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LEGITIMISATION OF AUTOCRACY IN TURKEY AND RUSSIA THROUGH THE REVIEW OF THE CONSTITUTION

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Abstract: *The review of the constitution emanates from the constitution, from the institute of constitutional review of which the latter is closely related to the dynamic processes in society as well as with the demand for sustainable stability, stability which very well it may be economic, political or social, national or international, the stability that affects even the constitutional order itself in a state. In this article, we will address the constitutional changes, the amendments over the years In Turkey and Russia which are 'proof' of the violation of the constitutional order, 'proof' of the impinging of democracy and stability in the country. Through this article, we will see that the constitutional system, rule of law, democracy or its consolidation, the stability in the country to a large extent are influenced by the way it is conducted the constitutional review process. The application or non-application of this instrument has multi-dimensional effects, negative, destabilizing ones.*

Keywords: *Review; Constitution; Amendment; Stability; Autocracy*

INTRODUCTION

The constitutional provisions, among others, aim to guarantee not only legal stability but also political, economic, and social stability, enabling stability 'for the society' of a certain country. In the constitutional provisions section of the normative text, a vital place is occupied by the provisions that regulate the amendment or review of the constitution. No part of a constitution is more important than the rules that regulate its amendment and the rules against its violation. The stability of the constitutional order affects the very stability of a country. In defense against the violation of the stability of the constitutional order, of stability in the country, various measures can and should be taken, where one of the measures taken to restore the stability of the constitutional order is the amendment or review of the constitution.

It is impossible to draft an unchangeable constitution. It was Thomas Jefferson himself who said "Some men look at Constitutions with sanctimonious reverence, and deem them, like the Ark of the Covenant, too sacred to be touched. they ascribe to the

men of the preceding age a wisdom more than human and suppose what they did to be beyond amendment" (Google 2018). The constitution is generally presented as a dynamic act. The change, its review is the act that makes the constitution a dynamic and long-lasting act (Albert 2015). Changing the constitution in a dynamic society is a necessity. Dynamism is a vital phenomenon of everyday life that brings situations that need to be adjusted, changed, due to changing circumstances, ideas, or views. Stability in a country and constitutional order are often conditioned by active actions in function of new dynamics that force a change of the constitution.

In this article, we will see how the institute of constitutional review can serve the political agenda of the leaders of a country, namely in Turkey. In this article, we will see how the undertaking of constitutional amendments in these two countries has brought instabilities not only to the constitutional system but also to these countries. In the interest of the research, we have used the following methods: the historical method, the sociological and legal method, the analytical method, and the case study method.

In this article, we will address the constitutional changes, the amendments over the years which are 'proof' of the violation of the constitutional order, 'proof' of the impinging of democracy and stability in the country. Through this article, the 'unannounced King', autocracy, the degradation of constitutionalism, killings, arrests, persecutions, are a 'very nice EUREKA' for me that I am digging for reality, for the truth, but the findings of this article are a bitter reality for the Turkey of nowadays.

Some of the questions that will be answered in this article are, for Turkey: How democratic is an Assembly that undermines the concept of control and balance? How much political prudence does have the deputies of an Assembly that abolished the principle of separation of powers? Why can't the presidential system in Turkey be compared to the American system as Turkey has been trying to do to justify the amendments undertaken? To continue with the questions regarding Russia: Does the Constitution of the Russian Federation of 1993 represent the transition from autocracy or socialism to democracy or capitalism? Or it is more a well-written constitution but does not represent at all a change of ideologies? Did the overthrow of the old constitutional order in Russia brought about a radical change in the article or reality? Did 'authoritarian' tendencies change with the adoption of the new constitution in Russia? Could or should the new 'revolutionary' constitution prevent totalitarianism?

TURKEY'S CONSTITUTION OF 1982

The Constitution of the Republic of Turkey has been in force for 38 years and has been amended 19 times over the years (Yazıcı 2017). The Constitution of the Republic of Turkey (hereinafter CRT) of 1982 has in its content the Preamble and 7 Parts with the respective Chapters and 177 articles. The table below gives a panorama of all the changes through the years of the CRT . The 1982 Constitution was drafted in an

atmosphere where it was the military that appointed the Constituent Assembly (Gönenç 2008). The current constitution, which has been in force since 1982, essentially preserved the system of government formed by the Constitution of 1961, however, presidential powers and prerogatives were strengthened (Gönenç 2008). The Constitution of the Republic of Turkey since its adoption in 1982, as well as its amendments was far from the concept of constitutionalism. Arbitrariness, lack of control and balance, strengthening of one government power to the detriment of another government power, lack of rule of law (especially in the case of 'exploitation' of the declaration of a state of emergency, which was accompanied by the restriction of several rights) are characteristic of the CRT of 1982 or and its changes or reviews over time.

The basic purpose of the constitution is to replace arbitrary reign with a government in which the rule of law is given priority and where the power is limited by various rules as well as by the legal and institutional mechanisms (Coşkun 2013). To give a more concrete definition, constitutionalism "requires that the basic functions of the state be distributed among the various bodies and offices, that fundamental rights be recognized and constitutionally preserved, that governmental authority is subject to legal norms and that independent courts be established as a final guarantee for all the above requirements" (Coşkun 2013, 96). The CRT of 1982 in its provisions since its adoption and throughout the changes over the years has protected the interests of the authoritarian state and not the rights of the individual. This is evident not only in the fact that a state of emergency is envisaged (as most states provide for it in their constitutions) but also in the way this provision is 'used' to restrict the rights of the individual in protecting the interests of those in power.

The latest case is the declaration of a state of emergency, declared in July 2016 and which continued until after June 2018 when the general elections were held. Turkey's 1982 constitution, which is in force, has failed to uphold the values of modern constitutionality. This especially considering the original text of the constitution, it can be said that: The governmental authority that drafted the Constitution of 1982 chose to protect the interest of the state instead of the individual, to privilege the authority of the state instead of individual freedoms. Consequently, the text of the constitution contained several declarations incompatible with the principles of democratic governance and the rule of law (Coşkun 2013), which I have dealt with extensively below in recent amendments.

The political situation in the country, the social and historical context, the political vision of the leaders of the time who are in power when the constitution is drafted or amended, affect the way a constitution is drafted, in the priorities set, and the rights protected. The rights guaranteed or limited in the constitution also show the level of democracy in that state, the fulfillment of the role of the state in a democracy, which among other things, is the regulation and guarantee of the rights of the individual. While in the CRT we can observe the opposite. It has often been observed that the

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primary purpose of the Constitution of 1982 was to protect the state against the actions of its citizens, rather than to protect citizens from state violations , which are in fact what a democratic constitution, should do (Özbudun 2011).

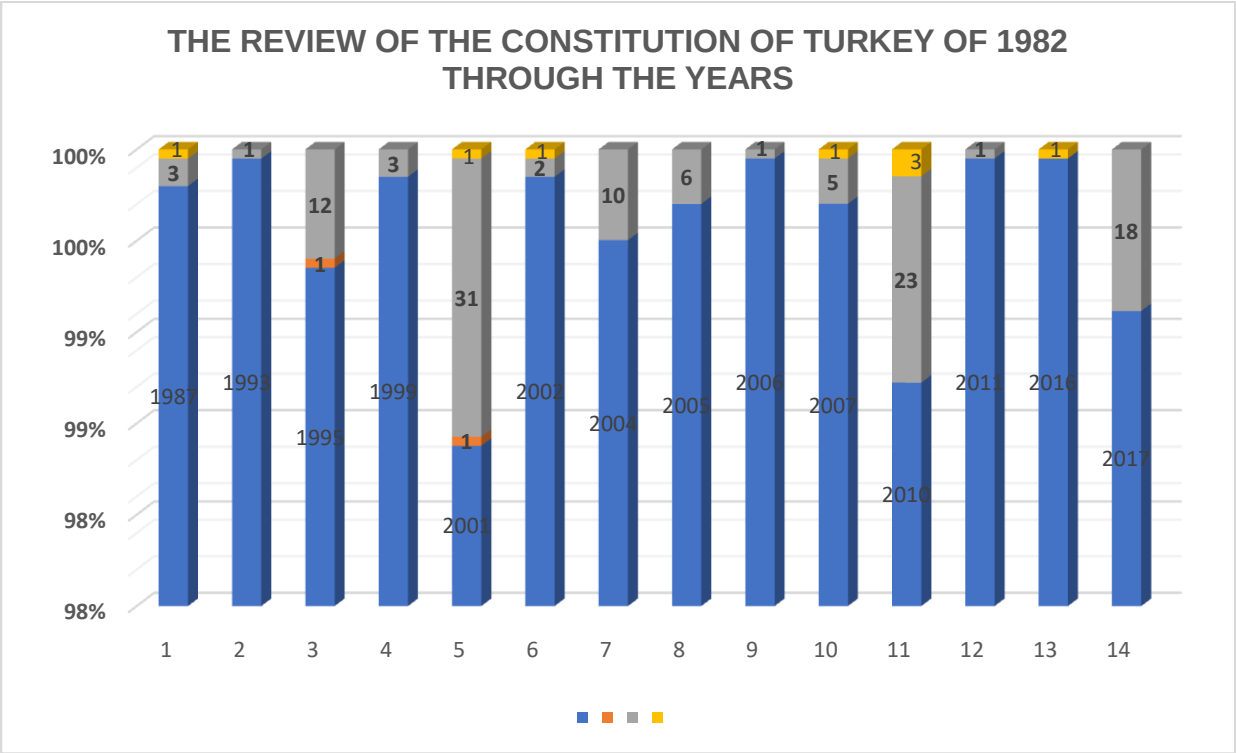
The restriction of human rights and freedoms, the low level of democracy, must be accompanied not only by criticism but also actions aimed at regulating or envisioning provisions that are in defense of the rule of law and democracy. The constitution received great criticism from all social groups as soon as it came into force, who expressed their demand for changes. Consequently, successive governments began to change the original text immediately after its adoption (Özbudun 2011).

Despite the amendments adopted so far, the current CRT of 1982, especially with the last changes of 2017 has taken many steps back. There are changes concerning the rights provided in the original text of 1982, but the mechanism of protection or guarantee of these rights is in the will of an authoritarian state, where the implementation of the constitution and the rights recognized in the constitution are conditioned by the vision political power of the ruling party. This happened with the recent constitutional changes, where Erdogan's political vision was accompanied by the declaration of a state of emergency; with changes in the type of government, amendments that looked more like a new constitution than amendments to the current constitution. However, we must emphasize that the need and demand for a new constitution remains very current in Turkish society. There is no doubt that a new, democratic, and rights-based constitution will be a service to the country 's efforts to address the historical problems that transformed into chronic problems due to the continued delays in resolving these problems over the years (Özbudun 2011). Keeping in mind the infringement of democracy, the impinging of the constitutional order that the amendments of the year 2017 brought in Turkey we will elaborate in detail the amendments approved and their role in the stability of the country.

THE CONSTITUTIONAL AMENDMENTS OF THE CONSTITUTION OF THE REPUBLIC OF TURKEY IN 2017

After decades of changes, with a new form of government, the CRT from 1982 is more like a new constitution. The CRT from 1982 has changed 14 times over the years (Table 1).

Table 1. The review of the Constitution of Turkey through the years (review and changes in its Preamble, articles, and temporary articles) (Source: own study)



The latest constitutional amendments are those undertaken in 2017, amendments that laid the foundations to continue the anarchic and autocratic political vision of the leader of this country Coup d'état (as labeled by President Erdogan), political crisis, state of emergency, thousands killed, hundreds of thousands arrested, other thousands of hundreds fired from work or persecuted, this is the panorama under which work began for 1) constitutional changes; 2) approval of these constitutional changes in the Assembly, and 3) approval of amendments by referendum. This was the ideal chaos to start implementing the totalitarian objectives, already enabled by the announcement and holding of general elections under the conditions of the state of emergency that was declared in July 2016 and continued until the June 2018 general elections. The European Commission Report of 2017 noted that:

> the emergency situation is associated with serious problems where there are 31 decrees taken under the state of emergency. These decrees are not subject to careful and effective consideration by parliament. These decrees are not subject to judicial review and none of them has been the subject of a decision by the Constitutional Court. These emergency decrees have particularly restricted certain civil and political rights, including freedom of expression, freedom of rally, and procedural rights. The following report shows that over 150,000 people were detained, 78,000 arrested and over 110,000 civil servants fired (Turkey Report 2018).

The Report goes on to describe the circumstances surrounding the referendum, which states: "In April 2017, Turkey held a referendum which approved the constitutional amendments by a narrow majority establishing a presidential system. The amendments were assessed by the Venice Commission as provisions that lack sufficient control and balance and endanger the principle of separation of powers between the executive and the judiciary. The referendum itself raised serious concerns about the overall negative impact of the state of emergency, the unequal ground of the 'game'" (Turkey Report 2018) on both sides of the campaign, and ineffective safeguards for the integrity of the election. After reading this Report, after reading the constitutional amendments, some questions arise as follows:

- Does the referendum hide the false democracy?
- How democratic is an Assembly that undermines the concept of control and balance?
- How much political prudence does have the deputies of an Assembly that abolishes the principle of separation of powers?
- How can this presidential system be compared with the USA system, as some tried to do?
- What is the content of these constitutional amendments that the Venice Commission openly opposes?

The 2017 amendments relating to the neutrality of the judiciary; increasing the number of deputies from 550 to 600; criteria for parliamentary candidacy, to be elected deputy; holding elections every five years and at the same time for Parliament and the President; changes regarding the competencies and responsibilities of the Parliament; responsibilities related to the controlling authorities of the Parliament; election of the President; duties of the President; criminal liability of the President; Vice-Presidents and Ministries; repeat elections; state of emergency; repeal of Military Courts; High Council of Judges and Prosecutors; budget regulation; provisional article; the President who can be a member of the party and the deadline when the changes will be effective.

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The Law no. 6771 on Constitutional Amendments contains 18 articles adopted by referendum, most of which entered into force after the elections for the Grand National Assembly of Turkey and the President (Council of Europe 2017) (out of 18 amendments 3 have entered into force and we will tackle them below). The play with words begins in Article 1 of the constitutional amendments.

Article 1 of the constitutional amendments regulates the change in Article 9 of the CRT where the word 'impartial' is added after the word 'independent'. Is it not ironic that attention is paid to the adding of a word, while according to the following amendments we will see that the largest and the most important part of the Judiciary will be appointed by the President, the President who will continue to be a member of the political party legally? On one hand, it was added a word to Article 1 of the CRT and on the other hand, it was ruled out the principle of the separation of powers giving the President the right to appoint the major part of the Judiciary.

Article 2 of the constitutional amendments regulates the amendment to Article 75 of the Constitution, where the words 'five hundred and fifty are replaced by the words 'six hundred'. Article 3 of the constitutional amendments regulate the amendment to Article 76, where the words 'twenty-five' are replaced by the words 'eighteen', in Paragraph I, and the words 'who have not performed compulsory military service' are replaced by the words 'who are performing military service', in Paragraph II of the same article.

The constitutional amendments to Articles 2 and 3, are numbers, are calculated, are well calculated, and are part of the plan to pass constitutional amendments through the Assembly and the referendum. The promise that 50 deputies will be added is not an insignificant stimulus to guarantee a few more votes during the debates and discussions of the package of amendments. Reducing the age of the right to be elected is a lucrative proposal for two reasons:

- It creates ambitious opportunities for aspiring young people, perhaps and rightly so, to be part of the Assembly at the age of 18 and more importantly; and
- Exemption from compulsory military service is a very important constitutional promise for most young people who want to 'escape' military service.

Article 4 of the constitutional amendments regulate the amendment to Article 77, where it specifies that: "The elections for the Grand National Assembly of Turkey and the Presidency of the Republic shall be held on the same day every five years; A deputy whose term of office expires is eligible for re-election; If the simple majority is not obtained in the first round of Presidential elections, the second round of voting is held according to procedure stated in Article 101". According to this article now the election for the Grand National Assembly of Turkey and the Presidency of the Republic shall be held on the same day every five years.

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Article 5 of the constitutional amendments regulates the amendment to Article 87, which is amended as follows:

> The duties and powers of the Turkish Grand National Assembly are the adoption, amendment, and repeal of laws; debate and approve budget proposals and final accounts; decide on the currency and declare war; approve the ratification of international treaties, decide by a three-fifths majority of the Turkish Grand National Assembly to declare amnesty and pardon; and to exercise the powers and perform the duties provided for in other articles of the Constitution.

Article 6 of the constitutional amendments regulates the amendment to Article 98, which is amended as follows:

> The Turkish Grand National Assembly shall exercise its powers to obtain and supervise information through parliamentary inquiry, general debate, parliamentary inquiries, and written questions. A parliamentary inquiry is an audit conducted to obtain information on a specific topic; A general debate is the consideration of a specific topic related to the community and the activities of the state in the Plenary Session of the Turkish Grand National Assembly; A parliamentary inquiry is an inquiry for the Vice-Presidents and Ministers conducted according to the fifth, sixth and seventh paragraphs of Article 106; A written question is a request for information addressed to the Vice Presidents and Ministers by the Members of Parliament to be answered in writing within fifteen days; The form of submission, content, and scope of motions and investigative procedures are regulated by the Rules of Procedure of the Assembly.

According to the constitutional amendments of the above 2 articles (Articles 5 and 6 of the CRT), the Turkish Grand National Assembly has been deprived of the previous constitutional right to monitor, control, call them for interpellation, conduct investigations or request a motion against the Cabinet and Ministers.

With the amendments to Article 98, it is noticed a political movement to suppress and keep under wraps the Vice Presidents and Ministers. Can it be implied that in any case if Vice President or Ministers do not know how to surrender to the President, the first threatening and warning step is provided in Article 98 amended:

> A parliamentary inquiry is an inquiry for the Vice Presidents and Ministers conducted according to paragraphs five, six, and seven of Article 106. A written question is a request for information addressed to the Vice Presidents and Ministers by the deputies to be answered in writing within fifteen days.

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Article 7 of the constitutional amendments regulate the amendment in Article 101, where according to its content the fact that a person can be elected President of the Republic at most 2 times can be considered positive. The abolition of the obligation of the elected President to sever political relations with the Party to which he belongs is an open violation of the principle of the President's impartiality. Article 8 of the constitutional amendments regulates the amendment to Article 104 where "executive power belongs to the President". With the new changes, there will be no Prime Minister. The President will appoint and dismiss the Vice Presidents, Ministers, Senior State Officials, Ambassadors, and foreign representatives, ratifies and promulgates international treaties, holds referendums, etc.

Strengthening the position of President not only limits the role of the Grand National Assembly of Turkey but risks having an autocrat as President who has power over the judiciary (in appointments and dismissals of the most important institutions), over the executive (which he leads, in appointments and dismissals) over the legislature (which has a very limited power).

Article 9 of the constitutional amendments regulates the amendment to Article 105, on the indictment, investigation, and trial of a case against the President. 1) An indictment can be filed against the President before parliament with a motion accepted by an absolute majority of deputies (301 deputies' *pro*). 2) The investigation can start only if 3/5 of the total number of the Grand National Assembly votes in favor (360 deputies' *pro*). 3) For the case to be sent, if it is considered reasonable, to the Supreme Court, it must have the vote in favor of 2/3 of the total number of the Grand National Assembly voting in favor (400 deputies in favor). For the autocrat, the importance of political, dependent institutions is as great as that of constitutional amendments. The inviolability of the autocrat is certain because according to the Constitution the majority required to send the case to the Supreme Court is a majority required for amendments to the Constitution.

The constitutional amendments to Article 10, which regulates Article 106 of the Constitution, contradict the statement that the American presidential system is being 'imitated', to empower the state, its economic empowerment. According to the Constitution of the United States of America, the President and the Vice President, both of them, are subject to election by the electorate. According to the amendments regulating Article 106 of the Constitution the Vice President in Turkey will be appointed by the President after the election. In the USA, the Vice President takes the place of the President, while in Turkey the elections for the new President (in case of a vacancy) must be held within 45 days. You cannot justify undemocratic reforms, constitutional amendments hiding behind examples of other countries that one pretends to imitate.

Article 11 of the constitutional amendments regulates the amendment to Article 116, where among others specifies that:

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> The Grand National Assembly may decide to renew elections with a three-fifths majority of the total number of members. In this case, the general election of the Grand National Assembly and presidential elections shall be held together. If the President of the Republic decides to renew the elections, the general election of the Grand National Assembly and presidential elections shall be held together.

Again here we see the tendency of control and the important role that the unclaimed 'King', the President will have over the decision to renew the elections. Article 12 of the constitutional amendments regulates the amendment to Article 119 recognizing the exclusive right of the President to declare a state of emergency, whereas previously this was the right of the Council of Ministers. Constitutional restrictions during a state of emergency are known. The state of emergency was used to hold the referendum on the 2017 constitutional changes, and it was used to hold the general elections in June 2018.

The constitutional amendments to Article 13 that regulate Article 142 of the Constitution provide for the Repeal of the Military Courts - where this is one of the amendments that entered into force with the adoption of the referendum.

The constitutional amendments of Article 14 regulating Article 159 regulate the reform of the High Judicial Council and Prosecutors; wherein some key appointments of higher judicial instances the President of the Republic will have its role.

Article 15 of the constitutional amendments regulates the amendment to Article 161 related to the budget and final accounts. This amendment added 8 paragraphs to Article 161 of the CRT. This article regulates the timing of the submission by the central government of the budget bill to the Grand National Assembly, what happens in case the budget law cannot be put into force in time.

Article 16 of the constitutional amendments regulates changes, adjustments, removal, and addition of words to various articles of the Constitution. Among the changes included in this article, it is worth mentioning the 'innovation of 3 government powers in 1', (being ironic here) - where the President is given the right to appoint 13 of the 15 members of the Constitutional Court. Constitutional changes are now even safer in the hands of the President!

The constitutional amendments of Article 17, which contain provisional provisions, regulate the entry into force of some constitutional amendments. Among the provisional provisions worth mentioning is the setting of the date for the elections of the Grand National Assembly of Turkey and the President. The date set for holding these elections was 03 November 2019. But the current leader, as an experienced strategist for his visionary autocracy, had to take advantage of the state of emergency.

The transitional provision has already been violated; the election date was set for June 24, 2018. In violation of the constitutional provision where the election date was

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November 3, 2019, and the new election date was set on June 24, 2018. The Parliament is not and will not be strong enough to investigate and impeach a President that violates the Constitution as it proved so after the violation of this article of CRT.

Article 18 of the constitutional amendments regulates the time of entry into force of the constitutional amendments approved by the 2017 referendum.

Turkey's hidden agenda has been revealed but the path or consequences of this hidden agenda cover many secrets and unknowns that we still do not know. What we do know is that the democracy has been violated, the principle of the separation of powers has been infringed, the constitutional order is in danger as are the people of Turkey that want a country ruled by rule of law and democratic values.

THE CONSTITUTION OF THE RUSSIAN FEDERATION FROM 1993

The end of the 80s, the beginning of the 90s coincides with the time of revolutions, changes in the 'bloc' of Eastern Europe, including Russia. It was the time of revolution, great upheavals, and radical changes in the political, social, and economic order. The path from authoritarianism to democracy (however fragile and transitional the latter may have been), was accompanied by revolution, the overthrow of the existing order, and the establishment of a new order characterized by pluralism, separation of powers, the guarantee of rights, and freedoms basic of the individual. In response to a growing economic crisis and the separatist movement from the Republics, the Politic Bureau sought to restore the dominance of the Communist Party of the Soviet Union in the legislative process (Chauvin 1994). The failure of the conservative coup of August 1991 showed that there could be no withdrawal without bloodshed from a state in which legitimacy stems from the people, not from a political party or a faction (Chauvin 1994). President Boris Yeltsin, when faced with a situation that paralleled the 1917 revolution, chose to support a peaceful transition to a free society, rather than gaining approval with bullets (Chauvin 1994).

The driving force that helped the revolutionary initiative that brought radical change was not one, but several. These driving forces in Russia led to deep social, political, parliamentary, and constitutional crises in the country. The old politics was trying to resist change but time showed that it was impossible to withstand the 'pressure' exerted by the driving forces of that time. It was impossible to resist the driving forces, it was difficult to fight and win with the time factor, the social factor, the political factor, the economic factor, the international factor.

These driving forces these factors dictated the necessity of overthrowing the existing social, political, economic, constitutional order. Despite the efforts of the then leader, Mikhail Gorbachev, for economic recovery, this not only failed, but months later the economic situation deteriorated (Look; Mannheimer 2008). Despite this, Gorbachev began to liberalize the political climate, allowing criticism of the government, and in this

context, undertook changes to the text of the constitution to achieve this goal (Look; Mannheimer 2008). The transformation of the state had begun a process of transformation of the constitution. The old constitution had been changed more than three hundred times (Krylova 2015). It was full of contradictions. It was completely clear that the new government needed a new constitution (Krylova 2015). The old constitutional cycle would be replaced by a cycle, a new constitutional process. The action of internal and external forces, of the national and international factor, was accompanied by the necessity of overthrowing the existing constitutional order and the birth and development of an order that would resolve the existing revolutionary contradictions that would bring radical changes in statehood, in government, as well as in constitution-making process.

The ground for drafting and approving a new constitution was ready. And in 1993 the new constitution was approved. But naturally, questions arise: Did the overthrow of the old constitutional order in Russia bring about a radical change only on the article or even in reality? Did 'authoritarian' tendencies change with the adoption of the new constitution in Russia? Could or should the new 'revolutionary' Constitution prevent totalitarianism? To answer these questions, I will rely a little on Montesquieu and writing by Chauvin.

In Russia, on the other hand, fabrications of the power of the Communist Party of the Soviet Union have penetrated every inch of Russian life, demanding the creation of a completely new system of government (Chauvin 1994). If a "revolution destroys the models of a systematic government, but the model of systematic thinking that produced this government has remained intact, then those models will be repeated in the next government" (Chauvin 1994). Montesquieu's words are perfectly fitting for all authoritarian rulers throughout the history of Russia and the Soviet Union; "All the blows were against tyrants, none against tyranny" (Chauvin 1994).

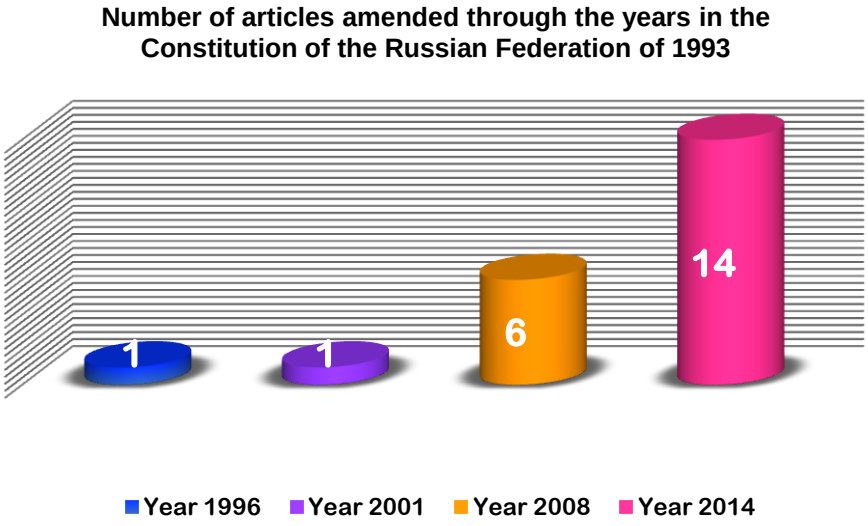
The Constitution of the Russian Federation of 1993 had its point of support. The Constitution of the Fifth French Republic served as one of the most important models for drafting the Constitution of Russia in 1993 (Schmid 2010). The Constitution of the Russian Federation was adopted by National Referendum on December 12, 1993, and entered into force on December 25, 1993 (Amended in 1996, 2001, 2008, 2014). The Constitution of the Russian Federation has 137 articles, the Preamble, and two parts.

THE CONSTITUTIONAL AMENDMENTS TO THE CONSTITUTION OF THE RUSSIAN FEDERATION FROM 1993

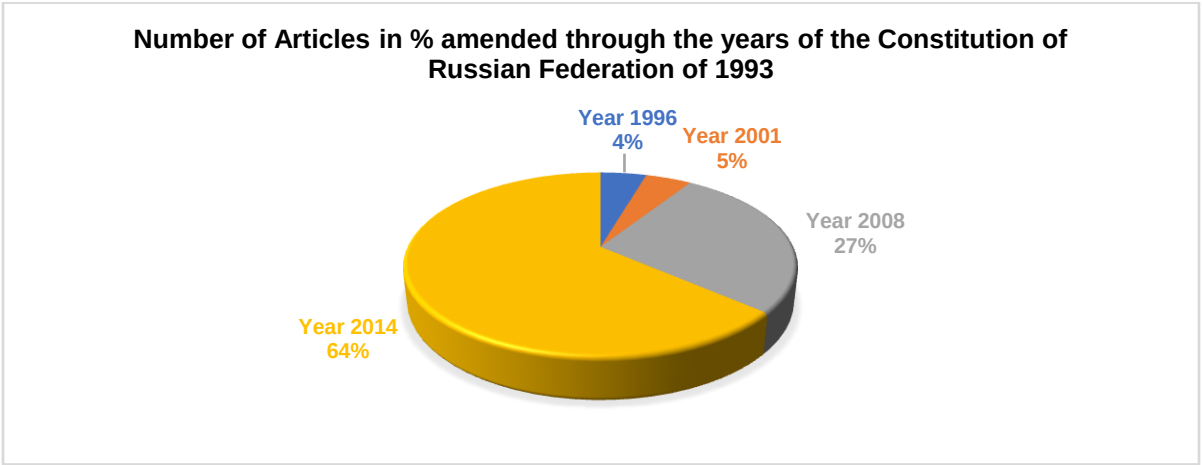
The timing of the drafting and approval of a constitution also affects the details, the regulations provided for the institute for the review of the constitution. The review of the Constitution of the Russian Federation (hereinafter CRF) is regulated in Articles 71 (letter a); 92 (paragraph 3); 134-137. The changes in the CRF from 1993 to 2008 were

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not substantial; they did not bring major changes in the constitutional system (Graph 1). These changes have had more to do with the constituent units of the Russian Federation, with correction or adjustment of terms based on changes made by federal constitutional laws. According to the content of CRF, the essential changes are ascertained in 2008 that had to do with the extension of the mandate of the President and the State Duma as well as the establishment of the obligation of the Government to report to the State Duma (Graph 2).



Graph 1. The review of the Constitution of the Russian Federation through the years (22 articles in total) (Source: own study)



Graph 2. The review of the Constitution of the Russian Federation through the years in percentage (Source: own study)

The stability of the legal system in a country, the stability of the constitution is conditioned by its role and its activity to guarantee the protection of the constitutional order and the implementation of its constitution. Guaranteeing the stability of the constitution is the type of procedure applied for constitutional review and amendment. The 'rigidity' of the CRF with its two separate methods of change shows that it is not a guarantee to protect the constitution. The stability of the constitution is guaranteed not only by the rigidity of the amendment procedures, its review process but also by the implementation of the provisions provided in it. Russia has a "rate of change of articles below average" (Fruhstorfer 2017), between all Central and Eastern European countries (Fruhstorfer 2017). But the effect is not a "preservation" of the political system (Fruhstorfer 2017). Rather, we can observe the frightening Russian practice of changing the constitution through organic law (Fruhstorfer 2017). Petersen and Levin describe this as "*de facto* changes that take place outside or under the constitution" (Fruhstorfer 2017).

Recognizing the reality of the last 25 years in Russia, comparing this reality with 137 articles of the CRF, I say that the amendments to the CRF give us an overview of the applicability of the implementation of the CRF, show us the ease of undertaking major changes even if we are talking about a rigid constitution. The provisions to amend or to review the CRF failed to impede the fulfillment of the autocratic vision of the President's figure. The 'protectors' and 'guarantors' of the CRF with the amendments in the CRF, although in a rigid constitution found their way to it:

- Established the 'autocracy' from where an individual 'could' be, until now 14 + 6 = 20 years President of Russia (Article 81/1); - Vladimir Putin, the 20-year-old President, who managed to get 4 presidential terms, (2000-2008) (2012-2018) and (2018-2024);
- Strengthen the control of the President in the legislative power by increasing the powers regarding the appointments and dismissals of the representatives of the Federation Council (Article 83/e);
- Strengthen the role and control of the President in the judiciary system through the proposal for appointment and dismissal to the Federation Council of the Prosecutor General and his deputies, as well as the President's exclusive right to appoint and dismiss public prosecutors of the constituent units of the Russian Federation, as well as prosecutors, except public prosecutors of cities, districts (Article 83/f); - Also the President has the constitutional right to appoint and dismiss them;
- Extend the mandate of the State Duma from 4 years to 5 years, which can be interpreted as a 'reward' on the one hand to facilitate the adoption of the constitutional amendment of the President's mandate and on the other hand a 'gift' to the institution that historically dominated by the ruling government party (Article 96/1);

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- Merged and 'unite' the High Court of Arbitration (Articles 102/g; 102/h; 126; 127; 128/3);
- Extend the jurisdiction of the State Duma, strengthening the State Duma's control function over the Government. This expansion at best can be interpreted as strengthening the legislative power, but at worst and more realistically it can be interpreted as further strengthening the position of the President. Why? How? Does not the President dissolve the State Duma? The President keeps the State Duma under pressure, the latter keeps the government under pressure, for the President (Articles 103/c; 114/1/a);
- Politicizing the Constitutional Court? The decision of the Constitutional Court of 16 June 1998. Nr. 19-P "On the interpretation of certain provisions of Articles 125, 126 and 127 of the CRF" (Vereshchagin 2015), the Constitutional Court declared that the laws should be uniform and that contradictory interpretations of constitutional norms by different courts are inadmissible.

One of the reasons for the review of the constitution is or should be the preservation or establishment of stability in the country. The review of the CRF of 2008 had a destabilizing role in the country. The changes in the CRF of 1993 did not come as a result of the instability of the constitutional system, of any crisis or transition period in Russia. These amendments, I mean the fundamental amendments, have taken place to implement the agenda of political will represented by the current President. The amendments in the CRF of 1993 have gradually legitimized the visionary revolution for autocratic power.

CONCLUSION

In the Republic of Turkey and the Russian Federation as well, the constitutional amendments provide us with an overview of how constitutional amendments can be turned into a means of implementing the 'agenda' of its political leaders. Substantial amendments in their constitutions of these two countries have come so that to implement the political will agenda represented by the current Presidents. Changes in the CRT and the CRF have gradually legitimized the visionary revolution for autocratic power.

In Turkey, the constitutional amendments bring the transition from a parliamentary system to a presidential system, where the President is given a range of powers that have transformed the President into a formally unannounced 'monarch'. Through the amendments undertaken and approved, Turkey has started a new stage where democracy has been shaken, autocracy has paved its way, constitutionalism has been hit, the three powers have been concentrated in the hands of a single person and all this is legitimized by the constitution and laws.

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In Russia, under the word democracy and for democracy or under the slogan for the people and with the people, constitutional changes that were undertaken do not represent the people, do not represent the values that this nation embraces. The amendments in this country represented the hidden political interests and agendas and not the interests of the people.

Nowadays, dictatorship, authoritarianism, totalitarianism have reduced the degree of democracy during and through the process of constitutional amendments, as we saw both in the case of the Republic of Turkey and the Russian Federation. 

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