	Logit	Df Residuals:	31545
Method:	MLE	Df Model:	10
Date:	Mon, 25 May 2020	Pseudo R-squ.:	0.06079
Time:	12:52:04	Log-Likelihood:	-18241.
converged:	True	LL-Null:	-19422.
Covariance Type:	nonrobust	LLR p-value:	0.000

	coef	std err	z	P> z	[0.025	0.975]
Intercept	2.0133	0.196	10.297	0.000	1.630	2.397
Gov_structure	-1.4750	0.039	-37.551	0.000	-1.552	-1.398
Gov_right	1.2019	0.090	13.412	0.000	1.026	1.378
Oppos_assembly	-0.0787	0.004	-21.836	0.000	-0.086	-0.072
Leg_right	1.1173	0.081	13.812	0.000	0.959	1.276
Petit_president	0.6101	0.082	7.474	0.000	0.450	0.770
President_right	-0.7140	0.035	-20.305	0.000	-0.783	-0.645
Judge_age	-0.0019	0.003	-0.691	0.490	-0.007	0.003
Judge_gender	-0.3461	0.042	-8.265	0.000	-0.428	-0.264
Judge_career	0.1331	0.029	4.611	0.000	0.077	0.190
Judge AU	0.2596	0.028	9.339	0.000	0.205	0.314

Estimation Model 2

Logit Marginal Effects

```
=====
```

Dep. Variable:	Vote
Method:	dydx
At:	overall

	dy/dx	std err	z	P> z	[0.025	0.975]
Gov_structure	-0.2886	0.007	-41.008	0.000	-0.302	-0.275
Gov_right	0.2352	0.017	13.555	0.000	0.201	0.269
Oppos_assembly	-0.0154	0.001	-22.443	0.000	-0.017	-0.014
Leg_right	0.2186	0.016	13.964	0.000	0.188	0.249
Petit_president	0.1194	0.016	7.499	0.000	0.088	0.151
President_right	-0.1397	0.007	-20.789	0.000	-0.153	-0.127
Judge_age	-0.0004	0.001	-0.691	0.490	-0.001	0.001
Judge_gender	-0.0677	0.008	-8.295	0.000	-0.084	-0.052
Judge_career	0.0260	0.006	4.616	0.000	0.015	0.037
Judge_AU	0.0508	0.005	9.380	0.000	0.040	0.061

Estimation Model 3

Logit Regression Results

Dep. Variable:	Vote	No. Observations:	31556
Model:	Logit	Df Residuals:	31542
Method:	MLE	Df Model:	13
Date:	Mon, 25 May 2020	Pseudo R-squ.:	0.06721
Time:	12:52:05	Log-Likelihood:	-18116.
converged:	True	LL-Null:	-19422.
Covariance Type:	nonrobust	LLR p-value:	0.000

	coef	std err	z	P> z	[0.025	0.975]
Intercept	4.5378	0.314	14.429	0.000	3.921	5.154
Gov_structure	-1.3486	0.060	-22.621	0.000	-1.465	-1.232
Gov_right	0.9248	0.090	10.244	0.000	0.748	1.102
Oppos_assembly	-0.0882	0.004	-21.885	0.000	-0.096	-0.080
Leg_right	1.1915	0.081	14.796	0.000	1.034	1.349
Petit_president	0.5437	0.082	6.644	0.000	0.383	0.704
President_right	-0.0934	0.053	-1.774	0.076	-0.197	0.010
Judge_age	-0.0060	0.003	-2.206	0.027	-0.011	-0.001
Judge_gender	-0.4183	0.043	-9.813	0.000	-0.502	-0.335
Judge_career	0.1097	0.029	3.772	0.000	0.053	0.167
Judge_AU	0.2430	0.028	8.708	0.000	0.188	0.298
Infl	-0.0172	0.001	-11.610	0.000	-0.020	-0.014
Unemp	-0.0466	0.013	-3.507	0.000	-0.073	-0.021
Income_PC	-0.0002	1.15e-05	-15.221	0.000	-0.000	-0.000

Estimation Model 3

Logit Marginal Effects

```
=====
Dep. Variable:                Vote
Method:                      dydx
At:                          overall
=====
```

	dy/dx	std err	z	P> z	[0.025	0.975]
Gov_structure	-0.2617	0.011	-23.347	0.000	-0.284	-0.240
Gov_right	0.1794	0.017	10.310	0.000	0.145	0.214
Oppos_assembly	-0.0171	0.001	-22.495	0.000	-0.019	-0.016
Leg_right	0.2312	0.015	14.981	0.000	0.201	0.261
Petit_president	0.1055	0.016	6.661	0.000	0.074	0.137
President_right	-0.0181	0.010	-1.774	0.076	-0.038	0.002
Judge_age	-0.0012	0.001	-2.206	0.027	-0.002	-0.000
Judge_gender	-0.0812	0.008	-9.861	0.000	-0.097	-0.065
Judge_career	0.0213	0.006	3.774	0.000	0.010	0.032
Judge_AU	0.0472	0.005	8.741	0.000	0.037	0.058
Infl	-0.0033	0.000	-11.702	0.000	-0.004	-0.003
Unemp	-0.0090	0.003	-3.510	0.000	-0.014	-0.004
Income_PC	-3.404e-05	2.21e-06	-15.417	0.000	-3.84e-05	-2.97e-05

Estimation Model 4

Logit Regression Results

```
=====
Dep. Variable:          Vote    No. Observations:          31556
Model:                  Logit    Df Residuals:              31537
Method:                 MLE     Df Model:                  18
Date:                   Mon, 25 May 2020    Pseudo R-squ.:          0.07495
Time:                   12:52:05    Log-Likelihood:         -17966.
converged:              True     LL-Null:               -19422.
Covariance Type:        nonrobust    LLR p-value:           0.000
=====
```

	coef	std err	z	P> z	[0.025	0.975]

Intercept	5.0683	0.327	15.500	0.000	4.427	5.709
Gov_structure	-1.1523	0.064	-18.098	0.000	-1.277	-1.028
Gov_right	0.7983	0.091	8.752	0.000	0.620	0.977
Oppos_assembly	-0.0810	0.004	-20.077	0.000	-0.089	-0.073
Leg_right	1.2255	0.083	14.814	0.000	1.063	1.388
Petit_president	0.5472	0.082	6.702	0.000	0.387	0.707
President_right	0.0264	0.054	0.488	0.625	-0.079	0.132
Judge_age	-0.0201	0.003	-6.808	0.000	-0.026	-0.014
Judge_gender	-0.2351	0.051	-4.608	0.000	-0.335	-0.135
Judge_career	0.1127	0.031	3.669	0.000	0.052	0.173
Judge_AU	0.1838	0.029	6.382	0.000	0.127	0.240
Infl	-0.0180	0.001	-12.119	0.000	-0.021	-0.015
Unemp	-0.0931	0.014	-6.860	0.000	-0.120	-0.066
Income_PC	-0.0002	1.29e-05	-15.885	0.000	-0.000	-0.000
AG	0.0239	0.061	0.393	0.694	-0.095	0.143
ANS	0.6456	0.057	11.408	0.000	0.535	0.757
SD	0.5516	0.067	8.249	0.000	0.421	0.683
TO	0.1116	0.052	2.153	0.031	0.010	0.213
KE	0.3156	0.055	5.733	0.000	0.208	0.424

Estimation Model 4

Logit Marginal Effects

=====

Dep. Variable: Vote

Method: dydx

At: overall

	dy/dx	std err	z	P> z	[0.025	0.975]
Gov_structure	-0.2217	0.012	-18.486	0.000	-0.245	-0.198
Gov_right	0.1536	0.017	8.795	0.000	0.119	0.188
Oppos_assembly	-0.0156	0.001	-20.566	0.000	-0.017	-0.014
Leg_right	0.2358	0.016	15.001	0.000	0.205	0.267
Petit_president	0.1053	0.016	6.720	0.000	0.075	0.136
President_right	0.0051	0.010	0.488	0.625	-0.015	0.025
Judge_age	-0.0039	0.001	-6.825	0.000	-0.005	-0.003
Judge_gender	-0.0452	0.010	-4.613	0.000	-0.064	-0.026
Judge_career	0.0217	0.006	3.671	0.000	0.010	0.033
Judge_AU	0.0354	0.006	6.396	0.000	0.025	0.046
Infl	-0.0035	0.000	-12.225	0.000	-0.004	-0.003
Unemp	-0.0179	0.003	-6.879	0.000	-0.023	-0.013
Income_PC	-3.949e-05	2.45e-06	-16.103	0.000	-4.43e-05	-3.47e-05
AG	0.0046	0.012	0.393	0.694	-0.018	0.027
ANS	0.1242	0.011	11.476	0.000	0.103	0.145
SD	0.1061	0.013	8.277	0.000	0.081	0.131
TO	0.0215	0.010	2.153	0.031	0.002	0.041
KE	0.0607	0.011	5.743	0.000	0.040	0.081

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Findings and Inferences

Estimation Models

- *The relationship between the judiciary and the polity*
 - *Gov_structure* takes the value 1, if government consists of one party at the time of decision making of judges and the court and equals 0 otherwise.
 - The sign of coefficients for the variable *Gov_structure* is negative and strongly robust at any specification under all the scenarios in models.
 - Because there is a negative relationship between decision and *Gov_structure*, in the presence of the sole-party government, judges and the court reject the review case.
 - Conversely, the laws under review are rescinded in the existence of coalition governments.
 - This finding is consistent with the polity in Turkey and the literature showing that constitutional judges mostly rescind laws when the polity was divided (Franck, 2009; Garoupa et al., 2013).
 - The Turkish constitutional review is not independent from political setting.

Findings and Inferences

Estimation Models

- *The relationship between the judiciary and the polity*
 - However, taking into account this finding, one can only argue that constitutional review is independent during the coalition governments while it is not independent under the sole-party governments.
 - Note that the TCC and its judges consistently annulled the laws under review during the short-termed coalition governments in the 1990s, while they rejected the cases reviewed under the sole party governments in the 2000s.
 - Also, note that the review cases filed in the TCC in both terms intensively consisted of the neo-liberal policies of right-wing governments.

Findings and Inferences

Estimation Models

- *The relationship between the judiciary and the polity*
 - *Gov_right* takes 1, if government is right-wing at the time of decision making of judges and the court and equals 0 otherwise, while *Leg_right* takes the value 1 for the laws legislated by a right-wing government and equals 0 otherwise.
 - The coefficients for both *Gov_right* and *Leg_right* have a positive sign and are statistically significant in all the models in both tables.
 - Accordingly, when a right-wing government is in power or enacts the law to be reviewed, the likelihood that constitutional review rescinds the laws under review increases.
 - Both findings suggest that constitutional review interprets that the policies of right-wing governments are inconsistent with the Constitution of 1982.
 - Both judges and the TCC strongly respond to the cases filed for the unconstitutionality of legislative actions of right-wing governments and assess their policies unconstitutional.

Findings and Inferences

Estimation Models

- *The relationship between the judiciary and the polity*
 - *Oppos_assembly* represents the percentage of opposition in the Assembly.
 - It has a negative sign and statistically significant in all the models.
 - When the power of opposition parties in the parliament increases, constitutional review rejects the petition.
 - Even though this finding is not compatible with the literature, the other findings from the regressions run on the scenarios under Polity in both models are compatible with the previous literature.

Findings and Inferences

Estimation Models

- *The relationship between the judiciary and the Presidency*
 - In this section, I examine the relationship between constitutional review and the Presidency because the Presidents are actors, which have played a crucial role in the political conflict in Turkey.
 - To this aim, I constructed two main variables: *Petit_president* and *President_right*.
 - *President_right* takes the value of 1 if the President is right-wing at the time of decision and equals 0 otherwise.

Findings and Inferences

Estimation Models

- *The relationship between the judiciary and the Presidency*
 - The results from both tables are statistically significant and as expected.
 - The negative sign of coefficients for this variable confirms that constitutional review rejects the review case if the President has the right-wing character at the time of decision.
 - At the same time, this result confirms that judges and the TCC annul the laws under review for unconstitutionality when the Kemalist Presidents are in power at the time of decision.
 - These finding clearly suggests the behavioral features of the Turkish constitutional review.
 - First, it confirms to the loyalty of constitutional review to the President.
 - Second, both judges and the court have an ideological and political bias in the constitutional review process.
 - Note that judges essentially approved the constitutionality of laws passed by the right-wing governments under the right-wing Presidents Gul, Erdogan, and Ozal while they rescinded the laws enacted by the right-wing governments under the Kemalist Presidents Evren, Demirel, and Sezer.

Findings and Inferences

Estimation Models

- *The relationship between the judiciary and the Presidency*
 - As shown in Table 1, the sole party governments of ANAP and AKP and the coalition government of DYP were in power when the Presidents were Ozal, Gul, and Erdogan. Because the negative sign of coefficients for the variable *President_right* suggests that constitutional review rejects the review case when the President is right-wing at the time of decision, the Turkish constitutional review has a right-wing ideological bias in its decisions under the right-wing political setting.
 - This is particularly evident in the 2000s. The number of judges appointed by the right-wing Presidents dramatically increases after Gul became the Presidency in 2007.
 - When I evaluate the above finding along with this change in the judge profile of the TCC, it is clear that the judges appointed by the AKP governments essentially reject the cases filed for the unconstitutionality of the laws enacted the AKP governments.
 - Also, note that the most of the laws reviewed by the TCC was filed by the CHP, as expressed before.

Findings and Inferences

Estimation Models

- *The relationship between the judiciary and the Presidency*
 - Moreover, the results from the variable *President_right* also confirm the reverse.
 - That is, the Turkish constitutional review annulled the laws enacted by the right-wing governments in the presence of the Kemalist Presidents Evren, Demirel, and Sezer.
 - However, when I evaluate this finding along with the change in the profile of judges illustrated in Figure 1, it is more evident that the judges appointed by the Kemalist Presidents declared unconstitutional the laws passed by the right-wing governments in fact, when the Presidents who appointed these judges were in power.
 - These findings refer to the political and ideological behavior rather than judicial independence in the Turkish constitutional review.

Findings and Inferences

Estimation Models

- *The relationship between the judiciary and all the political variables*
 - Lastly, I evaluate the results from the regressions under scenario 3.
 - Because the results in both models are mostly significant and as expected, they are consistent with the findings from the previous models.
 - This also suggests that our model specifications and results are reliable and significant.

Conclusion

- Our findings are mainly threefold.
 - First, both judges and the TCC in Turkey are politicized.
 - Second, constitutional review in Turkey is ideological.
 - Third, the judiciary in Turkey is not independent.

Conclusion

- Constitutional review is a political apparatus because it strongly responds to the political components at the level of both judges and the court.
- Judges have the loyalty to their appointer in their decisions.
 - When the Kemalist Presidents are in power or when those Presidents appoint judges, these judges annul the laws passed by the right-wing governments.
 - Similarly, when the right-wing Presidents are in power or when they appoint judges, those judges reject the petitions for the unconstitutionality of laws that a right-wing government enacted.

Conclusion

- However, the attitude of constitutional review regarding the loyalty of judges to the appointer is not only about the politicization of the judiciary in Turkey. Rather, this attitude is ideological.
- The findings confirm that the Kemalist judges declare the laws of right-governments unconstitutional, while judges who are affiliated with the right-wing political components legitimate the constitutionality of laws including the neo-liberal policies of right-wing governments.
- Note that the Constitution of 1982 is still in force.
 - Even though many constitutional amendments have been carried out, the main principles of Kemalist ideology have remained unchanged so far.
 - Under the same constitution, the differing behaviors of both judges and the court represent an ideological bias in the Turkish constitutional review.

Conclusion

- Lastly, the behavioral features of judges and the TCC suggest that the judiciary in Turkey is not independent.
- Judges and the court prioritize their political and ideological opinions rather than legal arguments in interpreting the constitutionality of legislative action.
- Constitutional review has been a political tool by backing up the Kemalist ideology until the beginnings of the 2000s and the sole party governments of AKP during the 2000s.
- As such, constitutional review is one of the principal factors of political conflict in Turkey.
- Even though the main problem in this political conflict in Turkey is the Constitution of 1982, this does not change the fact that judges and the TCC is part of this conflict.