ABSTRACT

The chapter addresses the implementation of “binding group decision” problematically. According to the study, this implementation is a restrictive issue for the discourses and actions of the members of the parliament who are assigned with the duty of representation of the nation and entitled with privileges within the context of freedom of expression. In this context, the legal legislation and bylaws of the political parties with groups in the Grand National Assembly of Turkey (TBMM) and internal regulations are analyzed within the context of restrictive provisions. Moreover, sample cases from 22nd and 24th legislative terms of the TBMM are examined within the context of political communication, freedom of expression, and ethics. This chapter grounds on a descriptive method based on historical events and legal texts. As a result of the study, it should be stressed that the implementation of “binding group decision” needs to be examined in terms of political ethics as a restrictive element for the freedom of expression and communication, despite being legal.

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INTRODUCTION

The freedom of expression, in parallel with the global development of the democratic governance approach, has been a phenomenon reinforcing the social request condition beyond being just a legal norm. As being such a phenomenon, the freedom of expression does not only make its presence felt by means of symbolic places such as Hyde Park (London/England) that enables free expression of even the “extreme ideas”, it also has become one of the determining factors of historical change and transformation. It is possible to express that the reason for the reactions against the current ruling powers aroused both in East Europe in the last quarter of 20th Century and in the Middle East today is the actions limiting the freedom of expression.

Not only the importance attached to the freedom of expression but also the impact of the expressed ideas on public management is a considerable issue, as well. Therefore, political parties are established in order to express the ideas, suggestions, demands, and expectations of the public and take actions on this by coming into power in relatively democratic states.

The “symbolic democracy” is a phenomenon came forward by means of this principle. It is based on the national sovereignty theory and grounds on the idea that the sovereignty belonging to the nation shall be exercised by the representatives determined by the elections (Tunç, 2008: 1117). While it turns into a majority democracy in practice, it should be noted that the issue of high importance is to establish the political regime that redresses the balance between the authority of the governing and the liberty of the governed in order to make the system operative. Today, the democratic constitutional state which is “a regime that promotes dialogue and agreement among the pluralism and redresses and maintains a delicate balance between the liberties and order (authority) “(Kaplan, 1994: 268) can be regarded as the conclusion of this quest.

The Republic of Turkey is a democratic, secular and social state governed by the rule of law as defined in article 2 of the Constitution of the Republic of Turkey and functions under a multi-party system. According to the Turkish Supreme Court of Appeals Prosecutor’s Office data (2018), there had been 88 active political parties by the end of 2017.

At the time when this paper was being written, the number of the political parties represented at the TBMM was 5 and the number of those who created groups in the parliament was 4 considering the impact of the 10 percent threshold (TBMM, 2018). Although the election threshold is high, it can be noted that the election participation rate of 26th General Parliamentary Election was 85,11 and 97, 48% of the valid votes (YSK, 2015) were represented at the TBMM.
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