

SİYASİ SORUMLULUK MEKANİZMALARI –  
TÜRKİYE ÖRNEĞİ  
DR. ÖMER FARUK GENÇKAYA  
BİLKENT ÜNİVERSİTESİ  
TEPAV / EPRI YOLSUZLUKLA MÜCADELE  
KONFERANSI  
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# I. SEÇİLMİŞLER VE YOLSUZLUK

- Haklarında soruşturma açılan seçilmişlerin sayısı artmaktadır
- Yolsuzluklar yasama kurumuna ve demokratik sürece zarar vermektedir
- Denetim işlevi yerine getirilememektedir

# YASAMA ETİĐİ

*Yasama etiĐinin temel amacı yasama organında kurumsal kořulların devamlılıĐını ve demokratik sürecin bütünlüĐünü saĐlamaktır.*

- *Kamu yararı*
- *Adil davranma*
- *Kamuoyuna hesap verme*

# TÜRKİYE'DEKİ ANAYASAL VE YASAL DÜZENLEMELER

- Milletvekilliğiyle Bağdaşmayan İşler (Anayasa Madde 82)
- Yasama Dokunulmazlığı (Anayasa Madde 83)
- TBMM Üyeliğiyle Bağdaşmayan İşler Hakkındaki Kanun No. 3069
- Meclis Soruşturması ve Gensoru (Anayasa Madde 99 ve 100)
- Mal Bildiriminde Bulunulması, Rüşvet ve Yolsuzlukla Mücadele Kanunu No. 3628

# Milletvekilliğiyle Bağdaşmayan İşler

## 3. Activities Incompatible with Membership

**ARTICLE 82.** Members of the Turkish Grand National Assembly can not hold office in state departments and other public corporate bodies and their subsidiaries; in corporations and enterprises affiliated with the state and other public corporate bodies; in the executive or supervisory organs of enterprises and corporations where there is direct or indirect participation of the state and public corporate bodies, in the executive and supervisory organs of public benefit associations, whose special resources of revenue and privileges are provided by law; in the executive and supervisory organs of foundations which enjoy tax exemption and receive financial subsidies from the state; and in the executive and supervisory organs of labour unions and public professional organisations, and in the enterprises and corporations in which the above-mentioned unions and associations or their higher bodies have a share; nor can they be appointed as representatives of the above-mentioned bodies or be party to a business contract, directly or indirectly, and be arbitrators of representatives in their business transactions.

Members of the Turkish Grand National Assembly can not be entrusted with any official or private duties involving recommendation, appointment, or approval by the executive organ. Acceptance by a deputy of a temporary assignment given by the Council of Ministers on a specific matter, and not exceeding a period of six months, is subject to the approval of the Assembly.

Other functions and activities incompatible with membership in the Turkish Grand National Assembly are regulated by law.

# TBMM Üyeliđiyle Bađdařmayan İřler Hakkındaki Kanun No. 3069

- Anayasa hükmünü yineleyen 2. madde
- İkinci Maddede sayılan kurum ve kuruluşlarda iş takipçiliđi, komisyonculuk ve müşavirlik yasađı
- Devletin şahsiyetine işlenen suçlarla zimmet, ihtilas, irtikap, kaçakçılık ve döviz suçlarında Devlete karşı vekil olamama (Madde 3)
- Serbest mesleklerini icrada milletvekili ünvanını kullanamama (Madde 3)
- İkinci maddede sayılan kurum ve kuruluşlarda hiçbir yönetim görevi alamama (Madde 4)
- Yabancı devlet ve uluslararası kuruluşlardan görev yasađı (Madde 4)

# Yasama Dokunulmazlığı (Anayasa Madde 83)

## 4. Parliamentary Immunity

**ARTICLE 83.** Members of the Turkish Grand National Assembly can not be liable for their votes and statements concerning parliamentary functions, for the views they express before the Assembly, or unless the Assembly decides otherwise on the proposal of the Bureau for that sitting, for repeating or revealing these outside the Assembly.

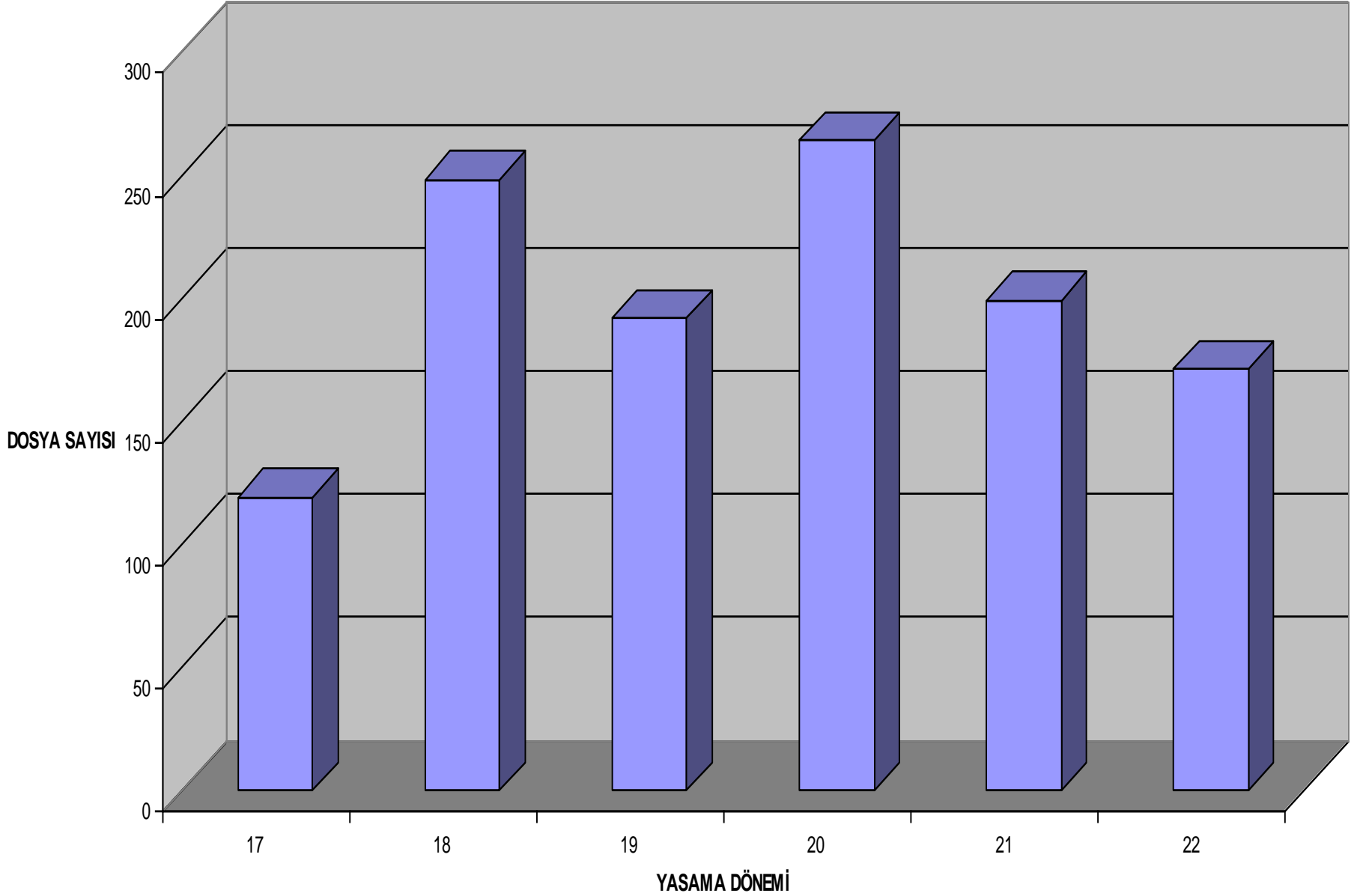
A deputy who is alleged to have committed an offence before or after election, can not be arrested, interrogated, detained or tried unless the Assembly decides otherwise. This provision can not apply in cases where a member is caught in the act of committing a crime punishable by a heavy penalty and in cases subject to Article 14 of the Constitution if an investigation has been initiated before the election. However, in such situations the competent authority has to notify the Turkish Grand National Assembly immediately and directly.

The execution of a criminal sentence imposed on a member of the Turkish Grand National Assembly either before or after his election is suspended until he ceases to be a member; the statute of limitations does not apply during the term of membership.

Investigation and prosecution of a re-elected deputy are subject to whether or not the Assembly lifts immunity in the case of the individual involved.

Political party groups in the Turkish Grand National Assembly can not hold discussions or take decisions regarding parliamentary immunity.

## TBMM GÜNDEMİNDEKİ DOKUNULMAZLIK DOSYALARI





# Meclis Soruřturması

## C. Parliamentary Investigation

### **ARTICLE 100.** (As amended on October 17, 2001)

Parliamentary investigation concerning the Prime Minister or other ministers may be requested through a motion tabled by at least one-tenth of the total number of members of the Turkish Grand National Assembly. The Assembly considers and decides on this request with a secret ballot within one month at the latest.

In the event of a decision to initiate an investigation, this investigation is conducted by a commission of fifteen members chosen by lot on behalf of each party from among three times the number of members the party is entitled to have on the commission, representation being proportional to the parliamentary membership of the party. The commission submits its report on the result of the investigation to the Assembly within two months. If the investigation is not completed within the time allotted, the commission is granted a further and final period of two months. At the end of this period, the report is submitted to the Office of the Speaker of the Turkish Grand National Assembly.

Following its submission to the Office of the Speaker of the Turkish Grand National Assembly, the report is distributed to the members within ten days and debated within ten days after its distribution and if necessary, a decision may be taken to bring the person involved before the Supreme Court. The decision to bring a person before the Supreme Court is taken by a secret ballot only by an absolute majority of the total number of members.

Political party groups in the Assembly can not hold discussions or take decisions regarding parliamentary investigations.

# Gensoru

## B. Interpellation

**ARTICLE 99.** A motion of interpellation may be tabled either on behalf of a political party group, or by the signature of at least twenty deputies.

A motion of interpellation is circulated in printed form to members within three days of its being tabled; inclusion of a motion of censure on the agenda is debated within ten days of its circulation. In this debate, only one of the signatories to the motion, one deputy from each political party group, and the Prime Minister or one minister on behalf of the Council of Ministers, may take the floor.

Together with the decision to include the motion of interpellation on the agenda, the date for debating will also be decided; however, the debate can not take place less than two days after the decision to place it on the agenda and can not be deferred more than seven days.

In the course of the debate on the motion of interpellation, a motion of no-confidence with a statement of reasons tabled by deputies or party groups, or the request for a vote of confidence by the Council of Ministers, is put to the vote only after a full day has elapsed.

In order to unseat the Council of Ministers or a minister, an absolute majority of the total number of members is required in the voting, in which only the votes of no-confidence are counted.

Other provisions concerning motions of interpellation, provided that they are consistent with the smooth functioning of the Assembly, and do not conflict with the above-mentioned principles are determined in the Rules of Procedure.

# Mal Bildiriminde Bulunulması, Rüşvet ve Yolsuzlukla Mücadele Kanunu No. 3628

Mal bildiriminde bulunacaklar:

- Her tür seçimle iş başına gelen kamu görevlileri ve dışardan atanan Bakanlar Kurulu üyeleri (Muhtarlar ve ihtiyar heyeti üyeleri hariç) Madde 2.a
- Siyasi parti genel başkanları... Madde 2.f

# Siyasetin Finansmanı

Partilerin Gelir Kaynakları (SPK No. 2820 Madde 61)

- Parti üyelerinden alınacak giriş aidatı ve üyelik aidatı;
- Partili milletvekillerinden alınacak milletvekili aidatı;
- Milletvekili aday adaylarından alınacak özel aidat;
- Parti bayrağı, flaması, rozeti ve benzeri rumuzların satışından sağlanacak gelirler;
- Parti yayınlarının satış bedelleri;
- Üye kimlik kartlarının ve parti defter, makbuz ve kağıtlarının sağlanması karşılığında alınacak paralar;
- Partice tertiplenen balo, eğlence ve konser faaliyetlerinden sağlanacak gelirler;
- Parti mal varlığından elde edilecek gelirler;
- Bağışlar ve
- Devletçe yapılacak yardımlar

# Devletçe Yardım

- Ülke barajını geçerek TBMM'de temsil edilen partiler: Genel Bütçe Gelirleri "(B)" Cetveli toplamının beşbinde ikisi oranında bütçeye konulan ödenek genel seçimde elde ettikleri geçerli oylara orantılı olarak partiler arasında bölüştürülür (SPY Ek Madde 1/2);
- Genel seçimlerde yüzde 7'den fazla oy alan ancak TBMM'nde temsil edilmeyen partiler: Birinci kategoriye göre en az yardım alan siyasi partinin aldığı yardım miktarı ile partinin genel seçimlerde aldığı geçerli oyla orantılandırılarak bulunur ve 350 milyon Türk lirasından aşağı olmaz (SPY Ek Madde 1/ 4);

# Mali Denetim

## B. Principles to be Observed by Political Parties

### **ARTICLE 69.** (As amended on October 17, 2001)

The activities, internal regulations and operation of political parties shall be in line with democratic principles. The application of these principles is regulated by law.

Political parties shall not engage in commercial activities.

The income and expenditure of political parties shall be consistent with their objectives. The application of this rule is regulated by law. The auditing of the income, expenditure and acquisitions of political parties as well as the establishment of the conformity to law of their revenue and expenses, methods of auditing and sanctions to be applied in the event of unconformity shall also be regulated by law. The Constitutional Court shall be assisted in performing its task of auditing by the Court of Accounts. The judgments rendered by the Constitutional Court as a result of the auditing shall be final.

# Sorun Alanları

- Yasama Etiđi
- Adayların ve Seçim Kampanyalarının Düzenlenmesi
- Mali denetim ve saydamlık
- Radyo ve televizyondan yararlanmanın düzenlenmesi

Figure 2 Motions of Supervision By TGNA, 1961-1999

