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TURKEY'S ANTI-CORRUPTION STRATEGY: LEGAL IMPLEMENTATION MECHANISMS AND INTERNATIONAL COMMITMENTS

Abstract

Turkey's anti-corruption policy is a dynamic system of legal, institutional and international mechanisms aimed at reducing corruption risks and improving public administration. In the past two decades, Turkey has carried out large-scale reforms in the field of criminal and administrative legislation, public service, audit of public finances and digitalization of management. At the same time, the country is implementing international obligations under the United Nations Convention against Corruption, the Organization for Economic Cooperation and Development Convention against Bribery of Foreign Officials, the mechanisms of the Group of States against Corruption and the negotiation process with the European Union. The study is due to the purpose of a comprehensive analysis of Turkey's anti-corruption strategy from the standpoint of national legislation, public administration institutions and international standards. Particular attention is paid to the evolution of legal mechanisms, the role of digitalization, the results of monitoring international organizations and the degree of implementation of international requirements. The paper uses methods of comparative legal analysis, institutional approach and study of regulatory acts. The results reveal the strengths and weaknesses of Turkey's anti-corruption model and outline areas for further improvement.

Key words: anti-corruption policy, legal regulation, international standards, public procurement, digitalization, legal measures.

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ТҮРКИЯНЫҢ СЫБАЙЛАС ЖЕМҚОРЛЫҚҚА ҚАРСЫ СТРАТЕГИЯСЫ: ҚҰҚЫҚТЫҚ ІСКЕ АСЫРУ МЕХАНИЗМДЕРІ ЖӘНЕ ХАЛЫҚАРАЛЫҚ МІНДЕТТЕМЕЛЕР

Аңдатпа

Түркияның сыбайлас жемқорлыққа қарсы саясаты – бұл сыбайлас жемқорлық тәуекелдерін азайтуға және қоғамдық басқарудың тиімділігін арттыруға бағытталған құқықтық, институционалдық және халықаралық тетіктердің динамикалық жүйесін білдіреді. Соңғы екі онжылдықта Түркия қылмыстық және әкімшілік заңнама, мемлекеттік қызмет, қоғамдық қаржы аудиті және мемлекеттік басқаруды цифрландыру салаларында ауқымды реформалар жүргізді. Сонымен қатар, мемлекет бір мезгілде БҰҰ-ның Сыбайлас жемқорлыққа қарсы конвенциясы, Экономикалық ынтымақтастық және даму ұйымының шетелдік лауазымды тұлғаларды параға сатып алуға қарсы конвенциясы, GRECO тетіктері, сондай-ақ Еуропалық одақпен келіссөздер үдерісі аясында халықаралық міндеттемелерді іске асыруда.

Зерттеу мақсаты: ұлттық заңнама, мемлекеттік басқару институттары және халықаралық стандарттар тұрғысынан Түркияның сыбайлас жемқорлыққа қарсы стратегиясын кешенді

талдауды жүзеге асырумен шартталған. Құқықтық механизмдердің эволюциясына, цифрландырудың рөліне, халықаралық ұйымдардың мониторинг нәтижелеріне және халықаралық талаптардың орындалу деңгейіне ерекше назар аударылды. Жұмыста салыстырмалы-құқықтық талдау, институционалдық тәсіл және нормативтік актілерді зерттеу әдістері қолданылды. Алынған нәтижелер Түркияның сыбайлас жемқорлыққа қарсы моделінің күшті және әлсіз жақтарын айқындауға, сондай-ақ оны жетілдірудің негізгі бағыттарын белгілеуге мүмкіндік береді.

Түйін сөздер: сыбайлас жемқорлыққа қарсы саясат, құқықтық реттеу, халықаралық стандарттар, мемлекеттік сатып алулар, цифрландыру, құқықтық шаралар.

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АНТИКОРРУПЦИОННАЯ СТРАТЕГИЯ ТУРЦИИ: ПРАВОВЫЕ МЕХАНИЗМЫ РЕАЛИЗАЦИИ И МЕЖДУНАРОДНЫЕ ОБЯЗАТЕЛЬСТВА

Аннотация

Антикоррупционная политика Турции представляет собой динамичную систему правовых, институциональных и международных механизмов, направленных на снижение коррупционных рисков и повышение эффективности публичного управления. В последние два десятилетия Турция провела масштабные реформы в сфере уголовного и административного законодательства, государственной службы, аудита публичных финансов и цифровизации управления. Одновременно страна реализует международные обязательства в рамках Конвенции Организации Объединенных Наций против коррупции, Конвенции Организации экономического сотрудничества и развития по борьбе с подкупом иностранных должностных лиц, механизмов Группы государств против коррупции и переговорного процесса с Европейским союзом. Исследование обусловлено целью осуществления комплексного анализа антикоррупционной стратегии Турции с позиций национального законодательства, институтов государственного управления и международных стандартов. Особое внимание уделено эволюции правовых механизмов, роли цифровизации, результатам мониторинга международных организаций и степени имплементации международных требований. В работе использованы методы сравнительно-правового анализа, институционального подхода и изучения нормативных актов. Полученные результаты позволяют выявить сильные и слабые стороны антикоррупционной модели Турции и обозначить направления дальнейшего совершенствования.

Ключевые слова: антикоррупционная политика, правовое регулирование, международные стандарты, государственные закупки, цифровизация, правовые меры.

Introduction

Turkey's anti-corruption policy is one of the key areas of state reform and is the subject of active international monitoring. Corruption has a significant impact on the functioning of institutions of power, the stability of the political system, the investment climate and the rights of citizens, which makes the fight against it a priority of state policy. In the context of global integration, international standards, such as the provisions of the United Nations Convention against Corruption and OECD recommendations, have a significant impact on the formation of national anti-corruption legislation. In turn, Turkey seeks to adapt its legal and institutional mechanisms to these requirements, which is reflected in numerous reform programs.

The public sector reforms initiated by Turkey in the 2000s under the influence of the European Union essentially led to partial and fragmented Europeanization, which did not transform into sustainable mechanisms for controlling corruption [1, p. 440–444]. Administrative innovations often remained superficial, and the political will to implement deep transformations was incomplete [1, p. 452].

The reform of local government in the Republic of Turkey was accompanied by a systematic weakening of accountability mechanisms, which created fertile ground for corruption practices at the local level [2, p.510–513]. Excessive centralization of power after 2017 actually destroyed the connection between citizens and municipal structures, reducing the transparency of decisions [2, p.518].

Digitalization of public administration is an important component of Turkey's modern anti-corruption strategy. The COVID-19 pandemic has increased the state's need to automate processes and minimize contacts between citizens and officials, which in a number of areas has led to a real reduction in corruption risks [3, p. 155–159]. However, digital transformation remains uneven and requires institutional consolidation to sustain results [3, p.160–163].

The success of digital solutions depends not only on the technological architecture, but also on the readiness of government agencies to abandon the previous procedures that generated corruption risks [4, p. 230–235]. Digitalization reduces corruption only in combination with institutional changes, expressed in transparency of regulations, external audit and restriction of discretionary powers [4, p. 237–238].

Issues of public procurement reform are relevant in the studies of scientists, according to which the initial model of an independent public procurement body, created in 2002, was much more transparent and competitive compared to later versions of the legislation [5, p. 645–648]. Amendments to Law No. 4734 led to an increase in exceptions and a weakening of transparency, which created additional corruption risks in the distribution of government contracts [5, p. 652–660].

In general, modern research emphasizes that Turkey's reforms are developing in waves, alternating modernization and rollbacks; digitalization gives the system stability only with institutional guarantees; excessive centralization of power reduces accountability and increases corruption risks; international standards remain a key benchmark for the quality of reforms [6-9].

The aim of the study is a comprehensive analysis of national and international aspects of Turkey's anti-corruption strategy, including legal mechanisms, institutional reforms and the degree of implementation of international standards.

Materials and methods

The methodological basis of this study is based on a comprehensive analysis of regulatory, institutional and empirical sources, which makes it possible to comprehensively characterize Turkey's anti-corruption strategy and assess its compliance with international standards. The applied methods are based on classical approaches of comparative and institutional law, as well as on tools for analyzing international legal obligations and practices for their implementation in the national legal system.

The key sources of the study were the regulatory legal acts of the Republic of Turkey, which determine the basic architecture of the anti-corruption system. These include the Turkish Penal Code (Law No. 5237) the Anti-Corruption Criminal Law, Law No. 3628 on Declaration of Assets and Anti-Corruption Measures, Law No. 5018 on Public Financial Administration and Control, Law No. 4982 on the Right to Information, and Law No. 4734 on Public Procurement, which forms the basis for regulating one of the most vulnerable segments of the public sector from the point of view of corruption. Of particular importance are the annual reports of the Turkish Audit Chamber, which provide data on the effectiveness of financial control and identified violations.

International sources of the study include regulations at the universal and regional level: the 2003 United Nations Convention against Corruption, which defines the basic principles for the prevention of corruption, criminal prosecution, international cooperation and asset recovery; the 1997 Organization for Economic Cooperation and Development Convention against Bribery of Foreign Officials, which sets standards for corporate responsibility and transparency in international transactions; assessments and recommendations of the Council of Europe Group of States against Corruption, including the reports of the Fifth Assessment Round on Turkey 2018-2024; annual reports of the European Commission on the progress of Turkey in the framework of negotiations on membership in the European Union, containing an analysis of compliance with the criteria for strengthening democratic institutions, independence of justice and anti-corruption.

The theoretical base of the study is formed on the basis of modern scientific publications that allow assessing the institutional aspects of the functioning of the Turkish anti-corruption system. This allows us to identify both the regulatory features of anti-corruption legislation and the actual effectiveness of its implementation, as well as determine the degree of compliance with international requirements and the direction of further improvement of Turkey's legal mechanisms.

Results and discussion

The theoretical and legal foundations of Turkey's anti-corruption policy were formed under the influence of several factors: the evolution of national legislation, the institutional development of state authorities and the need to meet international requirements for states actively participating in global anti-corruption mechanisms. These foundations are a set of legal norms, principles and institutions that ensure the functioning of the anti-corruption system and determine the directions of state policy in this area.

Corruption in the Turkish context is considered as a multifaceted socially dangerous phenomenon, including abuse of power, bribery, conflict of interest, unauthorized interference in administrative procedures, illegal financing of political activities and non-transparent distribution of state resources. The legal framework for combating corruption in Turkey is enshrined in a number of fundamental regulations defining criminal, administrative and financial liability for acts of corruption. The central place is occupied by the Turkish Criminal Code, which includes norms establishing liability for bribery, abuse of office, misappropriation of public funds, illegal interference in official procedures and a number of other crimes related to the civil service. The Code reflects adherence to international standards for the criminal protection of public interests, but international organizations have repeatedly noted that the lack of illicit enrichment limits the effectiveness of the criminal prosecution system¹.

United Nations standards stipulate the need to criminalize the unjustified increase in the assets of officials, which is emphasized in the reports of the Secretariat of the Convention against Corruption. Another important element of legal regulation is Law No. 3628 on Property Declaration and Anti-Corruption Measures, which establishes a system of mandatory declaration of income, property and obligations of officials. The law creates a legal basis for identifying discrepancies between official income and the actual financial situation, which prevents unauthorized accumulation of capital. At the same time, international monitoring mechanisms point to the need to strengthen institutional control over the verification of declarations, since the existing system allows for certain gaps in terms of public access and the verification mechanism.

The fundamental role in anti-corruption policy is played by Law No. 4734 on public procurement, which regulates the principles of competition, openness, equal access and objectivity in one of the most sensitive areas of public administration. The law provides for the use of digital tender platforms, standardized procedures and mandatory tender mechanisms, which significantly reduces the possibilities for non-transparent practices².

The financial control system in Turkey is based on the provisions of Law No. 5018 on State Financial Management and Control, which establishes mechanisms for budget planning, external audit and monitoring the effectiveness of the use of state resources. The central role in the implementation of these mechanisms is played by the Turkish Audit Chamber, which publishes annual reports analyzing the violations identified in the budget system, the implementation of government programs and procurement procedures³. The activities of the Accounts Chamber provide institutional guarantees of transparency in the financial activities of the state and create the basis for preventing corruption abuses.

An important area of legal policy is to ensure citizens' access to information on the activities of state bodies, which is enshrined in Law No. 4982 on the right to information. The availability of data on government decisions and budget spending is seen as a key element of governance transparency and public control.

¹ Criminal Code Law Nr. 5237 // <https://www.wipo.int/wipolex/ru/legislation/details/15935>

² Law No. 4734 on Public Procurement // https://www2.ihale.gov.tr/english/4734_English.pdf

³ Public Financial Management And Control Law No. 5018 // <https://ms.hmb.gov.tr/uploads/2019/01/Public-Financial-Management-and-Control-Law-No.-5018.pdf>

The theoretical foundations of Turkey's anti-corruption strategy are also determined by international standards, which form the external framework of legal reforms. The United Nations Convention against Corruption requires States parties to ensure comprehensive regulation of prevention, prosecution and international cooperation. The OECD Convention on Combating Bribery of Foreign Officials forms standards for the responsibility of legal entities and the transparency of international commercial transactions.

Thus, the theoretical and legal foundations of Turkey's anti-corruption strategy are a complex system of interconnected norms and institutions, including criminal law, administrative, budgetary and information mechanisms. The researchers note that administrative regulation in the field of official conduct in Turkey is developing towards harmonization with international standards, including the recommendations of the Council of Europe and the OECD [4, с. 55].

Of particular importance are the mechanisms of internal and external official control that ensure the prompt detection and suppression of disciplinary violations. However, the reports of international organizations point to the need to strengthen the independence of internal oversight bodies, especially in high-ranking government structures [3; 4].

An important component of Turkey's anti-corruption system is external financial control exercised by the Accounts Chamber. The Accounts Chamber reports are a key tool for ensuring accountability of the public administration. International organizations appreciate the importance of external audit, but point to the need to expand its independence and strengthen the mechanisms for implementing recommendations. The analysis systematically shows that it is external audit, together with digital tools, that allows identifying structural corruption risks, including violations in budget planning, overstatement of contract values and ineffective use of public funds.

Turkey's international obligations are a key element of its anti-corruption strategy and largely determine the direction of legal and institutional reforms. Turkey is a member of the most respected international anti-corruption mechanisms, including the United Nations Convention against Corruption, the Organization for Economic Cooperation and Development Convention against Bribery of Foreign Officials, the Group of States against Corruption mechanisms and negotiation procedures with the European Union. These mechanisms provide an external assessment of the national legal system, impose requirements for the modernization of legislation and institutions, and also contribute to the formation of an integrated approach to the prevention and investigation of corruption crimes.

The United Nations Convention against Corruption is the only universal international instrument in the field of corruption prevention, prosecution, international cooperation and asset recovery.

Particular attention is paid to issues of international cooperation and the exchange of financial information, since an effective investigation of transnational corruption schemes is impossible without concerted action between states. Turkey's relations with the OECD form a key vector for the development of the regulatory framework governing the responsibility of the private sector.

Turkey's participation in GRECO ensures regular monitoring of the state of national anti-corruption policy and its compliance with Council of Europe standards. As part of the Fifth Assessment Round on preventing corruption among deputies, judges and prosecutors, GRECO identifies a number of areas that need improvement in Turkey. GRECO's main recommendations include strengthening judicial independence; improving conflict of interest prevention mechanisms; expanding the transparency of the financial activities of deputies; developing disciplinary procedures for judges and prosecutors; increased openness of parliamentary processes.

GRECO records that Turkey has made progress in digitalizing administrative procedures and modernizing public procurement, but problems remain related to political centralization and insufficient openness of parliamentary control procedures. GRECO reports are an important tool for external audit, as they provide an objective assessment of the effectiveness of the national anti-corruption system and stimulate the state to constantly modernize institutions.

Turkey's European integration process, which began in 1999 with its recognition as a candidate for membership in the European Union, has a significant impact on the content of its anti-corruption strategy. The European Commission reports for 2018-2023 noted such aspects as Turkey's progress in digitalizing public administration and modernizing procurement procedures; insufficient judicial independence; the need for greater parliamentary scrutiny; the need to improve controls on political funding; the need to expand institutional safeguards for prosecutors.

The process of rapprochement with the European Union requires Turkey to regularly update legal norms, modernize institutional architecture and harmonize legislation in accordance with *acquis communautaire*. Despite the slowdown in the negotiation process, EU demands continue to be a significant benchmark for the development of anti-corruption policies.

A comparative analysis of Turkey's national anti-corruption mechanisms and international standards reveals the degree of their mutual compliance, as well as identifies areas where additional reforms are required. International instruments, including the United Nations Convention against Corruption, the OECD Convention against Bribery of Foreign Officials, Council of Europe standards and European Union requirements, set comprehensive guidelines in the field of corruption prevention, criminal prosecution, international cooperation, transparency of policy financing and strengthening judicial independence. While Turkey has formally implemented a significant part of these requirements, the actual implementation of the norms and the level of institutional sustainability of the mechanisms remain heterogeneous. In terms of criminal law, the Turkish system largely complies with the provisions of the United Nations Convention against Corruption and the standards of the Council of Europe. The Criminal Code provides for liability for most types of corruption crimes, including bribery, abuse of office, misappropriation of property and falsification of official documents. Reports from international organizations note that Turkey has ensured basic harmonization of criminal law with international standards. At the same time, the lack of an independent composition of illegal enrichment, the need for which is indicated by both the UN and GRECO, remains a systemic gap. In a number of states of the European Union and the countries of the Organization for Economic Cooperation and Development, such norms serve as an effective tool to counter hidden corruption among senior government officials and senior officials. In the field of preventive mechanisms, Turkey is showing significant progress, especially in terms of digitalization of public services and regulation of public procurement.

At the same time, discrepancies with international standards remain in a number of areas of preventive policy. Unlike many European Union countries, where public access to declarations of income and property of high-ranking officials is the norm, the Turkish declaration system is less focused on openness, which is scarce in terms of transparency and public control requirements.

Conclusion

Turkey's anti-corruption strategy is a complex system of legal, institutional and digital instruments, which has been formed over the past two decades under the influence of both domestic needs for state modernization and external international obligations. An analysis of the theoretical and legal foundations showed that the national regulatory framework includes an extensive set of criminal law, administrative, financial and information mechanisms for combating corruption, including the Criminal Code, laws on property declaration, public financial management, public procurement and the right to information. These acts form the foundation of legal regulation, ensuring the criminal prosecution of corruption crimes, control over the spending of public funds and the development of governance transparency.

The evolution of Turkey's anti-corruption policy in the period 2000-2025 demonstrated the transition from the initial stage of normative formation, largely due to the process of European

integration, to the stages of institutional centralization and active digital transformation of public administration. At the beginning of the period under review, the requirements of the European Union and international organizations, stimulating reforms in the field of the judicial system, external audit and transparency of state procedures, played a key role. Subsequently, especially after the constitutional changes of 2017, the focus shifted to strengthening the vertical of the executive branch, while continuing to digitalize and modernize procedures, including electronic procurement and public services platforms.

Participation in the United Nations Convention against Corruption, the OECD Convention against Bribery of Foreign Officials, GRECO mechanisms and negotiation processes with the European Union set a stable framework for legal and institutional modernization.

Based on the study, several key areas for further improvement of Turkey's anti-corruption strategy can be formulated. Firstly, it is necessary to strengthen the criminal legal block by introducing norms on illegal enrichment, expanding the responsibility of legal entities and increasing the effectiveness of the investigation of corruption crimes at the highest administrative level. In addition, the consistent development of property declaration mechanisms using digital tools are important areas; ensuring the independence of the judiciary and external audit bodies. All this will contribute to improving the effectiveness of anti-corruption institutions and the level of compliance with international standards.

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