



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



— P R O C E E D I N G —

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**LAW AND  
SOCIETY**

Yogyakarta, 04 – 07 April 2017

LP3M & Faculty of Law Universitas Muhammadiyah Yogyakarta  
2017

## **PROCEEDING**

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# Message from Chairman

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## **Yordan Gunawan**

Chairman, International Conference on Law and Society 6,  
Universitas Muhammadiyah Yogyakarta

Assalaamu'alaikumWarahmatullahiWabarakatuh,

In the Name of Allah, the most Gracious and the most Merciful. Peace and blessings be upon our Prophet Muhammad (S.A.W).

First and foremost, I felt honoured, on behalf of the university to be warmly welcomed and to be given the opportunity to work hand in hand, organizing a respectable conference. Indeed, this is a great achievement towards a warmers multilateral tie among UniversitasMuhammadiyah Yogyakarta (UMY), International Islamic University Malaysia (IIUM), UniversitiIslam Sultan Sharif Ali (UNISSA), Universiti Sultan ZainalAbidin Malaysia (UNiSZA), Fatoni University, Istanbul University, Fatih Sultan Mehmet Vakif University and Istanbul Medeniyet University.

I believe that this is a great step to give more contribution the knowledge development and sharing not only for eight universities but also to the Muslim world. Improving academic quality and strengthening our position as the procedures of knowledge and wisdom will offer a meaningful contribution to the development of Islamic Civilization. This responsibility is particularly significant especially with the emergence of the information and knowledge society where value adding is mainly generated by the production and the dissemination of knowledge.

Today's joint seminar signifies our attempts to shoulder this responsibility. I am confident to say that this program will be a giant leap for all of us to open other pathways of cooperation. I am also convinced that through strengthening our collaboration we can learn from each other and continue learning, as far as I am concerned, is a valuable ingredient to develop our universities. I sincerely wish you good luck and success in joining this program

I would also like to express my heartfeltthanks to the keynote speakers, committee, contributors, papers presenters and participants in this prestigious event.

This educational and cultural visit is not only and avenue to foster good relationship between organizations and individuals but also to learn as much from one another. The Islamic platform inculcated throughout the educational system namely the Islamization of knowledge, both theoretical and practical, will add value to us. Those comprehensive excellent we strived for must always be encouraged through conferences, seminars and intellectual-based activities in line with our lullaby: The journey of a thousand miles begin by a single step, the vision of centuries ahead must start from now.

Looking forward to a fruitful meeting.

Wassalamu'alaikumWarahmatullahiWabarakatuh

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# Foreword

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**Trisno Raharjo**

Dean, Faculty of Law, Universitas Muhammadiyah Yogyakarta

Alhamdulillah all praise be to Allah SWT for his mercy and blessings that has enabled the Fakultas Hukum, Universitas Muhammadiyah Yogyakarta in organizing this Inaugural International Conference on Law and Society 6 (ICLAS 6).

This Conference will be providing us with the much needed academic platform to discuss the role of law in the society, and in the context of our two universities, the need to identify the role of law in furthering the progress and development of the Muslims. Muslim in Indonesia and all over the world have to deal with the ubiquity of internet in our daily lives life which bring with it the advantages of easy access of global communication that brings us closer. However, internet also brings with it the depraved and corrupted contents posing serious challenges to the moral fabric of our society. Nevertheless, we should be encouraged to exploit the technology for the benefit of the academics in the Asia region to crat a platform to collaborate for propelling the renaissance of scholarship amongst the Muslims.

This Conference marks the beginning of a strategically planned collaboration that must not be a one off event but the beginning of a series of events to provide the much needed platform for networking for the young Muslim scholars to nurture the development of the Muslim society.

UMY aims to be a World Class Islamic University and intend to assume an important role in reaching out to the Muslim ummah by organising conferences hosting prominent scholars to enrich the developmment of knowledge. This plan will only materialise with the continous support and active participation of all of us. I would like to express sincere appreciation to the committee in organising and hosting this Conference.

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# 2017 Constitutional Reform in Turkey: What the Constitutional Amendment Draft will Change

**MURAT TUMAY**

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## ABSTRACT

On 10 December 2016 Turkey's ruling Justice and Development Party (AKP) together with Nationalist Movement Party (MHP) submitted a draft of constitutional amendments that aim to change current parliamentary government system that Turkey is governed to a presidential system. The draft constitutional amendment bill has been approved by parliament on 21 January well more than the 330 votes in the parliament needed for approval. These changes will now go to a popular referendum, which will take place on 16 April. The important changes that envisaged by the constitutional amendment bill are that The prime minister's office and the cabinet will be abolished, The president will become the head of the executive branch and will be allowed to issue decrees, The president will be allowed to retain ties to a political party, The presidential and parliamentary polls will take place simultaneously, every five years, The Judiciary will be required to be impartial and independent, the age for right to be elected will decrease to 18 and the number of member of parliaments will increase from 550 to 600. The main aim of the changes is to eliminate the pupillage system over the civilian politics as the 1982 Constitution prepared after the military coup and by the military junta has established an institutional pupillage system over the civilian governments. It is obvious that any attempt to form an institutional control over the people's will is against democracy. By making will of the people as central decision making of the political mechanism the amendment bill is envisaged to change the whole system to be more accountable to people. The paper is discussing 2017 constitutional amendment bill in Turkey which will be voted in popular referendum on 16 April 2017.

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