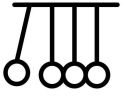


Why Are the First Three Articles of the Constitution Unamendable?

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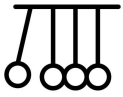


Abstract

In this study, the first three articles of the Constitution of the Republic of Türkiye and the fourth article related to them are examined in detail. The text explains how these articles protect the fundamental structure of the state, the system of government, and the rights of individuals. While the first article guarantees Türkiye's existence as a republic and the participation of the people in governance, the second article sets out the characteristics of the state as democratic, secular, social, and governed by the rule of law. The third article guarantees Türkiye's indivisible integrity, its official language, national symbols, and capital city. The fourth article ensures the protection of the fundamental values of the state by stipulating that these first three articles cannot be amended or even proposed for amendment. The text also addresses the legal, historical, and social significance of these articles. From a legal perspective, the principle of unamendability safeguards the fundamental structure of the state, while historically it is connected to the War of Independence and the concept of national sovereignty. From a social and political perspective, these articles ensure the unity and integrity of the state, preserve political stability, and make it possible for fundamental values to be passed on from generation to generation without becoming a subject of debate. This summary presents in a comprehensive manner why the constitutional foundations of the Republic of Türkiye must be protected and how these articles secure the democratic order and social peace.

Introduction

The constitution is the highest law that determines the fundamental structure and functioning of a state. It clearly sets out what powers those who govern the state possess, how they may use these powers, and what rights citizens have. In this respect, the constitution both organizes the state and protects the individual against the state. All other laws must comply with the constitution. For this reason, the constitution is almost like a "guidebook" for a country. Without a constitution, it would be unclear which rules govern the state, and legal certainty could not be ensured. Therefore, the constitution is not merely a legal text but also a document that reflects a society's shared values and its consensus about the future. In many countries around the world, certain articles of the constitution are specially protected and considered unamendable. The reason for this is the desire to safeguard the fundamental



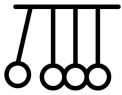
structure of the state and its common values independently of political influence. Because frequent changes to certain rules can weaken the state order and lead to social conflict, some provisions are declared “untouchable.” For example, the form of government, the official language, national symbols, or fundamental human rights are often regarded as unamendable. These are the core elements that define a country’s identity. The situation in Türkiye is similar. The first three articles of the Constitution and the fourth article related to them are explicitly protected with the provision that they “cannot be amended, nor can their amendment even be proposed.” This was done to secure the founding values of the state for future generations. As stated in Article 4 of the 1982 Constitution, these provisions are in no way amendable. The first three articles regulate Türkiye’s existence as a republic, the fundamental characteristics of the republic, and the integrity of the state along with its national symbols. By protecting these articles, Türkiye’s form of government, official language, flag, and national identity are removed from political debate. In this way, the fundamental structure of the state is not affected by political discussions, and the constitution goes beyond being merely a legal text, becoming a shield that protects the existence of the state itself

Body

The first three articles of the Constitution form the cornerstone of the Republic of Türkiye. These articles define the form of government, the fundamental characteristics of the republic, and the unity of the state together with its national symbols. Moreover, by being unamendable, they protect the core values of the state and remove them from political debate.

ARTICLE 1 - The State of Türkiye is a Republic (Constitution of the Republic Türkiye)

The first article establishes that the form of government of Türkiye is a republic. A republic is a system of governance in which the people elect their representatives and participate in the administration of the state. Decisions are made in accordance with the will of the people, and those who govern are accountable to the public. This clearly distinguishes the republic from systems such as monarchy, where all authority is concentrated in the hands of a single person or family. From a historical perspective, this article reflects the significance of the transition from the Ottoman Empire to the Republic. Under the Ottoman system, governance was centralized under the authority of the sultan, and public participation in government was limited. The proclamation of the Republic following the War of Independence symbolized the



beginning of a modern state in which sovereignty belongs to the people. Thus, Article 1 secures both Türkiye's form of government and its historical transformation.

ARTICLE 2 - The Republic of Türkiye is a democratic, secular, and social state governed by the rule of law, within the concepts of public peace, national solidarity, and justice; respectful of human rights; loyal to the nationalism of Atatürk; and based on the fundamental principles set forth in the preamble. (Constitution of the Republic of Türkiye)

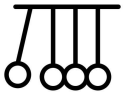
The second article sets out the fundamental characteristics of the Republic of Türkiye. It defines the state as democratic, secular, social, and governed by the rule of law, while also emphasizing respect for human rights and loyalty to Atatürk's nationalism. Being democratic guarantees public participation in governance and the protection of fundamental freedoms. Secularism indicates that state affairs are conducted independently of religious rules. The principles of a social state and the rule of law ensure the protection of citizens' rights and the realization of justice. In this way, Article 2 safeguards both the style of governance and the core values of the state, enabling Türkiye to continue its existence as a modern state.

ARTICLE 3 – The State of Türkiye, with its territory and nation, is an indivisible whole. Its language is Turkish. Its flag is the red flag with a white star and crescent, as described by law. Its national anthem is the “Independence March.” Its capital is Ankara. (Constitution of the Republic of Türkiye)

The third article affirms that Türkiye is an indivisible entity with its territory and nation and establishes Turkish as the official language. It also constitutionally guarantees the national flag, the national anthem, and the capital city. This article protects the unity of the state and the shared values of the nation, removing fundamental cultural and national symbols from political controversy. As a result, national identity and the continuity of the state are secured.

ARTICLE 4 - The provision in Article 1 of the Constitution stating that the form of the State is a Republic, the characteristics of the Republic set out in Article 2, and the provisions of Article 3 shall not be amended, nor shall their amendment be proposed. (Constitution of the Republic of Türkiye)

The fourth article states that the first three articles are absolutely unamendable and that even proposing their amendment is prohibited. This article demonstrates that the fundamental values of the state and its form of government are placed under constitutional protection. In this way, the core characteristics of the Republic of Türkiye, such as being a republican, democratic, secular, and social state governed by the rule of law, are safeguarded. In addition, the unity of the state and its national symbols cannot become subjects of debate. Article 4

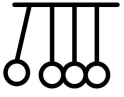


functions like a security shield that protects the foundational pillars of the state and ensures that the founding principles are preserved for future generations.

The first three articles of the Constitution of the Republic of Türkiye, together with the fourth article, are not merely legal rules; they are fundamental pillars that secure the existence of the state, the unity of the nation, and shared values. From a legal perspective, Article 4 of the 1982 Constitution clearly states: “These provisions shall not be amended, nor shall their amendment be proposed.” This demonstrates the protection of the fundamental structure of the state and the supremacy of the Constitution over all other laws. From a historical perspective, the War of Independence and the concept of national sovereignty highlight the importance of these articles. With the transition from the Ottoman Empire to the Republic, a modern state was established in which the people participated in governance through their own will, and these articles ensured the protection of these achievements. From a social and political perspective, these articles preserve the unity and solidarity of the state, ensure political stability, and allow fundamental values to endure without dispute. When all these reasons are considered together, the first three articles and the fourth article of the Constitution become indispensable elements that protect the fundamental structure of the Republic of Türkiye, and the principle of unamendability guarantees the values of the state and the nation for future generations.

Conclusion

The first three articles of the Constitution and the fourth article may be perceived by some as restricting the democratic system; however, on the contrary, by protecting the fundamental values of the republic and the will of the people, these articles ensure the safeguarding of democracy. They remove the form of government, the unity of the state, and social values from political debate, thereby securing political stability and social peace. They are also of great importance for future generations, as these provisions preserve the fundamental structure of the Republic of Türkiye and enable citizens to exercise their rights within the framework of a state that provides constitutional guarantees. Protecting the core values of the republic is not only the responsibility of the state but also of every individual citizen. These articles serve as a guide for carrying the existence of the state and the nation into the future, while at the same time guaranteeing the freedoms of individuals and society.



Resources

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