

## Are Criminals Untouchable?: Society's Perception of Impunity in Türkiye<sup>(\*)</sup>

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### Abstract

This study aims to examine the structure, prevalence, underlying causes, consequences, and individual experiences of impunity among individuals aged 18 and over in Türkiye from a multidimensional perspective. The perception of impunity is defined as a widespread social belief that offenders do not receive punishment either in fact or in law. The research was conducted using a mixed-methods design (convergent parallel). Quantitative data were collected from 600 participants via an online survey, while qualitative data were gathered through semi-structured interviews with 12 lawyers experienced in criminal law. The findings indicate that the perception of impunity is widespread and deeply entrenched among a large segment of Turkish society. Most participants believe that criminals escape punishment and that the justice system is inadequate. This perception has seriously eroded trust in the law, particularly among the younger population, and has increased significantly in recent years. The media and social media were found to play a critical role in shaping and reinforcing this perception, while practices in the penal system (such as conditional release and probation) were found to increase the sense of impunity. Furthermore, it was emphasized that political and economic power influence judicial processes, leading to social inequality and a loss of trust in the state. The study reveals that the perception of impunity is more than just a "feeling"; it has become a social "reality," "fact," or "belief" and constitutes a structural problem that threatens the

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rule of law, judicial independence, and social peace. This situation necessitates comprehensive reforms, including strengthening judicial independence, improving legal processes, and reforming the penal system.

**Keywords**

Perception of Impunity, Justice System, Judicial Independence, Türkiye, Mixed Method Research.

## **Suçlu Dokunulmaz Mı?: Türkiye’de Toplumun Cezasızlık Algısı**

### **Öz**

Bu çalışma, Türkiye’de 18 yaş üstü bireyler arasında cezasızlık algısının yapısını, yaygınlığını, temel nedenlerini, sonuçlarını ve bireysel deneyimlenme biçimlerini çok boyutlu bir perspektiften incelemeyi amaçlamaktadır. Cezasızlık algısı, suçluların fiilen veya hukuken ceza almadığına dair yaygın toplumsal inanç olarak tanımlanmaktadır. Araştırma, karma yöntem deseniyle (yakınsayan paralel) yürütülmüştür. Nicel veriler 600 katılımcıdan çevrimiçi anket yoluyla, nitel veriler ise ceza hukuku alanında deneyimli 12 avukatla yapılan yarı yapılandırılmış görüşmelerle toplanmıştır. Bulgular, Türkiye’de cezasızlık algısının toplumun büyük bir kesiminde yaygın ve derinleşmiş bir kanaat olduğunu göstermektedir. Katılımcıların çoğu, suçluların ceza almaktan kurtulduğuna ve adalet sisteminin yetersiz olduğuna inanmaktadır. Bu algı, özellikle genç nüfus arasında hukuka güveni ciddi biçimde aşındırmış ve son yıllarda belirgin bir artış göstermiştir. Medya ve sosyal medyanın algının oluşumunda ve pekişmesinde kritik bir rol oynadığı, infaz sistemindeki uygulamaların (şartlı salıverme, denetimli serbestlik gibi) cezasızlık hissini artırdığı tespit edilmiştir. Ayrıca, siyasi ve ekonomik gücün yargı süreçlerini etkilediği, bunun da toplumsal eşitsizlik ve devlete güven kaybına yol açtığı vurgulanmıştır. Çalışma, cezasızlık algısının sadece bir “hissiyat” olmaktan öte, toplumsal bir “gerçeklik”, “olgu” veya “inanç” haline geldiğini, hukukun üstünlüğünü, yargı bağımsızlığını ve toplumsal huzuru tehdit eden yapısal bir sorun olduğunu ortaya koymaktadır. Bu durum, yargı bağımsızlığının güçlendirilmesi, hukuki süreçlerin iyileştirilmesi, infaz sisteminde değişikliğe gidilmesi gibi kapsamlı reformları acil kılmaktadır.

### **Anahtar Kelimeler**

Cezasızlık Algısı, Adalet Sistemi, Yargı Bağımsızlığı, Türkiye, Karma Yöntem Araştırması.

## I. Introduction

A widespread feeling that crime goes unpunished in society deeply undermines trust in justice and hope for the future. From this perspective, it is of great importance to understand what the perception of impunity means in Türkiye, how it emerged, and how it shapes individuals' understanding of justice. This study aims to provide not only a theoretical discussion but also an analysis supported by concrete data on individuals' perceptions of the balance between crime and punishment, their trust in the judicial system, and the widespread effects of impunity on society. This research aims to shed light on the complex structure of the perception of impunity in Türkiye for everyone with expectations regarding justice, from lawyers working in the field of law to the general public.

Impunity means more than just a legal loophole; it is a critical concept that describes situations where the rule of law is eroded.<sup>1</sup> In countries where the rule of law is not sufficiently valued, criminals are often protected, which indicates that impunity is not merely a legal deficiency but rather a lack of accountability and legal principles. Impunity or the perception of impunity is a sign that the rule of law is not functioning.<sup>2</sup> Impunity is often defined as exemption from harmful consequences or the absence of effective avenues of redress,<sup>3</sup> but from a broader perspective, it is understood as the use of power without accountability.<sup>4</sup> This concept encompasses not only the absence of punishment but also the violation of victims' rights and the lack of adequate mechanisms to address harm, thereby creating a structural problem that undermines the foundation of social justice. Impunity can manifest at individual, institutional, and societal levels.

The difference between impunity and the perception of impunity must be clearly established. The perception of impunity does not mean that objective

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<sup>1</sup> Susan Opatow, 'Reconciliation in Times of Impunity: Challenges for Social Justice Research' (2001) 14 (2) *Social Justice Research* 149, 150.

<sup>2</sup> Padma Prasad Khatriwada and Debendra Prasad Adhikari, 'Driving Forces of Impunity in South Asia: A Human Rights Framework' (2024) 14 (1) *Molung Educational Frontier* 222, 224. <<https://www.nepjol.info/index.php/mef/article/view/67922/51827>> accessed 31 July 2025.

<sup>3</sup> Christopher C. Joyner, 'Redressing Impunity for Human Rights Violations: The Universal Declaration and the Search for Accountability' (1998) 26 *Denver Journal of International Law and Policy* 591, 595-96.; Mary Margaret Penrose, 'Impunity - Inertia, Inaction and Invalidity: A Literature Review' (1999) 17(2) *Boston University International Law Journal* 269, 273.

<sup>4</sup> Patrice McSherry and Molina Mejía, 'Confronting the Question of Justice in Guatemala' (1992) 19 (3) *Social Justice* 1, 14.

impunity exists in its entirety or in part. This perception can arise even if no problems are experienced. For example, even if the penalties imposed on offenders are appropriate, a perception of impunity may develop in society. What is important is to identify the reasons behind this perception. Even in the absence of objective impunity, a strong subjective perception can undermine trust in the justice system and lead to social unrest. This study focuses on whether the perception of impunity exists in Türkiye and its effects, rather than on the existence of impunity itself. Impunity is a complex phenomenon that is difficult to study directly and requires in-depth research to measure.

This study makes an important contribution to the field by examining the perception of impunity in Türkiye in a multidimensional manner using both quantitative and qualitative methods. Quantitative data was collected through surveys, while qualitative data was obtained through interviews with experienced legal professionals. The interaction between these two methods enhanced the validity and reliability of the research, revealing that the perception of impunity is not merely a feeling but a social reality, belief, or phenomenon. The study highlights that this perception particularly erodes trust in the law among young people and emphasises the role of the media. Furthermore, the effects of impunity on many areas such as social justice, the rule of law, crime rates, and state prestige have been addressed, and the reasons for the spread of the perception of impunity in Türkiye have been examined in detail. The study has developed concrete solutions to this issue and provided valuable information for policymakers.

In recent years, various legal regulations have been enacted in Türkiye in this context. The most prominent of these is the 10th Judicial Package. This legal regulation package, which came into effect on 4 June 2025, is a comprehensive regulation aimed at eliminating the perception of impunity. Its primary objective is to make the criminal justice system more effective and strengthen social justice. The judicial package includes increases in penalties and new criminal offences. For example, penalties have been increased for attempted crimes and crimes against physical integrity. In addition, the crime of threatening behaviour, traffic safety offences and certain enforcement regulations have also been included.<sup>5</sup> The conditions for the period of imprisonment with pro-

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<sup>5</sup> Ceza ve Güvenlik Tedbirlerinin İnfazı Hakkında Kanun ile Bazı Kanunlarda Değişiklik Yapılmasına Dair Kanun, Law Number: 7550, Acceptance Date: 12.10.2004, RG 04.06.2025/32920. <<https://resmigazete.gov.tr/eskiler/2025/06/20250604M1-1.htm>> accessed 31 July 2025.

bation have been clarified, and the “entry-exit”<sup>6</sup> practice has been abolished. A new enforcement regime has been introduced for repeat offenders and certain perpetrators of crimes.<sup>7</sup> Although these regulations aim to reduce the perception of impunity, it is clear that further changes are needed to ensure social justice. In this context, more policies and practices are recommended to combat the perception of impunity.

## II. Concept of Impunity and Basic Framework

Impunity, beyond its legal and academic definitions, has a wide usage in everyday language. The Online Etymology Dictionary defines impunity as “exemption from punishment”<sup>8</sup>, while the Oxford English Dictionary<sup>9</sup> similarly explains it as “freedom from punishment”. Impunity describes environments where justice and accountability are absent and is associated with government violations.<sup>10</sup> Additionally, this term is used to explain the violation of the rule of law. In everyday terms, impunity can also mean privilege or “not caring about such consequences.”<sup>11</sup>

<sup>6</sup> The “entry-exit” practice was a method developed within the Turkish criminal enforcement system for the execution of short-term prison sentences. Commonly referred to as the “entry-exit procedure” in both public discourse and practice, this system allowed convicted persons to be released under probation (supervised release) after a brief period of imprisonment, provided that certain conditions were met. The purpose of this practice was to reduce prison overcrowding and to facilitate the reintegration of offenders into society. However, following public criticism that the system reinforced a perception of impunity, the “entry-exit” practice was abolished under the 10th Judicial Package, and the enforcement process was subsequently restructured in a clearer and more integrated manner within the framework of the probation regime.

<sup>7</sup> Ceza ve Güvenlik Tedbirlerinin İnfazı Hakkında Kanun ile Bazı Kanunlarda Değişiklik Yapılmasına Dair Kanun (n 5); see also, Ceza ve Güvenlik Tedbirlerinin İnfazı Hakkında Kanun, Law No: 5275, Acceptance Date: 29.12.2004, RG 29.12.2004/25685. <<https://www.mevzuat.gov.tr/mevzuat?>> accessed 31 July 2025.

<sup>8</sup> Douglas Harper, ‘Impunity’ Online Etymology Dictionary (2010) <<http://dictionary.reference.com/browse/impunity>> accessed 31 July 2025.

<sup>9</sup> Oxford English Dictionary. 2025. ‘Impunity.’ Oxford English Dictionary. <[https://www.oed.com/dictionary/impunity\\_n?tab=factsheet#725497](https://www.oed.com/dictionary/impunity_n?tab=factsheet#725497)> accessed 31 July 2025

<sup>10</sup> Thomas Harding, ‘Oxfam Accuses Afghan Police of Torture and Child Sex Abuse’, *The Daily Telegraph*, 10 May 2011.

<sup>11</sup> Collins English Dictionary, ‘Impunity’ (2012) *Collins English Dictionary - Complete & Unabridged 10th Edition* <<https://www.collinsdictionary.com/dictionary/english/impunity>> accessed 31 July 2025.

Impunity is a concept that has been frequently used in international human rights law and national constitutional jurisprudence in recent years. However, the meaning of impunity has not been clearly defined in the literature, and different studies approach it from different angles.<sup>12</sup> Generally, impunity is defined as exemption from punishment or the absence of effective remedies for victims.<sup>13</sup> Furthermore, impunity is seen as a method used by torturers and dictators or described as a phenomenon that conceals inhuman violence.<sup>14</sup> Impunity refers to situations where legal violations are not adequately investigated, perpetrators are not punished, and victims are unable to obtain compensation.<sup>15</sup> From a broader perspective, impunity is defined as the use of power without accountability.<sup>16</sup> This concept can emerge as a complex phenomenon at individual, institutional, and societal levels.<sup>17</sup> Impunity is not only seen as the failure to punish offenders but also as a violent act that threatens human rights by lacking adequate mechanisms to address the harm suffered by victims.<sup>18</sup>

#### A. International Perspective and Human Rights Context

The concept of impunity has not yet been fully clarified from a legal perspective, due to the fact that it is still evolving. In the field of law, the definition

<sup>12</sup> Penrose (n 3) 272; Jorge E. Viñuales, 'Impunity: Elements for an Empirical Concept' (2007) 25 *Law and Inequality* 115, 115.

<sup>13</sup> Chris Beyrer, 'Impunity: Undermining the Health and Human Rights Consensus' (2020) 22 (1) *Health and Human Rights Journal* 359, 359. <<https://www.hhrjournal.org/2020/01/14/impunity-undermining-the-health-and-human-rights-consensus/>> accessed 12 July 2025.

<sup>14</sup> Joyner (n 3) 595-96; Glenda Mezarobba, 'Between Reparations, Half-Truths and Impunity: The Difficult Break with the Legacy of the Dictatorship in Brazil' (2010) 13 (7) *Sur International Journal on Human Rights* 1, 8.; Tolga Şirin, 'Türkiye'de Cezasızlık Sorunu ve Anayasa Mahkemesi' (2019) 21 *D.E.Ü. Hukuk Fakültesi Dergisi*, Prof Dr Durmuş Tezcan'a Armağan Özel Sayı 1577, 1580.

<sup>15</sup> Francisco Cribari-Neto and Marcelo Santos, 'An Empirical Analysis of Worldwide Impunity' (2024) 11 *Humanities and Social Sciences Communications* 1, 2. <<https://doi.org/10.1057/s41599-024-03803-x>> accessed 21 July 2025.

<sup>16</sup> Eurasia Group, 'The Atlas of Impunity 2024: A People's Perspective' (2025) *Munich Security Conference*. <[https://securityconference.org/assets/2025-02\\_Atlas\\_of\\_Impunity.pdf](https://securityconference.org/assets/2025-02_Atlas_of_Impunity.pdf)> accessed 31 July 2025.

<sup>17</sup> Cribari-Neto and Santos (n 15) 2.

<sup>18</sup> Katherine Hooper, 'The Ending of Impunity and the Fight for Justice: For Victims of Human Rights Violations: A Chasm too Great to be Crossed?' (2006) 9 (2) *The Flinders Journal of Law Reform* 181, 187.

provided in the 1996 report of the United Nations Sub-Commission on the Protection of Minorities and the Prevention of Discrimination is generally used as a basis. According to this definition, impunity refers to the failure to conduct any criminal, administrative, civil, or disciplinary investigation against the perpetrators of human rights violations, thereby preventing them from being held accountable either de facto or de jure.<sup>19</sup> A similar approach is also found in the definition presented by the UN Human Rights Commission in 1996.<sup>20</sup> Impunity means that perpetrators cannot be held accountable because no investigation is conducted that would lead to their prosecution, arrest, trial, or conviction.<sup>21</sup> Similar emphases are made in the definitions of impunity by the United Nations and Oxford Public International Law. States' failure to fulfil their obligation to investigate human rights violations and prevent the prosecution of those criminally responsible is associated with impunity. Furthermore, deficiencies in providing justice to victims also exacerbate this situation.<sup>22</sup> In this context, impunity not only refers to the failure to punish perpetrators but also highlights gaps in the provision of legal certainty and justice.

Impunity is addressed at the international level, particularly in the context of human rights violations. These definitions focus not only on the perpetrators' evasion of legal responsibility but also on the violation of the victims' rights. The United Nations Economic and Social Council Human Rights Commission defines impunity as the absence of legal processes that result in perpetrators not being held accountable and victims not receiving compensation. The Council of Europe Committee of Ministers also defines impunity as the failure to prosecute and hold accountable those responsible for serious human rights violations. These definitions encompass not only the failure to impose punishment but also the failure to initiate or adequately conduct trials. Impunity aris-

<sup>19</sup> Viñuales (n 12) 117; Louis Joinet, 'Question of the Impunity of Perpetrators of Human Rights Violations (Civil and Political)' (1997) Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, Geneva, 13.

<sup>20</sup> Joinet (n 19) 13.; Angela Muvumba Sellström, 'Stronger than Justice: Armed Group Impunity for Sexual Violence' (2015) Doctoral Dissertation, Uppsala University, Diva Portal, 61. <<https://www.diva-portal.org/smash/get/diva2:766398/FULLTEXT01.pdf>> accessed 11 July 2025.

<sup>21</sup> Joinet (n 19) 13.; Sandra E. Delgadillo-Alemán, Roberto A. Kú-Carrillo and Alejandra Torres-Nájera, 'A Corruption Impunity Model Considering Anticorruption Policies' (2024) 29(5) *Mathematical and Computational Applications* 1, 3. <<https://doi.org/10.3390/mca29050081>> accessed 31 July 2025.

<sup>22</sup> Khatiwada and Adhikari (n 2) 224.



es when a person commits a human rights violation, but the act is not investigated, brought before the courts, or the punishment imposed is inadequate or not enforced.<sup>23</sup>

## B. The Approach of Judicial Bodies and Discussions on Scope

Judicial bodies have also defined the concept of impunity. The European Court of Human Rights (ECHR) first used the term impunity in its 1998 *Yaşa/Türkiye* ruling and linked it to situations such as the ineffectiveness of domestic legal remedies, amnesty and statute of limitations, the continued employment of responsible public officials, and the failure to conduct effective investigations.<sup>24</sup> The Turkish Constitutional Court also defines impunity as the failure to punish crimes committed, particularly in cases of torture and ill-treatment, where those responsible are not prosecuted or the sentence is not enforced.<sup>25</sup> Impunity covers only crimes that constitute human rights violations, and crimes relating to rights that require criminal law sanctions give rise to impunity within the scope of the state's obligation to conduct effective investigations.<sup>26</sup> Whether situations such as non-payment of compensation constitute impunity is debatable, but complementary mechanisms such as compensation are accepted as additional elements that prevent impunity.<sup>27</sup> Impunity is used in a wide range of crimes, including domestic violence, femicide, sexual assault, workplace accidents, hate crimes, and corruption, and refers to situations where investigations or prosecutions are not initiated or are inadequately conducted. Impunity is primarily addressed within the framework of "serious human rights violations" and "international crimes."<sup>28</sup>

<sup>23</sup> Gizem Ceren Demir Koşar, 'Yaşam Hakkı ile İşkence ve Kötü Muamele Yasağı Kapsamında Cezasızlık Sorunu' (Yüksek Lisans Tezi, Ankara Üniversitesi 2021) 5-6.

<sup>24</sup> Şirin (n 14) 1579-1580; Gülşah Kurt, 'Cezasızlık Sorunu: Soruşturma Süreci' (2014) *Hakikat Adalet Hafıza Merkezi*, İstanbul. <<https://hakikatadalethafiza.org/sites/default/files/2022-12/cezasizlik-sorunu.pdf>> accessed 31 July 2025; Öznur Sevdiren, 'Türkiye'nin Cezasızlık Mevzuatı' (2015) *Hakikat Adalet Hafıza Merkezi*, İstanbul. <<https://hakikatadalethafiza.org/wp-content/uploads/2016/04/Turkiyenin-Cezasizlik-Mevzuati.pdf>> accessed 31 July 2025.

<sup>25</sup> Demir Koşar (n 23) 5-6.

<sup>26</sup> Demir Koşar (n 23) 5-6; Kerem Altıparmak, 'Cezasızlıkla Mücadele El Kitabı' (2016) *Cezasızlıktan Hesap Verilebilirliğe: Sivil Toplum Örgütlerinin İzleme ve Müdahale Kapasitesinin Geliştirilmesi Projesi*, İnsan Hakları Ortak Platformu İHOP, 5.

<sup>27</sup> Altıparmak (n 26) 5; Şirin (n 14) 1579-1580.

<sup>28</sup> Sevdiren (n 24).

### C. The Concept of Impunity in Academic Literature

Academic literature addresses the concept of impunity in different dimensions. Some academics define impunity as the exemption of perpetrators of illegal acts from accountability, punishment or legal sanctions.<sup>29</sup> Impunity refers to situations where criminals are prevented from being tried, sentenced or punished.<sup>30</sup> Penrose<sup>31</sup> and Opotow<sup>32</sup> note that impunity can arise before, during or after judicial processes. Impunity manifests itself in situations such as the failure to investigate crimes, the failure to bring suspects to court, or the imposition of inadequate penalties.<sup>33</sup>

When impunity becomes institutionalised, situations where atrocities such as torture and mass killings are tolerated become even more alarming.<sup>34</sup> McSherry and Molina Mejia<sup>35</sup> identify three fundamental dimensions of impunity: structural, strategic, and political/psychological. These dimensions demonstrate that impunity is not merely a legal vacuum but also permeates the complex structure of the state and society. Akhavan<sup>36</sup> defines impunity as the political acceptability of major human rights violations, while Jorgensen<sup>37</sup> views it as a breakdown in the rule of law. Viñuales<sup>38</sup> links impunity to deficiencies in the judicial and security sectors. Sellström<sup>39</sup> defines impunity as “confidence in the absence of negative consequences,” showing that impunity is not only objective but also a perception. Galtung<sup>40</sup> and Opotow<sup>41</sup> draw attention to

<sup>29</sup> Penrose (n 3) 273; McSherry and Molina Mejia (n 4) 16.

<sup>30</sup> Sevdiren (n 24).

<sup>31</sup> Penrose (n 3) 273.

<sup>32</sup> Opotow (n 1) 153.

<sup>33</sup> Şirin (n 14) 1579-1580.

<sup>34</sup> Opotow (n 1) 154; David Crocker, ‘Transitional Justice and International Civil Society: Toward a Normative Framework’ (1998) 5(4) *Constellations* 492, 493.

<sup>35</sup> McSherry and Molina Mejia (n 4) 16.

<sup>36</sup> Payam Akhavan, ‘Can International Criminal Justice Prevent Future Atrocities?’ (2001) 95 (1) *American Journal of International Law* 7, 7.

<sup>37</sup> Nick Jorgensen, ‘Impunity and Oversight: When Do Governments Police Themselves?’ (2009) 8(4) *Journal of Human Right* 385, 386. <<https://doi.org/10.1080/14754830903332467>> accessed 31 July 2025.

<sup>38</sup> Viñuales (n 12) 116.

<sup>39</sup> Sellström (n 20) 61.

<sup>40</sup> Johan Galtung, ‘Conflict as a Way of Life’ in H. Freeman (ed), *Progress in Mental Health* (Churchill 1969); see also, Kristine Höglund and Mimmi Söderberg Kovacs, ‘Beyond the Ab-

the connection between impunity and violence, arguing that impunity blurs the boundaries between direct and structural violence, thereby perpetuating inequalities.

### III. Legal, Institutional and Social Dimensions of Impunity

#### A. Impunity, Social Justice and the Rule of Law

Impunity is more than just a legal phenomenon; it has far-reaching consequences that affect perceptions of social justice and weaken the fundamental fabric of society. Justice plays a central role in social harmony and individual well-being. In this context, impunity deepens the relationship between social justice and the rule of law and constitutes one of the focal points of modern law and social science disciplines. Impunity is not only a lack of justice but can also function as a mechanism for social control and the maintenance of elite positions. The use of power without accountability manifests itself through the victimisation of ordinary citizens by powerful actors.<sup>42</sup> This situation leads to impunity evolving from a passive “lack of punishment” to a strategic “non-punishment.”<sup>43</sup>

Impunity is more prevalent in countries with weak rule of law traditions, widespread corruption, and entrenched patronage systems, and results in states failing to fulfil their obligations to investigate violations, punish perpetrators, and provide compensation to victims.<sup>44</sup> In countries where the rule of law is not respected, the protection of perpetrators and the failure of law enforcement agencies to carry out their duties lead to the continuation of impunity.<sup>45</sup> This shows that impunity is more than a legal problem; it is a deep governance issue. Ending impunity is a critical tool in the fight against poor governance and requires the strict enforcement of laws. Additionally, fair and inclusive societies play an important role in eliminating impunity within the framework of the Sustainable Development Goals.

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sence of War: The Diversity of Peace in Post-Settlement Societies' (2010) 36(2) *Review of International Studies* 367, 375. <<https://doi.org/10.1017/S0260210510000069>> accessed 22 July 2025.

<sup>41</sup> Opatow (n 1) 154.

<sup>42</sup> Eurasia Group, *The Atlas of Impunity* 2024 (n 16).

<sup>43</sup> Cribari-Neto and Santos (n 15) 2.

<sup>44</sup> Opatow (n 1) 155.

<sup>45</sup> Khatiwada and Adhikari (n 2) 224.

## B. Impunity and Judicial Independence

Judicial independence plays a central role in the fight against impunity. Conectas Human Rights defines judicial independence as the ability of courts to apply the law fairly, free from external influences, particularly political and economic pressures.<sup>46</sup> The lack of judicial independence fuels impunity, while impunity erodes the judiciary. Political interference and lack of political will can strengthen impunity, enabling governments to protect perpetrators even in the face of strong evidence.<sup>47</sup> Corruption is a driving force behind impunity, enabling powerful elites to obstruct justice processes and leading to the erosion of the rule of law.<sup>48</sup> Lack of coordination between courts and ineffective policing can lead to impunity.<sup>49</sup> Impunity undermines public confidence in the rule of law and leaves people vulnerable when faced with injustice.<sup>50</sup>

Impunity is defined as a fundamental cause of social instability. The disregard of demands for justice leads to the alienation of the public from the government and may increase the pursuit of self-justice.<sup>51</sup> This weakens the resilience of the judicial system and threatens democratic governance. The weakening of judicial independence fuels impunity, while impunity also endangers judicial independence. To break this vicious cycle, it is essential to strengthen judicial independence, combat corruption, and ensure the equality of the law.

<sup>46</sup> Oscar Vilhena Vieira, 'Inequality and the Subversion of the Rule of Law' (2007) 6(4) *SUR - International Journal on Human Rights* 27, 30. <<https://www.scielo.br/j/sur/a/6b8m4wkLXMwkv8KQFmW8Nsy/?lang=en&format=pdf>> accessed 30 July 2025.

<sup>47</sup> Human Rights Watch, 'Undermining Justice: Impunity for Human Rights Abuses in Jammu and Kashmir' (2006). <<https://www.hrw.org/reports/2006/india0906/4.htm>> accessed 31 July 2025.

<sup>48</sup> Roberto Martinez B Kukutschka, 'CPI 2023: Corruption and (In)justice' (Transparency International, 30 January 2024) <<https://www.transparency.org/en/news/cpi-2023-corruption-and-injustice>> accessed 31 July 2025; Elizabeth M Iglesias, 'When Impunity and Corruption Embrace: How the Past Becomes the Future in the Struggle Against Torture and Genocide' (2018) 25 *U.C. Davis Journal of International Law and Policy* 1, 4. <[https://repository.law.miami.edu/cgi/viewcontent.cgi?article=1709&context=fac\\_articles](https://repository.law.miami.edu/cgi/viewcontent.cgi?article=1709&context=fac_articles)> accessed 31 July 2025.

<sup>49</sup> Michel Forst, 'Report of the Special Rapporteur on the Situation of Human Rights Defenders' (2019) UNGA A/74/159, 3. <<https://docs.un.org/en/A/74/159>> accessed 31 July 2025.

<sup>50</sup> Forst (n 49) 3; David M Crane, 'The Erosion of Respect for the Rule of Law in America' (October 29, 2024) <<https://www.jurist.org/commentary/2024/10/the-erosion-of-respect-for-the-rule-of-law-in-america/>> accessed 02 July 2025.

<sup>51</sup> Crane (n 50); Eurasia Group, *The Atlas of Impunity 2024* (n 16).

### C. Impunity, Weakening Deterrence and Rising Crime Rates

Impunity weakens deterrence and increases the risk of crime. The UN Commission notes that the failure of perpetrators to be held accountable encourages similar violations in the future.<sup>52</sup> This situation weakens trust in the justice system, creating a society that does not expect criminals to be punished.<sup>53</sup> Cesare Beccaria emphasised the importance of certainty of punishment in preventing crime. According to him, impunity increases crime rates by giving criminals hope of escape.<sup>54</sup> Impunity, by eliminating the certainty of punishment, encourages criminals to commit crimes and promotes human rights violations.<sup>55</sup>

Rational choice theory argues that criminals decide whether to commit a crime by weighing the risks and rewards of punishment.<sup>56</sup> According to the theory, when punishment is uncertain or delayed, the deterrent effect decreases, leading to an increase in crime rates due to impunity.<sup>57</sup> Hooper<sup>58</sup> notes that impunity, where past violations go unpunished, undermines the rule of law and creates a vicious cycle that increases the likelihood of future abuses. Additionally, Agnew's<sup>59</sup> general strain theory suggests that individuals may commit crimes when under stress. According to this theory, the decision to

<sup>52</sup> Sellström (n 20) 61; Joinet (n 19) 13.

<sup>53</sup> Yaşar Birol Saygı, 'Cezasızlık Algısı' (2025) *Akademik Akıl*. <<https://www.akademikakil.com/cezazsizlik-algisi/ybirolsaygi/>> accessed 31 July 2025.

<sup>54</sup> Cesare Beccaria, *Suçlar ve Cezalar Hakkında* (Sami Selçuk tr, İmge Kitabevi 2013) 156; Mert Hüseyin Akgün, 'Cezasızlık Algısı ve Cezalandırma Üzerine' (2024) *Kriter Dergisi*. <<https://kriterdergi.com/siyaset/cezazsizlik-algisi-ve-cezalandirma-uzerine>> accessed 31 July 2025; Fazıl Yozgat, "Olumlu-Olumsuz Yönleriyle 'Cezasızlık Algısı'" (2025) *Akademik Akıl*. <<https://www.akademikakil.com/olumlu-olumsuz-yonleriyle-cezasizlik-algisi/fazilyozgat/>> accessed 31 July 2025.

<sup>55</sup> Saygı (n 53).

<sup>56</sup> Ronald V Clarke and Derek B Cornish, 'Modeling Offenders' Decisions: A Framework for Research and Policy' (1985) 6 *Crime and Justice* 147, 167; Richard Gartner and Irene Piliavin, 'The Aging Offender and the Aged Offender' in P. Baltes, D. Featherman, and R. Lerner (eds), *Life Span Development and Behavior* 287, 295.

<sup>57</sup> Raymond Paternoster, 'How Much Do We Really Know About Criminal Deterrence?' (2010) 100 (3) *Journal of Criminal Law and Criminology* 765.

<sup>58</sup> Hooper (n 18) 187.

<sup>59</sup> Robert Agnew, 'Foundation for a General Strain Theory of Crime and Delinquency' (1992) 30 *Criminology* 47, 69. <<https://doi.org/10.1111/j.1745-9125.1992.tb01093.x>> accessed 31 July 2025.

commit a crime depends on whether the punishment is deterrent. Thus, if the punishment is not deterrent, crime rates increase.

#### **D. Impunity, Loss of Trust in the Justice System and Social Unrest**

Impunity deeply undermines individuals' trust in the justice system and can create social unrest. Failure to punish criminals or granting privileges to the powerful undermines belief in the equal administration of justice, thereby reducing the legitimacy of the legal system.<sup>60</sup> Corruption is an important factor that contributes to impunity and weakens trust. Corruption hinders the functioning of justice and creates a self-reinforcing feedback loop that further erodes public trust.<sup>61</sup>

Corruption negatively affects the judicial system through bribery and political interference. Systemic deception in criminal justice also undermines trust. For example, deceptive interrogation techniques can lead to false confessions, which in turn can result in wrongful convictions. The lack of systemic accountability directly contributes to perceptions of impunity and erodes trust. There is a paradoxical relationship between "effectiveness" and "legitimacy" in the justice system. While deceptive tactics may be effective, they are ethically questionable and undermine the long-term trust in the justice system.<sup>62</sup> Effective but illegitimate practices pose a threat to public cooperation and the rule of law.

#### **E. Impunity, Reinforcement of Feelings of Inequality and Injustice in Society**

Impunity reinforces feelings of inequality and injustice in society. In particular, individuals in positions of power tend to receive lighter sentences for their crimes, which creates the perception that punishment is only directed at the powerless. This situation reinforces social injustice and undermines trust in the justice system.<sup>63</sup> Academic research indicates that impunity fuels inequali-

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<sup>60</sup> Saygı (n 53).

<sup>61</sup> Cribari-Neto and Santos (n 15) 2; Diego García-Sayán, 'Corruption, Human Rights, and Judicial Independence' (2018) United Nations Office on Drugs and Crime. <<https://www.unodc.org/dohadeclaration/en/news/2018/04/corruption--human-rights--and-judicial-independence.html>> accessed 29 July 2025.

<sup>62</sup> Andrew Eichen, 'Broken Trust: The Pervasive Role of Deceit in American Policing' (2024) Policy Analysis No. 979, Cato Institute, Washington, DC, 6.

<sup>63</sup> Cribari-Neto and Santos (n 15) 2.

ty, corruption, and crime, and hinders social progress. The ability of the powerful to escape punishment leads to social unrest and reinforces the unequal application of justice.

Impunity provides a real advantage, especially for the rich and powerful. These individuals may face lighter penalties or escape punishment altogether, even if they commit crimes. Wealth and social status influence legal representation and the ability to intervene in the system, placing poor and marginalised groups at a disadvantage. This situation enables powerful industries and individuals to exert influence over the legislature and law enforcement agencies, undermining the principle of the rule of law and its promise of equality.<sup>64</sup> Impunity is not merely the absence of punishment but also the differential capacity to evade punishment based on social hierarchy, which leads to deep public dissatisfaction.

#### F. Impunity, Loss of Reputation of the State and Public Officials

Impunity undermines the integrity of the state and public officials. When society believes that public officials are avoiding punishing criminals or are involved in corruption, it damages the authority of the state and undermines the reputation of institutions. This situation can increase feelings of anger and rebellion, leading people who believe that justice is not being served to protest or engage in social movements and may give rise to a tendency to take the law into their own hands.<sup>65</sup> Ultimately, this situation can lead to polarisation and conflict and cause the state's legitimacy to be questioned. Academic sources indicate that impunity can erode trust in institutions<sup>66</sup> and create a political and legal order problem.<sup>67</sup> A system that fails to provide basic justice undermines the international community's expectations of legitimacy and violates the rule of law. This situation undermines the state's legitimacy, leading to governance crises and social unrest.<sup>68</sup>

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<sup>64</sup> Cribari-Neto and Santos (n 15) 2.

<sup>65</sup> Saygı (n 53).

<sup>66</sup> Cribari-Neto and Santos (n 15) 2.

<sup>67</sup> Hongwei Wang, "Research on the 'Thin' and 'Thick' of Impunity and Its Solution" (2023) 102 *International Relations and International Law Journal* 73, 74. <<https://doi.org/10.26577/irilj.2023.v102.i2.07>> accessed 30 July 2025.

<sup>68</sup> Cribari-Neto and Santos (n 15) 2; Wang (n 67) 75.

### G. Impunity and Weakening of Individual and Social Responsibilities

The perception of impunity creates irresponsibility and indifference in society. Failure to punish criminals weakens social responsibility and leads to the erosion of ethical values.<sup>69</sup> Impunity leads to the repetition of human rights violations and weakens trust in the rule of law, which hinders the fight against violence and makes it harder to get to the truth.<sup>70</sup>

The “Broken Windows Theory”<sup>71</sup> and Albert Bandura’s concept of “Moral Disengagement”<sup>72</sup> provide theoretical and conceptual frameworks explaining the normalisation of unethical behaviour in environments of impunity. The Broken Windows Theory emphasises how social decay and crime spread, transforming small acts of decay (or minor crimes) into larger and more serious crimes when ignored; the Moral Disengagement concept, on the other hand, explains the process by which individuals rationalise their unethical behaviour and legitimise it within society. Research findings, including high levels of participation indicating that the perception of impunity increases the tendency to “not fear committing crimes” and leads to “not taking the law seriously,” support the validity of these theories in the Turkish context. Qualitative data showing that lawyers warn that the perception of impunity creates a situation that normalises crime and erodes social legal awareness can be seen as concrete reflections of these theoretical mechanisms.

Impunity leads to the normalisation of larger unethical behaviours through the disregard of minor ethical violations. In organisations, the impunity of such violations leads to the emergence of more serious abuses over time.<sup>73</sup> Teflon leadership is a toxic leadership style that reinforces the perception of impunity through leaders who avoid responsibility and leads to a loss of trust in organi-

<sup>69</sup> Saygı (n 53).

<sup>70</sup> Forst (n 49) 3.

<sup>71</sup> James Q Wilson and George L Kelling, ‘Broken Windows’ (1982) 249 (3) *The Atlantic Monthly* 29, 30. <<https://www.scrip.org/reference/referencespapers?referenceid=1510117>> accessed 31 July 2025

<sup>72</sup> Albert Bandura, ‘Moral Disengagement in the Perpetration of Inhumanities’ (1999) 3 (3) *Personality and Social Psychology Review*. 193-209. <[https://doi.org/10.1207/s15327957pspr0303\\_3](https://doi.org/10.1207/s15327957pspr0303_3)> accessed 31 July 2025.

<sup>73</sup> Süreyya Ece, ‘Örgütlerde Kırık Camlar’ (2023) 7 (13) *European Journal of Managerial Research* 11, 17. <<https://dergipark.org.tr/tr/download/article-file/3388331>> accessed 11 July 2025.



sational culture.<sup>74</sup> The behaviour of Teflon leaders, who act with impunity, leads to the erosion of democratic resistance and the consolidation of illegitimate leadership.<sup>75</sup> Additionally, impunity discourages human rights advocacy, as it leads to weakened civil participation and a lack of desire to hold power accountable within society.<sup>76</sup> This reinforces a cycle of irresponsibility and hinders society's pursuit of justice.

#### IV. Measuring Impunity, Global Indices and National Research

##### A. World Justice Project

The World Justice Project (WJP) published a Rule of Law Index consisting of nine components to analyse impunity between 2013 and 2017. In the index, impunity is measured primarily through the components of "effective criminal justice" and "access to civil justice."<sup>77</sup> According to 2023 data, Türkiye ranks 117th out of 142 countries, scoring 0.41 points and demonstrating a low performance in the global ranking.<sup>78</sup> Türkiye ranks 134th in the "Limits on Government Powers" dimension, 69th in the "Absence of Corruption" dimension, and 107th in the "Open Government" dimension. These rankings indicate deficiencies in the government's accountability, transparency, and oversight mechanisms. Ranked 113th in the "Fundamental Rights" dimension and 103rd in the "Criminal Justice" dimension, Türkiye faces challenges related to the right to a fair trial and structural issues within its criminal justice system.<sup>79</sup>

<sup>74</sup> Bennett J Tepper, 'Consequences of Abusive Supervision' (2000) 43(2) *Academy of Management Journal* 178, 181. <<https://doi.org/10.2307/1556375>> accessed 31 July 2025; Andrew A. Schmidt, 'Development and Validation of the Toxic Leadership Scale' (2008) .Dissertation. 1377. University of Maryland, 113. <<https://scispace.com/pdf/development-and-validation-of-the-toxic-leadership-scale-2dr91qipqn.pdf>> accessed 28 July 2025.

<sup>75</sup> Rudolf Metz and Veronika Kövesdi, 'Teflon Leadership: Crossing Moral Boundaries with Impunity' (2025). <<https://doi.org/10.2139/ssrn.5206401>> accessed 31 July 2025.

<sup>76</sup> Forst (n 49) 3.

<sup>77</sup> Daniel Vazquez and Horacio Ortiz, 'Impunity and Economic and Social Rights' (2020) 21 (2) *Human Rights Review* 159, 163. <<https://doi.org/10.1007/s12142-020-00580-3>> accessed 31 July 2025.

<sup>78</sup> World Justice Project, 'Rule of Law Index' (2023). <<https://worldjusticeproject.org/rule-of-law-index/insights>> accessed 31 July 2025; Gregory Shaffer and Wayne Sandholtz, 'The Rule of Law under Pressure: The Enmeshment of National and International Trends' in *The Rule of Law under Pressure: A Transnational Challenge* (Cambridge University Press 2025) 57. <<https://doi.org/10.1017/9781009460286.002>> accessed 31 July 2025.

<sup>79</sup> World Justice Project, Rule of Law Index (2023) (n 78); Shaffer and Sandholtz (n 78) 57.

## B. The Global Impunity Index

Researchers from the Puebla University of America have created the Global Impunity Index (IGI) to measure levels of impunity. The IGI consists of structural, functional, and human rights dimensions. The structural dimension assesses the state's capacity to deliver justice, the functional dimension evaluates the effectiveness of justice institutions, and the human rights dimension assesses the protection of physical integrity.<sup>80</sup> According to the 2020 Global Impunity Index (GII-2020), Türkiye ranks 46th out of 69 countries, with a score of 46.17 points. With this score, Türkiye is classified in the "Average Impunity" category. Compared to its 53rd place and score of 62.80 points in the GII-2017, this result indicates a slight improvement in ranking. Türkiye's impunity issues are primarily concentrated at the structural level. Within the Structural Dimension, the Justice System component received the highest negative score of 85.09 points, highlighting serious deficiencies in this area. The Security System component within the same dimension scored 55.24 points, ranking 43rd. These high scores indicate the urgent need for reforms in the structure and capacity of the country's institutions. In the Functional Dimension, the Justice System component scored 25.28 points, ranking 62nd, while the Security System component scored 10.92 points, ranking 34th. These results reveal that the Justice System faces more significant challenges in functionality compared to the Security System. In the Human Rights Dimension, Türkiye ranks 45th with a score of 54.35 points, which is above the regional average. Based on these findings, the report emphasizes the necessity of implementing reforms - such as job creation and improvements in education - to reduce social inequality and foster systemic change.<sup>81</sup>

## C. The Atlas of Impunity

As of 2024, Türkiye is positioned at 35th place out of 170 countries in the overall Atlas of Impunity ranking, with an aggregate score of 2.57. This score is measured on a standardized scale from 0 (least impunity) to 5 (most impunity). When the performance across individual dimensions is examined, Türkiye's

<sup>80</sup> Delgadillo-Alemán (n 21) 3.

<sup>81</sup> Juan Antonio Le Clercq and Guillermo Raúl Rodríguez Sánchez Lara, *Global Impunity Index 2020: Impunity Levels in the World* (Universidad de las Américas Puebla, Center of Studies on Impunity and Justice 2020) <<https://www.udlap.mx/cesij/files/indices-globales/O-IGI-2020-UDLAP.pdf>> accessed 16 July 2025.

highest score, indicating the greatest level of impunity, is in the *Unaccountable Governance* dimension, with a score of 3.02 and a rank of 51st. This result suggests particularly low governmental accountability and weaknesses in the country's democratic checks and balances. The country also faces significant challenges in *Abuse of Human Rights*, where it scores 2.58 and ranks 27th globally. Furthermore, Türkiye's score of 2.59 in the *Conflict and Violence* dimension places it at 42nd in the ranking, highlighting ongoing domestic security issues that are above the global average. In terms of *Environmental Degradation*, Türkiye is ranked 35th with a score of 2.42, indicating notable difficulties in environmental sustainability, the protection of natural resources, and the effectiveness of relevant policies. Lastly, the *Economic Exploitation* dimension yields Türkiye's comparatively lowest impunity score of 2.23, placing it at 66th position, suggesting issues such as income inequality, job precarity, and social injustice. Overall, Türkiye stands out as the worst performer in the European region by a significant margin.

#### D. Various Researches and Reports

According to data from the Turkish Statistical Institute (TÜİK), the level of satisfaction with judicial services generally ranged between 50.4% and 60.4% between 2014 and 2024, however, in 2024, the satisfaction rate dropped to 55.9%, with the "dissatisfied" and "moderately satisfied" rates reaching record levels (13.2% and 13.0%).<sup>82</sup> This decline reflects growing concerns about the functioning of judicial services. Additionally, according to TÜİK's Life Satisfaction Survey 2015-2024, perceptions of issues related to the fair application of laws, the duration of trials, and court proceedings have increased; in 2024, these rates reached the highest levels of the 10-year period. Furthermore, the percentage of those who view "the fair and impartial application of laws to everyone" as problematic increased from 35% in 2015 to 46.44% in 2024.<sup>83</sup> This rate reflects serious concerns about inequality in the judiciary.

The Social Democracy Foundation (SODEV) found in its 2019 study that there is a clear lack of trust in the independence and impartiality of the judiciary in Türkiye.

<sup>82</sup> Türkiye İstatistik Kurumu (TÜİK), 'Yaşam Memnuniyeti Anketi' (2024). <<https://data.tuik.gov.tr/Bulten/Index?p=Yasam-Memnuniyeti-Arastirmasi-2024-53785>> accessed 15 July 2025.

<sup>83</sup> Türkiye İstatistik Kurumu (TÜİK), '2024 Nüfus İstatistikleri'. <<https://data.tuik.gov.tr/Bulten/Index?p=Adrese-Dayali-Nufus-Kayit-Sistemi-Sonuclari-2024-53783>> accessed 15 July 2025.

48.5% of participants believe that the judiciary is not independent, while 42.6% believe that courts are biased.<sup>84</sup> Additionally, a survey conducted by ASAL Research in January 2025 revealed that 71% of the public believes there is no justice, a figure that remained high in 2024 (70.5%).<sup>85</sup> These figures indicate a significant loss of trust in the justice system in Türkiye and an increase in the perception of impunity.

## V. Method

This study used a mixed research method to examine the public's perception of impunity in Türkiye. Quantitative data was collected through surveys to answer "how much, to what extent" questions, while qualitative data was collected through interviews with experienced legal professionals to answer "how, why" questions. This method enhances the validity and reliability of the research, enabling a deeper understanding of the phenomenon.<sup>86</sup> While quantitative data describe the widespread perceptions of a large group of participants, qualitative data explore individual experiences. The combination of these two methods makes it possible to understand both the general dynamics and the individual meanings of the perception of impunity in a more comprehensive manner. Additionally, the research findings aim to provide policymakers with more applicable conclusions.

### A. Mixed Research Design: Converging Parallel Design

This study examines the perception of impunity using a converging parallel (simultaneous diversification) mixed methods design. This design allows for the simultaneous collection and analysis of qualitative and quantitative data, which are then combined and interpreted.<sup>87</sup> Quantitative data reveal the prevalence of

<sup>84</sup> Sosyal Demokrasi Vakfı (SODEV), 'Yargı Bağımsızlığı ve Yargıya Güven Araştırma Raporu' (2019). <<https://sodev.org.tr/yargi-bagimsizligi.pdf>> accessed 14 July 2025.

<sup>85</sup> ASAL Araştırma, 'Türkiye'de Adalet Var mı Anketi' (2025). The research company in question does not have a channel through which it publishes its research findings directly. The research findings are shared directly with the public. For further information on the research findings mentioned, see also: <<https://www.gazeteduvar.com.tr/anket-turkiyede-adalet-var-mi-sorusuna-yanitta-derin-fark-galeri-1751458>> or <[https://www.cumhuriyet.com.tr/siyaset/turkiyede-adalet-var-mi-anketinde-carpici-sonuclar-yuzde-70in-de-2291672?utm\\_](https://www.cumhuriyet.com.tr/siyaset/turkiyede-adalet-var-mi-anketinde-carpici-sonuclar-yuzde-70in-de-2291672?utm_)> accessed 20 July 2025.

<sup>86</sup> Ali Yıldırım and Hasan Şimşek, *Sosyal Bilimlerde Nitel Araştırma Yöntemleri* (10th edn, Seçkin 2016) 323.

<sup>87</sup> John W Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (4th edn, SAGE Publications 2014) 224.

perceptions of impunity, while qualitative data provide insights into individual experiences and the underlying reasons for these perceptions. This combination allows data to corroborate one another and facilitates the development of a more comprehensive understanding.<sup>88</sup> In a convergent parallel design, data are analysed separately, and then the results are compared and combined to obtain strong inferences.<sup>89</sup> This method allows for a more accurate and in-depth examination of multidimensional social phenomena such as perceptions of impunity. The selection of a mixed-methods approach enhances the validity of the research and strengthens the internal consistency of the results obtained by combining different types of data.<sup>90</sup> This enables the research to comprehensively explain not only “what” but also “why” and “how.”<sup>91</sup>

## B. Quantitative Research Design: Descriptive Survey and Cross-Sectional Research

Quantitative data collection was conducted using a descriptive survey design and a cross-sectional design.<sup>92</sup> In the descriptive survey model, the opinions of a large group are collected to determine the prevalence of phenomena.<sup>93</sup> This model is suitable for identifying the prevalence of perceptions of impunity and demographic differences, but it does not answer the question of “why.”<sup>94</sup> The cross-sectional design, on the other hand, provides a snapshot of

<sup>88</sup> Michael D Fetters, Leslie A Curry and John W Creswell, ‘Achieving Integration in Mixed Methods Designs: Principles and Practices’ (2013) 48 (6) *Health Services Research* 2134, 2135.

<sup>89</sup> Jeffrey C. Greene, Heather Kreider and Elizabeth Mayer, ‘Combining Qualitative and Quantitative Methods in Social Inquiry’ (2005) 1 *Research Methods in the Social Sciences* 275-282. <<https://doi.org/10.18848/2324-7576/CGP/v07i02/53480>> accessed 14 July 2025; Jennifer C Greene, Valerie J Caracelli and Wendy F Graham, ‘Toward a Conceptual Framework for Mixed-Method Evaluation Designs’ (1989) 11 (3) *Educational Evaluation and Policy Analysis* 255, 257. <<https://doi.org/10.3102/01623737011003255>> accessed 16 July 2025.

<sup>90</sup> William E Hanson, John W Creswell, Vicki L Plano Clark, Kelly S Petska and David J Creswell, ‘Mixed Methods Research Designs in Counseling Psychology’ (2005) 52 (2) *Journal of Counseling Psychology* 224-235.

<sup>91</sup> Jack R Fraenkel, Norman E Wallen and Helen H Hyun, *How to Design and Evaluate Research in Education* (6th edn, McGraw-Hill Press 2006).

<sup>92</sup> John W Creswell, *Qualitative Inquiry & Research Design: Choosing Among Five Approaches* (3rd edn, SAGE Publications 2013) 47.

<sup>93</sup> Fraenkel, Wallen and Hyun (n 91); Niyazi Karasar, *Bilimsel Araştırma Yöntemi* (23rd edn, Nobel Yayıncılık 2012) 77.

<sup>94</sup> Şener Büyüköztürk, *Sosyal Bilimler İçin Veri Analizi El Kitabı* (17th edn, Pegem Akademi 2012).

the data and does not measure long-term changes. Descriptive quantitative research describes the existing situation and does not require hypotheses.<sup>95</sup> Since the main objective of this study is to describe the perception of impunity in Türkiye, no hypotheses were formulated. Instead, quantitative and qualitative research questions included in the research process were used to structure the data collection process. The mixed method provided a more comprehensive understanding by using quantitative data to show the “what” of the social phenomenon and qualitative data to provide in-depth information on the “why” and “how” questions.<sup>96</sup>

### C. Qualitative Research Design: Phenomenological Design

Qualitative research is an exploratory method that deeply examines individuals’ experiences and perspectives. These studies typically focus on questions such as “how” and “why” and aim to understand phenomena from the participants’ perspective.<sup>97</sup> Qualitative research allows for the development of new methods as the research progresses due to its flexible structure and enables the in-depth exploration of dynamic topics such as the “perception of impunity.” The phenomenological design used in this study aims to understand an abstract and subjective phenomenon through concrete life experiences by focusing on participants’ experiences.<sup>98</sup> This approach explores how individuals experience and interpret a complex concept such as the “perception of impunity.” Common themes and patterns derived from participants’ lived experiences help us understand the dynamics of this perception at the societal level.<sup>99</sup> Phenomenological research reveals the complex dynamics of social perception by examining an abstract concept at the individual level. This methodological choice facilitates a deeper understanding of the perception of impunity while contributing to the development of more effective, human-centred strategies in the design of social policies.

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<sup>95</sup> Creswell 2014 (n 87) 224.

<sup>96</sup> Büyüköztürk (n 94).

<sup>97</sup> Creswell 2014 (n 87) 224; Sait Gürbüz and Faruk Şahin, *Sosyal Bilimlerde Araştırma Yöntemleri* (4th edn, Seçkin Yayınları 2017).

<sup>98</sup> Yıldırım and Şimşek (n 86) 323; Frederick J Wertz, ‘Phenomenological Research Methods for Counseling Psychology’ (2005) 52 (2) *Journal of Counseling Psychology* 167, 169.

<sup>99</sup> Ahmet Güler, Mustafa Bülent Halıcıoğlu and Serkan Taşgın, *Sosyal Bilimlerde Nitel Araştırma* (2nd edn, Seçkin Yayıncılık 2015) 233.

#### D. Research Questions

The general question of the study is “What are the structure, prevalence, causes, consequences, and individual experiences of the perception of impunity among individuals aged 18 and over in Türkiye?” The aim is to examine the perception of impunity in Türkiye in a multifaceted manner. The quantitative and qualitative questions determined in this context are as follows:

##### *Quantitative Research Questions:*

1. What is the general level of perception of impunity among individuals over the age of 18 in Türkiye?
2. What is the level of trust individuals have in the judicial system?
3. What are individuals' views on the balance between crime and punishment?
4. Is there a relationship between trust in the judiciary and the perception of impunity?
5. Is there a relationship between media usage habits and the perception of impunity?
6. Is there a relationship between perceptions of the justice system and the perception of impunity?

##### *Qualitative Research Questions:*

- How do individuals experience that criminals are not punished fairly?
- What are the effects of the perception of impunity on individuals' trust in the judicial system?
- How are the social effects of the perception of impunity interpreted?
- What are individuals' views on the balance between crime and punishment?
- How is the perception of impunity defined in Türkiye, and in what contexts is it experienced?
- How do individuals explain their trust in the justice system in the context of the perception of impunity?

## E. Research Population and Sample

The population of this study consists of individuals aged 18 and over living in Türkiye, which is approximately 64,221,000 people.<sup>100</sup> The research population refers to all individuals to whom the research findings can be generalised. The sample is a representative portion of the population selected to enable conclusions based on the statistical characteristics of the population.<sup>101</sup> In the quantitative part of the study, the convenience sampling method was used. Convenience sampling is a method of collecting data from a group that the researcher can access and offers a practical solution due to time/resource constraints.<sup>102</sup> The sample size of the study was determined as 612, but due to incomplete or inconsistent responses, the final analysis was conducted with 600 participants. Based on studies by Cochran,<sup>103</sup> Israel,<sup>104</sup> Fowler,<sup>105</sup> and Neuman,<sup>106</sup> this size was considered sufficient to represent the population.

In the quantitative part of the study, purposive sampling and snowball sampling methods were used together. Purposive sampling aims to select individuals who are rich in information.<sup>107</sup> In this study, interviews were conducted with 12 lawyers. Snowball sampling is an effective method for reaching participants who are difficult to access. In the first stage, a few lawyers were identified, and new participants were reached through these individual. In qualitative phenomenological research, interviews are typically conducted until data saturation is achieved.<sup>108</sup> In this study, data collection was terminated after the 12th participant, as no new themes emerged. Creswell<sup>109</sup> stated that 10-15 participants are sufficient for phe-

<sup>100</sup> Türkiye İstatistik Kurumu (TÜİK) (n 83).

<sup>101</sup> Ali Baltacı, 'Nitel Veri Analizinde Miles-Huberman Modeli' (2017) 3 (1) *Ahi Evran Üniversitesi Sosyal Bilimler Enstitüsü Dergisi* 1, 3.

<sup>102</sup> Yıldırım and Şimşek (n 86) 323; Creswell 2014 (n 87) 224; Michael Quinn Patton, *Qualitative Research & Evaluation Methods: Integrating Theory and Practice* (SAGE Publications 2015).

<sup>103</sup> William G Cochran, *Sampling Techniques* (3rd edn, Wiley 1977).

<sup>104</sup> Glenn D Israel, *Sampling the Evidence of Extension Program Impact* (Program Evaluation and Organizational Development, IFAS, University of Florida 1992) PEOD-5.

<sup>105</sup> Floyd J Fowler, *Survey Research Methods* (4th edn, Sage 2009).

<sup>106</sup> Lawrence W Neuman, *Toplumsal Araştırma Yöntemleri: Nicel ve Nitel Yaklaşımlar I* (Sedef Özge tr, 8th edn, Yayın Odası 2016) 351.

<sup>107</sup> Creswell 2013 (n 92) 47; Patton (n 102) 86.

<sup>108</sup> Güler, Halıcıoğlu and Taşkın (n 99) 234.

<sup>109</sup> Creswell 2013 (n 92) 47.



nomenological studies. This sample size was considered sufficient to comprehensively explore individual experiences of the perception of impunity.

#### **F. Data Collection Tools: Questionnaire Form and Semi-structured Interview Form**

The quantitative data of the research were collected with the “Survey on the Assessment of the Perception of Impunity in Türkiye”. The survey consists of 39 items and includes 4 socio-demographic, 35 Likert-type closed-ended.<sup>110</sup> Likert-type questions are a reliable tool for measuring attitudes and perceptions. Expert opinions were sought to ensure the validity of the survey, and necessary revisions were made after it was administered to a small pilot group. The survey was distributed online using Google Forms and reached participants through social media and email groups. Data collection was conducted between May 2025 and July 2025. Ethical guidelines were followed, and informed consent forms were signed by participants. Data were analysed using IBM SPSS Statistics 25, and missing or incorrect data were excluded.<sup>111</sup>

The tool used to collect qualitative data was the “Perception of Impunity in Turkish Society/Open-Ended Questionnaire.” The semi-structured interview form consists of 49 questions and aims to provide flexibility to the researcher and to discover the participants' unique experiences.<sup>112</sup> The interview form was developed after a literature review and consultation with field experts. The form's comprehensibility was tested through pilot interviews.<sup>113</sup> Face-to-face interviews were conducted in courtrooms or social institutions and were audio-recorded with the participants' permission. At the end of the interviews, the data were transcribed while maintaining anonymity, and participants were identified only by research codes.

#### **G. Data Collection Process**

The quantitative data collection process was conducted through an online survey, and the survey form was distributed to participants via social media and email.

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<sup>110</sup> Fraenkel, Wallen and Hyun (n 91); Keith F Punch, *Sosyal Araştırmalara Giriş* (D Bayrak, B Arslan and Z Akyüz trs, 2nd edn, Siyasal Kitabevi 2011).

<sup>111</sup> Barbara G. Tabachnick and Linda S. Fidell, *Using Multivariate Statistics* (Allyn and Bacon 2013).

<sup>112</sup> Yıldırım and Şimşek (n 86) 323.

<sup>113</sup> Güler, Halicioğlu and Taşgın (n 99) 234.

The confidentiality of participants and ethical guidelines were strictly adhered to. Although online surveys have the advantages of rapid data collection and wide reach, limitations such as the exclusion of individuals without internet access were also taken into account. In the qualitative field research phase, semi-structured face-to-face interviews were conducted with 12 lawyer participants. The duration of the interviews ranged from 40 to 50 minutes for each participant. Participants were provided with detailed information about the interview process, and it was emphasised that participation was voluntary and that confidentiality would be maintained. To ensure the accuracy and reliability of the interviews, each interview was audio recorded, and the participants' statements were transcribed in their entirety.<sup>114</sup>

During the data collection process of this study, the researcher assumed the role of "participant observer."<sup>115</sup> This role allows the researcher to both manage the interviews and collect data, as well as observe and record participants' body language, emotional responses, and other nonverbal cues. This allowed for deeper interaction with participants on a sensitive topic such as the perception of impunity and enriched the data. The researcher's active participation enabled a more comprehensive understanding of the participants' experiences and the discovery of underlying differences in perception. The role of participant as observer increased the depth of data interpretation and contributed to a more accurate representation of the perception of impunity.

#### H. Data Analysis and Integration

Quantitative data were collected through Google Forms and analysed using IBM SPSS Statistics 25 software. Descriptive statistics, mean, standard deviation, frequency and percentage distributions were calculated, and the general distribution of the perception of impunity was determined. This analysis provided an overview of the perception of impunity in society and prepared a contextual ground for qualitative analyses. Qualitative data were analysed using thematic content analysis. All interviews were transferred to Maxqda software and coded. This software enabled the systematic and efficient analysis of large qualitative data sets and eliminated the difficulties of manual coding.<sup>116</sup> During the coding process, meaningful content related to the perception

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<sup>114</sup> Patton (n 102) 86.

<sup>115</sup> Creswell 2013 (n 92) 47.

<sup>116</sup> Patton (n 102) 87.

of impunity was grouped, and themes were created. This process was a critical method for the in-depth exploration of the perception of impunity.

As required by mixed methods research, the data were integrated. During the data integration phase, quantitative and qualitative findings were compared, and overlapping or conflicting points were identified. Qualitative analyses deepened and enriched quantitative results, for example, by providing a broader understanding of the underlying causes of perceptions. Contradictions were explained by factors such as sample differences or differences in measurement methods, enabling a comprehensive interpretation of the research.

### **I. Ethical Considerations**

The ethical committee approval for the research was obtained on 09.05.2025 from the Ethics Committee of X University. The interviews were planned in advance, and participants were given sufficient time to feel comfortable. Participants were informed that the interviews were voluntary and that confidentiality would be maintained, and the interviews began after their consent was obtained. The interviews were audio-recorded, and participants were informed that the recording could be stopped at any time. Important information was noted during the interviews, and participants were informed that they would be contacted for confirmation. In accordance with ethical guidelines, efforts were made to establish trust with participants without adopting an interrogative approach. Participants were informed about the purpose for which their statements would be used and how their privacy would be protected. The codes provided to participants were used to protect their privacy while also enabling the analysis of socio-demographic information. Strict adherence to ethical standards enhanced the reliability of the research and gained the trust of participants. This ethical approach ensures the validity and acceptance of the research in society.

## **VI. Findings**

### **A. Demographic Information of Participants**

Women (n=364) accounted for 60.7% of participants, while men (n=236) represented 39.3%. The research group showed a significant proportion of female participants compared to male participants. A large portion of the participants, 41.8%, are in the 18-22 age group. This is followed by the 23-27 age

group at 22.8%. Approximately three-quarters of the sample (72.1%) consists of young individuals aged 18-32. The majority of participants in the study (72.0%) are single individuals. Married participants make up 26.5% of the sample, while divorced participants account for the lowest percentage at 1.5%. The majority of participants in the study are associate degree graduates, accounting for 39.00%. This is followed by bachelor's degree graduates (28.67%) and high school graduates (23.33%). The percentage of participants with primary school (0.33%) and middle school (2.00%) education is quite low.

To form the qualitative part of the research, data were collected from lawyers who have directly experienced the perception of impunity in their professional practice in Türkiye. The study includes information from 12 participants determined by purposive and snowball sampling. The age range of the participants varies between 29 and 51, with an average age of approximately 36.8. Their professional experience ranges from 4 to 26 years, with an average of approximately 10.8 years. In terms of gender distribution, 83.3%(n=10) of the participants are male, and 16.7%(n=2) are female. In terms of marital status, 66.7%(n=8) of participants are married, while 33.3%(n=4) are single. Regarding educational level, the majority (83.3%, n=10) hold a bachelor's degree, while two participants (16.7%) have completed a master's degree.

## **B. Findings on Perception of Impunity**

### **1. General Overview and Prevalence of the Perception of Impunity**

The research findings show that the vast majority of participants are concerned about impunity for criminals. Participants who responded positively or partially positively to the statement "Those who commit crimes in Türkiye get away without punishment" (83.7%) reveal that the perception of impunity is widespread. The percentage of those with the opposite view is 11.0%. Even more striking is the support for the thesis that the perception of impunity has become "normalised." According to this, 89.4% of participants agree that this situation has almost become a social norm, while only 5.9% disagree with this idea (see Table 1).

**Table 1:** Perceptions of the justice system's capacity to punish

	Strongly Agree	Agree	Slightly Agree	Undecided	Slightly Disagree	Disagree	Strongly Disagree
- <i>Those who commit crimes in Türkiye are getting away without punishment.</i>	186 31.0%	144 24.0%	172 28.7%	32 5.3%	29 4.8%	27 4.5%	10 1.7%
- <i>The perception of impunity has become "ordinary/normal" for everyone in Türkiye.</i>	206 34.3%	209 34.8%	122 20.3%	28 4.7%	9 1.5%	19 3.2%	7 1.2%

Qualitative responses revealed that the claim that "offenders can escape punishment" is largely supported by professional observations, but that there are different emphases regarding the reasons and scope. The majority of participants agree that this claim is not exceptional, but rather an observable reality. One participant (P4) expressed this as, *"Unfortunately, this claim seems to be true... It really causes great disappointment in society,"* while another (P10) emphasised, *"Yes, I think so. Moreover, this situation is very obvious, very clear."* It is noted that this situation is particularly true for individuals with certain characteristics (e.g., those who are powerful or have economic/political power) (P3, P9, and P10). Participants point to systemic, judicial system-related structural problems as the main causes of impunity. In this context, one participant points to *"nepotism"* as the *"biggest reason"* for impunity, emphasising the existence of *"cronyism," "uncle-nephew relationships," "favouritism and nepotism"* in the state and judicial systems. He stated that this situation fosters a perception in society that *"if you have connections, political support, power, or an uncle, you can do whatever you want and you will not be punished"* (P2). Lawyers state that *"those who hold economic and political power and those who are considered opinion leaders"* (P9) and *"large, powerful families"* (P10) are able to escape punishment thanks to their political connections and influence. In contrast, some participants believe that this claim cannot be generalised as an absolute truth, that the system generally works, but that the flaws and slowness of the justice system and the *"perception of political influence"* (P8) in some cases have led to the spread of this claim. Participants holding this viewpoint point out that public perception may be partly fuelled by *"lack of information," "misunderstanding of the complexity of judicial processes"* (P5) or *"misgeneralisation resulting from the media's focus on certain cases"* (P6).

Qualitative data were also collected from participating lawyers on the prevalence of the perception of impunity and the factors that fuel it. Almost all participants emphasised that the perception of impunity is widespread and deeply rooted in Turkish society. One participant described this situation as *“entrenched in society”* (P10) while another pointed to the socio-political dimension of the perception, saying that *“people think that those close to power will not be punished”* (P11). According to the participants, there are some key factors that fuel the perception of impunity. Some participants stated that the media’s *“exaggerated or false reporting”* (P4) and *“misinformation”* (P5) on social media deepen this perception. In particular, *“the portrayal of punished individuals as if they have gone unpunished in the media”* (P4) has undermined public trust. Long trial periods (P3, P6 and P7), lack of transparency (P3) and sentence reductions/amnesties (P4 and P7) reinforce the feeling in society that *“nothing will be achieved”*. As emphasised by P3, *“the fact that investigation decisions are not made public”* increases suspicion about the process. The fact that those with economic or political power gain advantages in judicial processes (P6, P7 and P9) and the belief that *“those with connections will not be punished”* (P11) reinforce the perception that justice is not equal. Furthermore, P9’s observation that *“judges are appointed based on political decisions”* and P11’s observation that *“the judiciary is not independent”* show that distrust in the independence of the judiciary is a systemic problem at the heart of the perception of impunity. P12, who notes that the belief that *“they won’t be punished anyway”* is becoming increasingly widespread in society, points out that this belief has turned into an *“internalised social reality.”*

The quantitative findings of the study highlight the increase in the perception of impunity and its high rate among the young population. Ninety-four per cent of participants believe that criminals do not receive punishment, while only 3.4 per cent disagree. Distrust in the law among young people is also accepted at a rate of 90.5%, with only 4.5% disagreeing. It appears that the perception of impunity has been recorded in the social memory as the norm and that the justice system has lost its legitimacy in the eyes of young people (see Table 2).

**Table 2:** Temporal change in the perception of impunity and views on its acquisition among youth groups

	Strongly Agree	Agree	Slightly Agree	Undecided	Slightly Disagree	Disagree	Strongly Disagree
- The percentage of people who believe that criminals do not receive punishment in Türkiye has increased in recent years.	318 53.0%	198 33.0%	48 8.0%	16 2.7%	10 1.7%	3 0.5%	7 1.2%
- Especially among young people, 'dis-trust of the law' is on the rise.	310 51.7%	182 30.3%	51 8.5%	30 5.0%	10 1.7%	11 1.8%	6 1.0%

All participating lawyers emphasise that there has been a marked increase in the perception of impunity in recent years. This increase in perception has become observable, in the words of P10, *"especially in the last five years"*. The increase in the perception of impunity has been attributed by participants to various causes. In this sense, the *"emergence of new types of crime"* (P1 and P2) and *"weakening of state control"* (P2), especially *"lack of clear sanctions"* (P2) in cybercrime, feed the perception of impunity. The speed at which information spreads on social media, the *"spread of unverified news"* (P5) and *"decisions that do not meet public expectations"* (P4 and P7) are geometrically amplifying public reaction. According to participants, inconsistencies in judicial practices (P3), lack of trust in judicial independence (P4 and P8) and *"political appointment of judges"* (P11) constitute the institutional causes of this perception. Delays in international processes (e.g. ECHR decisions) deepen doubts about the justice mechanism in Türkiye (P3). Similarly, P12 clearly states that there has been an increase in the perception of impunity in recent years, placing this increase in a historical context. The idea that *"justice protects the rich"* (P8), caused by economic crises and political polarisation (P3), fuels social unrest and reinforces this perception. Furthermore, as P11 importantly notes, this growing perception directly encourages crime: *"The perception of impunity ... encourages crime. People who think they will not be punished commit crimes more easily."* This participant points out that the perception has now become a self-perpetuating social pathology.

Almost all of the participating lawyers agree that there is a serious erosion of trust in the legal system among young people in Türkiye. In fact, this situation has reached the point where, in the striking words of P9, *"there is no trust left in the law."* There are various reasons for the spread of this perception,

especially among young people. In this sense, young people's "easy access to examples of injustice" (P4) and "constant exposure to unconfirmed news" (P5) in the media, especially social media, create a negative perception of the law. As emphasised by P7, the younger generation, which has a high level of interest and skills in social media, is therefore "more affected by the perception of impunity." Participants also point out that there is a widespread belief among young people that "justice works in favour of the powerful and the rich" (P6). In fact, P10 compares this situation with adults and states that "there is much more distrust among young people." As noted by P2, the younger generation's "interest in technology" causes them to perceive the traditional legal system as "old and inadequate." This situation also deepens young people's alienation from the system. Various solutions have been proposed in this context. For example, P5's proposal for "legal education in schools and virtual environments" could make it easier for young people to understand judicial processes. Innovations such as the "artificial intelligence-supported judicial system" pointed out by P2 could meet the expectations of young people. The "awareness projects of NGOs" emphasised by P3 can play an important role in breaking the negative influence of the media. Furthermore, as underlined by P4, the risk that this lack of trust "may lead to serious problems in the social order in the future" points to a social crisis that requires urgent intervention.

## 2. Social and Legal Effects of the Perception of Impunity

The research findings indicate that a significant proportion of participants (92.5%) stated that this perception "leads individuals to disregard the law." Furthermore, a significant proportion of participants (78.0%) believe that the perception of impunity leads to "individuals resorting to their own alternative forms of punishment" (see Table 3).

**Table 3:** Opinions on the reflection of the perception of impunity on individuals' attitudes and actions

	Strongly Agree	Agree	Slightly Agree	Undecided	Slightly Disagree	Disagree	Strongly Disagree
- The perception of impunity leads individuals to disregard the law.	312 52.0%	191 31.8%	52 8.7%	19 3.2%	8 1.3%	11 1.8%	7 1.2%
- Due to the perception of impunity, individuals may resort to alternative forms of punishment.	196 32.7%	168 28.0%	104 17.3%	87 14.5%	8 1.3%	23 3.8%	14 2.3%



The vast majority of lawyer participants emphasised that the perception of impunity fuels a tendency among individuals to *“not take the law seriously”*. In the words of P10, this serves to erode legal authority *“despite there being no problem with the laws”*. However, two different perspectives emerge with regard to recidivism. In this sense, the majority of participants (P3, P4, P6, P7 and P8) believe that the perception of impunity can trigger the cycle of crime, especially among repeat offenders, by reinforcing the belief that they will not be punished. As stated by P4, *“if criminals think they will not be punished, they are more likely to continue committing crimes.”* P6 extends this effect to the social level and states that *“the perception of impunity is also a factor behind the rising crime rates in Türkiye.”* In contrast, as an exceptional view, P5 argues that recidivism is *“independent of perception in habitual offenders”*, as this group *“commits crimes even though they know they will be punished”* and therefore there is no link with the perception of impunity. Participants also warn that the perception of impunity creates a situation that normalises crime (P3 and P11) and erodes social awareness of the law (P1 and P10). Furthermore, as emphasised by P7, this situation leads to the dysfunction of control mechanisms, especially in repeat offenders.

Participants also commented on the impact of the perception of impunity on the pursuit of individual justice. Most participants confirm that the perception of impunity triggers the pursuit of individual justice in society, such as lynching, revenge and street justice. This is particularly true for serious crimes (P2) and cases where the legal system fails to provide a solution (P10). As emphasised by P11, *“the failure of legal institutions to deliver justice”* pushes individuals to develop *“their own methods of satisfaction”*. The idea of *“if the state cannot do it, I will”* pointed out by P4 reflects an important social breaking point. Indeed, P3 and P7 warn in this direction. According to them, this tendency *“undermines the rule of law”* and can turn into a *“spiral of violence”*. According to P6, this tendency, *“the belief that official justice cannot be achieved”*, can turn individual violence into an *“alternative punishment mechanism”*. At the same time, P5, which takes a critical view of the general opinion on this issue, argues that *“lack of education and awareness”* are at the root of the search for individual justice, stating that the perception of impunity alone is not a sufficient reason for this issue. Similarly, according to P12, the perception of impunity is not only a legal crisis, but also a sociological, political and ethical crisis. In particular, the erosion of social trust creates a tendency among individuals to turn to *“illegitimate methods rather than the judiciary,”* which

creates serious fragility in terms of public order. According to P12's observations, some clients now tend to prefer "*other solutions*" that are not in accordance with the law rather than legal means. The participant also emphasises that the perception of impunity begins with the failure to achieve justice at the individual level and, over time, leads to "*a loss of trust in public institutions on a macro scale.*"

A large majority of participants in the quantitative section (91.3%) agreed with the statement "The perception of impunity reduces individuals' trust in the state." In addition, 92.2% stated that "the perception of impunity is an important factor increasing crime rates," while 88.0% argued that perception of impunity is an indicator of social inequality. Furthermore, 91.5% believe that "failing to punish criminals undermines social peace and justice" (see Table 4).

**Table 4:** Views on the effects of the perception of impunity on social order, trust and the system

	Strongly Agree	Agree	Slightly Agree	Undecided	Slightly Disagree	Disagree	Strongly Disagree
- The perception of impunity is a significant factor contributing to rising crime rates.	340 56.7%	160 26.7%	53 8.8%	29 4.8%	6 1.0%	6 1.0%	6 1.0%
- The perception of impunity is an indicator of social inequality.	275 45.8%	195 32.5%	58 9.7%	41 6.8%	8 1.3%	17 2.8%	6 1.0%
- Failure to punish those who commit crimes undermines social peace and justice.	375 62.5%	136 22.7%	38 6.3%	29 4.8%	11 1.8%	3 0.5%	8 1.3%

In the qualitative part of the study, it was stated that there is a relationship between the perception of impunity and crime rates. Most participants agree that the perception of impunity increases crime rates. This relationship is explained by three basic mechanisms. The first is related to the loss of the deterrent function of punishment. In this sense, P4 and P7 emphasise that the perception "*eliminates the preventive power of punishment*" and "*increases the courage to commit crimes*". The other explanation has a more psychological context. According to P2's analysis of human nature, "*instinctive aggression is triggered by the belief in impunity*". P3 adds that this effect is more pronounced in minor crimes, such as "*theft and minor assault*". Finally, this relationship is explained by social normalisation. For example, according to P11, perception reduces "*society's sensitivity to crime by presenting crime as nor-*

mal". In this context, a contrary view has also been put forward. For example, P5 argues that the increase in crime should be explained by *"structural factors such as economic crisis and lack of education"* and that the perception of impunity is only a perception and therefore *"will remain ineffective as long as it does not reflect reality."*

The relationship between the perception of impunity, social inequality, and trust has also been interpreted. Most of the lawyers in the sample group emphasise that the perception of impunity is interrelated with social inequality and erosion of trust. This relationship is two-way, moving from inequality to perception and from perception to inequality. For example, as supported by concrete examples from P3 and P10, *"privileges granted to powerful groups in the judiciary"* and *"different punishments for the same crime"* are the main drivers of this perception. Furthermore, according to P2's sociological analysis, this perception *"deepens the social divide by making individuals feel privileged."* P6 concretises this as the *"difference in justice between rich and poor"*. The consequences of the loss of trust are also highlighted. For example, P1's observation of *"social fear"* and P9's observation that *"no one trusts anyone anymore"* indicate the disintegration of social capital. As P11 warns, *"the absence of justice leads to the breakdown of the social fabric and the formation of gangs."* Contrary to these general ideas, P5, for example, argues that this relationship is *"limited to manipulative news reports in the media"* and claims that *"information pollution rather than real inequality"* undermines trust. In summary, according to the majority, the perception of impunity is, in the words of P4, *"a cancer that threatens social peace"*. P7's emphasis on *"polarisation and unrest"* and P11's warning of *"ontological annihilation"* reveal that this perception is a significant threat that even jeopardises social existence.

### 3. Perception of Impunity and Inequality in the Field of Justice

89.3% of participants agreed with the statement, "Powerful and influential individuals escape justice despite committing crimes." Similarly, 86.1% agreed with the statement, "Individuals with economic power escape punishment even if they commit crimes" (see Table 5).

**Table 5:** *Opinions on impunity among individuals with financial power and significant social status*

	Strongly Agree	Agree	Slightly Agree	Undecided	Slightly Disagree	Disagree	Strongly Disagree
- Powerful and influential individuals are escaping justice despite the crimes they have committed.	289 48.2%	152 25.3%	95 15.8%	37 6.2%	9 1.5%	11 1.8%	7 1.2%
- An individual with economic power (wealth) can escape punishment even if they commit a crime.	239 39.8%	171 28.5%	107 17.8%	38 6.3%	12 2.0%	20 3.3%	13 2.2%

Approximately two-thirds of the participants in the qualitative section support the view that powerful and influential individuals can escape justice. According to the participants, this escape from justice occurs for various reasons. The first of these is related to the manipulation of the judiciary. For example, the “*use of influence in local and higher courts*” emphasised by P10 can directly influence decisions. According to him, “powerful” individuals who cannot get what they want in local courts can do so in higher courts if necessary. The second reason is related to economic advantages. For example, the “*army of high-level lawyers*” hired with large sums of money, as pointed out by P4, ensures impunity by covering up weaknesses in evidence. The third is related to social networks. For example, P11’s observation about “*having social capital*” reveals that political and bureaucratic connections block the trial process. Finally, a case-based perspective is presented. P9’s example of the Narin Güran case<sup>117</sup> concretises the idea that “*the fact that powerful families do not receive*

<sup>117</sup> The “Narin Güran case” refers to a criminal prosecution that began with the disappearance and subsequent killing of 8-year-old Narin Güran in 2024, and which triggered intense public debate throughout the investigation and trial phases regarding issues such as evidence collection, digital data security, investigation confidentiality, and the management of information flow. Contradictory statements, allegations of deleted digital evidence, the media broadcast ban, and information gaps between official statements and publicly available information contributed to public discussions surrounding “distrust in criminal justice” and the “perception of impunity.” The case has since become a frequently cited example in Türkiye in the context of the visibility and accountability of the criminal justice system in serious offences. In relation to the murder, the mother, uncle, and elder brother received aggravated life imprisonment sentences, while the individual who concealed the body was sentenced to 4 years and 6 months of imprisonment; the judgments were upheld on appeal and referred to the Court of Cassation for further review.

*punishment disturbs people's consciences.*" In this context, comments that can be considered different and meaningful from those of the participating lawyers were also obtained. P1 and P3 emphasise that *"double standards may be applied, but not in every case,"* and that it is not possible for all-powerful and influential individuals to escape justice, but rather that there is *"limited escape."* P6 states that *"slowing down or postponing cases facilitates escape,"* indicating that this group may have an advantage in the process. Various opposing views have also been put forward in this regard. For example, P5 does not accept this claim as generally valid, arguing that *"the media exaggerates"* and that *"there are examples"* of powerful individuals being prosecuted. However, such perceptions also have social consequences.

Approximately three-quarters of participants agree that economic power provides a decisive advantage in judicial proceedings. This advantage is concretised by participants along three main axes. The first relates to inequality in defence. For example, P4 emphasises that *"access to qualified lawyers"* increases the capacity of wealthy individuals to *"turn cases in their favour"*. Furthermore, P3's *"financing of expert reports"* provides technical superiority in this sense. The second relates to control over the process. For example, P11's *"suspicion of bribery"* reinforces the impression that justice is applied according to financial power. Finally, indirect pressure has also been seen as an important advantage here. For example, as indicated by P2, *"pressure through NGOs"* is a strategy to indirectly influence the judiciary through the power of the wealthy to use various organisations. In this context, various different views have also been put forward. In this context, it has been emphasised that being wealthy alone does not give individuals an advantage before the courts, but that this must also be supported by the government. As in the example of the *"Cem Uzan case"*<sup>118</sup> mentioned by P9 and P10, it is argued that the rich who

<sup>118</sup> The "Cem Uzan case" is regarded as an example illustrating that economic power alone does not provide a continuous advantage in judicial proceedings. The Uzan family held significant economic influence for many years in sectors such as media, finance, and energy, which drew public attention in terms of power relations that could potentially affect judicial processes. However, the seizure of numerous family-owned companies by the Savings Deposit Insurance Fund (TMSF) in 2004, followed by criminal proceedings, conviction decisions, and Cem Uzan's departure from Türkiye, has been interpreted as demonstrating that economic power cannot offer sustained protection without political support. As some participants also noted, this case reinforces the perception that economic power yields a genuine advantage before the courts only when combined with political backing. On the other hand, despite the convictions, interruptions in the process, the non-execution of the sentence in Türkiye, and

do not have the support of the government lose their advantage. However, the idea that being rich can only affect the quality of defence and therefore no intervention in the law is possible is seen in the statement made by P5 that “decisions are only made based on evidence, money only affects the quality of defence”. Even if this is not the case in reality, the negative aspects of such a perception are emphasised here. For example, P8’s emphasis on the “rich-poor divide” in the law and P6’s emphasis on the “belief in impunity” undermine the legitimacy of the justice system. P11’s claims of getting out of prison by paying money further deepen social insecurity.

#### 4. Perception of Political Influence in the Judicial System and Decisions

79.7% of participants agreed with the statement “I think there is political pressure on judges and prosecutors.” In addition, 77.6% agreed with the statement “High court decisions vary according to political lines” (see Table 6).

**Table 6:** Opinions on the extent of political influence in the judicial system and decisions

	Strongly Agree	Agree	Slightly Agree	Undecided	Slightly Disagree	Disagree	Strongly Disagree
- I believe that there is political pressure on judges and prosecutors.	232 38.7%	158 26.3%	88 14.7%	79 13.2%	13 2.2%	21 3.5%	9 1.5%
- The decisions of high courts (Constitutional Court, Court of Cassation, etc.) vary according to political lines.	183 30.5%	185 30.8%	98 16.3%	99 16.5%	10 1.7%	13 2.2%	12 2.0%

The vast majority of participants share the view that judges and prosecutors are subject to direct or indirect political pressure in their decision-making processes. This perception is particularly striking in the statement made by P4: “Promotion, appointment and job concerns prevent independent decision-making.” Participants’ comments reveal that this perception of pressure is based on four main mechanisms. First, institutional pressure stands out. P3 stated that the supervision of the Council of Judges and Prosecutors (HSK) and rotation practices increase the tendency to avoid sensitive cases. Second, career concerns are prominent. P10 said that appointment procedures could

the long-lasting legal uncertainty have contributed to a perception among part of society that “the wealthy can evade justice,” thereby fuelling an impunity narrative. Consequently, this case is frequently cited in discussions on the influence of economic power over the judiciary, both as an example of “privilege” and of “the limits of such privilege.”

influence decision-making processes, while P4 stated that concerns about promotion put pressure on the judiciary. Third, public pressure is strongly felt in politically sensitive cases. P1 emphasised that public expectations directly influence decision-making processes, while P6 stated that public influence is inevitable. Fourth, doubts about meritocracy fuel the perception that members of the judiciary who are believed to have been appointed through nepotism are more susceptible to political influence (P2). However, more cautious or opposing views also exist. For example, P5 defended the current system, emphasising that members of the judiciary are independent by law. P8 stated that he had not witnessed any pressure firsthand and suggested that this perception may stem from general mistrust rather than evidence. Participants also stated that this perception of pressure was reinforced by some concrete examples. According to P3, the HSK's performance evaluations serve as an indirect means of pressure, while P10 argued that the appointment system undermines impartiality. The social impact of all these elements can be summarised under two headings: undermining trust in the justice system (P7) and strengthening the perception of impunity (P11). This points to a dynamic that undermines both the functioning of the judiciary and its legitimacy in the eyes of the public. Various reform proposals have been put forward in this context. P3 argues that the HSK should be made more impartial and that rotations should be made more transparent, while P10 states that restructuring appointment processes based on merit would strengthen the independence of the judiciary.

A significant proportion of participants believe that the high judiciary is not independent of political influence. This view is mainly based on the political nature of appointment mechanisms. In particular, participants with codes P3, P7, P8 and P9 argued that judges appointed by political authorities cannot make fully independent decisions. P9 clearly expressed this view by saying, *"Can you say that a person appointed by a political decision is independent? You cannot."* Similarly, P1 associated the *"quick"* and *"superficial"* decisions in the cases he had experienced (especially in the appeal process) with both political influence and the workload of the judiciary. P10 and P6 also conveyed the impression that, especially in recent times, public pressure and the expectations of those in power had influenced decisions in cases with strong political dimensions. On the other hand, some participants argued that political influence was not decisive in high court decisions. Those who supported this view emphasised the professional experience and competence of high court mem-

bers. For example, P5 drew attention to the quality of the system, saying that *“the most experienced and competent lawyers serve in these courts.”* P2 argued that the fact that the high judiciary could issue decisions against the government despite a political party having been in power for a long time was a clear sign of independence: *“Decisions that the government does not approve of can be issued very easily.”* P5 also stated that the perception of political influence in society was largely fuelled by the media and political discourse.

### 5. Evaluations on the Perception of Justice and Judicial Independence

Perceptions of judicial independence and equality in the justice system in Türkiye are quite low. The percentage of respondents who agree with the statement *“There is judicial independence in Türkiye”* is 24.0%, while the percentage of those who agree with the statement *“The justice system in Türkiye is equal and impartial for everyone”* is 30.5%. This situation indicates a weak belief in judicial independence and the justice system, while the percentage of those who believe that justice is not equal and impartial remains high (57.7%). Hope regarding the functioning of justice in Türkiye is also low; 39.2% are hopeful, while 42.8% are hopeless (see Table 7).

**Table 7:** Opinions on perceptions of justice and judicial independence

	Strongly Agree	Agree	Slightly Agree	Undecided	Slightly Disagree	Disagree	Strongly Disagree
- <i>There is judicial independence in Türkiye.</i>	67 11.2%	77 12.8%	86 14.3%	117 19.5%	22 3.7%	100 16.7%	131 21.8%
- <i>The justice system in Türkiye is equal and impartial for everyone.</i>	57 9.5%	58 9.7%	68 11.3%	71 11.8%	37 6.2%	128 21.3%	181 30.2%

The vast majority of participants in the qualitative part of the study clearly stated that the justice system does not operate equally and impartially for all individuals. This view is substantiated under various thematic headings based on the different experiences and observations of the participants. A significant portion of the participants stated that the principles of equality and impartiality emphasised in the constitution and legal regulations are not sufficiently reflected in practice. For example, P3 draws attention to this contradiction by stating that *“The Constitution and legal texts clearly emphasise the principles of equality and impartiality... However, in practice, insufficient resources, heavy court caseloads, political influence in the appointment and rotation of judges and prosecutors, and differences in the speed and manner in which cases are*



conducted". Similarly, P2 notes that this problem is observed not only at the national level but also at the international level. The quality and professional preparation of the judiciary is cited as another cause of inequality in the justice system. For example, P1 points to the problem of *"unqualified and biased individuals entering the system,"* linking this situation to the proliferation of unqualified law schools and the legal profession becoming merely a "means of status." There is also a widespread belief that individuals with political, economic or social power enjoy a privileged position in the administration of justice. For example, P4 expresses the view that *"judicial processes work differently for those with political and economic power,"* while P6 illustrates the situation by saying that *"well-known people, celebrities or individuals with strong political connections can usually get lighter sentences."* Furthermore, P7 states that the widespread public perception that *"those with money get away with it"* is confirmed by observations made within the legal profession itself. Participants emphasise the existence of visible double standards in judicial decisions and access to justice. For example, P9 highlights the disparities in the system by stating, *"Some people are sentenced to eight years in prison based on an allegation, while others are not even arrested despite ample evidence."* P10 argues that there is gender-based discrimination in practice, claiming that the principle of *"a woman's statement is paramount"* and that there is an advantage in favour of women in some family/inheritance cases. P11 emphasises that the perception of impunity directly undermines the principle of equality, highlighting that these two issues are interrelated. Only P5 among the participants argues that the justice system operates on the principles of equality and impartiality. While emphasising the principled nature of the system, stating that *"our Constitution guarantees the equality of all and the judiciary must be impartial,"* he acknowledges that errors and differences in interpretation are inevitable in a system run by humans.

The vast majority of participants express that judicial independence in Türkiye has been seriously eroded. These criticisms are centred on three main axes: the failure to remove the institutional structure from political influence, indirect or direct pressure faced by members of the judiciary in their decision-making processes, and the loss of public trust. Participants emphasise that the institutional structure of the judiciary is open to political interference. The connection between the Council of Judges and Prosecutors (HSK) and the executive branch is a major focus of criticism in this context. For example, P1 attributes the erosion of judicial independence to the entry of unqualified lawyers into the system

and corruption in the education system, while P10 describes the concentration of judicial power in the same centre as the legislative and executive branches as a systemic problem. The political orientation of appointment mechanisms is seen as a serious obstacle to independent decision-making. P2 points to the limitation of judges' personal decision-making mechanisms, stating that *"if a judge is appointed by another structure, he or she cannot be independent of that structure."* P11 provides an example of the immunity of political elites, stating that *"people like Trump and Netanyahu have been tried. I am not saying that politicians should be tried in Türkiye, but look, this is not possible in Türkiye."* Individual pressure and threats are also among the practices that undermine judicial independence. For example, P10 draws attention to the pressure felt in the decision-making process, stating that judges and prosecutors are threatened with exile or threats against their families.

#### 6. Proposed Solutions to Reduce or Prevent the Perception of Impunity

73.2% of participants agreed with the statement "Strengthening judicial independence reduces the perception of impunity in society." However, fewer participants believe that international monitoring mechanisms will eliminate the perception of impunity, with 43.3% agreeing with this statement (see Table 8).

**Table 8:** Recommendations to reduce or prevent the perception of impunity

	Strongly Agree	Agree	Slightly Agree	Undecided	Slightly Disagree	Disagree	Strongly Disagree
- <i>Strengthening judicial independence reduces the perception of impunity in society.</i>	217 36.2%	160 26.7%	62 10.3%	91 15.2%	21 3.5%	22 3.7%	27 4.5%
- <i>International monitoring mechanisms eliminate the perception of impunity.</i>	116 19.3%	147 24.5%	129 21.5%	138 23.0%	17 2.8%	26 4.3%	27 4.5%

The vast majority of participants in the qualitative part of the study share the view that strengthening judicial independence will significantly reduce the perception of impunity. This relationship is explained through four fundamental mechanisms based not only on rule-based expectations but also on concrete observations of the functioning of justice. First, increased trust in the decision-making processes of an independent judiciary positively transforms the general perception of the justice system. For example, P3 states that judicial independence creates *"trust that decisions are based on solid evidence"*

and reinforces the belief that *"justice always decides correctly."* Similarly, P7 states that individuals who trust the justice system will not believe that those who deserve punishment will go unpunished. Second, the principles of equality and impartiality provided by independence play a decisive role in preventing the perception of impunity. For example, P4 emphasises that *"the independent judiciary stands at an equal distance from everyone,"* while P10 warns that the perception of impunity will continue unless equal treatment is ensured. In this context, a common view has emerged that a judiciary free from the influence of political and economic power centres can ensure the impartiality of justice. Third, a decision-making process free from political pressure nourishes society's belief that justice is administered equally. For example, P6 believes that a structure in which decisions are free from political interference will eliminate the grounds for the perception of impunity. Fourth, the institutional reputation and transparency of the judiciary play a vital role in building social trust. For example, P8 states that independence will be strengthened not only by individual decisions, but also by the transparency and accountability of the institution. Some participants argue that the judiciary is already structurally independent, but that this independence is not sufficiently communicated to the public in a transparent manner. For example, P5 states that the main problem is the inability to manage public perception and expresses the view that *"perception management can reduce the belief in impunity."* This perspective argues that communication strategies should be prioritised over reform. Offering a different approach, P9 argues that the perception of impunity is not only related to the judiciary but also to the broader economic context. According to him, the problem of trust in the judiciary will not be solved without addressing economic injustices: *"Without economic empowerment, the perception of impunity will not change."*

The vast majority of participants share the view that international mechanisms such as the European Court of Human Rights (ECHR) and the European Union (EU) have the potential to reduce perceptions of impunity. However, there is also a general consensus that this positive effect may be limited depending on the areas of application and political conditions. Participants who argue that international mechanisms have a positive impact emphasise that ECHR and EU norms exert transformative pressure on domestic law. For example, P2 points to the historical role of these structures, stating that *"without EU norms, human rights would not have reached their current level,"* while P6 notes that ECHR decisions have guided legal regulations in Türkiye. In terms of

oversight and accountability, P3 emphasises that ECHR decisions have increased oversight in domestic law, but that implementation must be monitored to ensure sustainability. P4 states that the ECHR has made shortcomings visible by exerting pressure on domestic law. These views highlight the influential power and transparency-enhancing functions of international mechanisms. However, some participants take a more distant approach to the effectiveness of international structures and offer critical assessments. The most common criticism is the reluctance to implement ECHR decisions. For example, P1 states that Türkiye has not taken ECHR decisions into account in recent years, while P10 states that the influence of the EU and the ECHR on Türkiye has greatly diminished. On the other hand, the criticism that norms are detached from the cultural context also stands out. P2 argues that Western law “works primarily for Westerners,” citing, in particular, “Israel’s impunity for its illegal interventions in Palestine and the inability of international organisations to act effectively in this regard.” Similarly, P5 argues that these mechanisms use the law in their own interests. P11 goes further, stating that a “culturally compatible local system” should be built and that dependence on international structures may be undesirable in the long term. These criticisms point to the tension between universal principles and local sovereignty.

### 7. The Impact of the Media/Public Perception of Impunity on the Understanding of Justice

82.6% of participants agreed with the statement “Some cases covered in the media/social media show that justice is biased.” In addition, 84.5% agreed with the statement “Justice is faster in cases that are on the agenda in the media/social media” (see Table 9).

**Table 9:** Opinions on the influence of the media on the formation of perceptions of impunity

	Strongly Agree	Agree	Slightly Agree	Undecided	Slightly Disagree	Disagree	Strongly Disagree
- Some cases in the media/social media show that justice is biased.	205 34.2%	184 30.7%	106 17.7%	70 11.7%	9 1.5%	14 2.3%	12 2.0%
- Justice is being served more quickly in cases that are in the media spotlight.	212 35.3%	172 28.7%	123 20.5%	59 9.8%	12 2.0%	15 2.5%	7 1.2%

The vast majority of participants in the qualitative section stated that the media and social media play a decisive role in shaping the perception of im-

nity. Participants such as P5 and P8 emphasised that these channels are the “most important” factors, while P7 stated that this effect is “decisive”. P6 summarises the situation by saying, “*The media has the power to guide society; social media makes news go viral.*” These statements reveal the complementary effects of traditional and digital media in shaping perceptions. According to the participants’ assessments, three main mechanisms shape the perception of impunity. The first is emotional reactions. According to this, as exemplified by P3’s statement, “*He committed a crime, but got away with it,*” sensational headlines used in the media trigger emotional reactions from the public and cause the spread of false beliefs about the justice system. The example provided by P2 is also quite significant: “*When the media reports ‘he was released from prison and killed his wife,’ it creates the perception that justice has not been served.*” The transformation of social media platforms into reporting channels (P6) and the dissemination of news about impunity through humour (P3) quickly spread the perception of impunity to large audiences. This form of dissemination has a strong impact on public opinion, regardless of the accuracy of the perception. Thirdly, the dual role of public pressure is noteworthy. Some participants indicate that the judiciary takes cases that receive extensive media coverage more seriously (e.g., P10). In contrast, it is argued that in some cases, emotional public pressure can distort the objectivity of trials (e.g., P4). This dual effect highlights the complex role of the media in shaping perceptions of social justice. However, there are also critical assessments of these dominant views. For example, P5 draws attention to the risk of misinformation, stating that “*the exaggerated presentation of a single event in the media can create false beliefs in millions of people.*” Similarly, P7 argues that there is a gap between perception and reality, saying that “*impunity exists, but not as the media portrays it.*”

Most participants expressed a strong impression that justice was not impartial in high-profile cases covered by the media. In particular, some participants argued that decisions in media cases were shaped by public pressure and political guidance. This situation is most strikingly expressed by P11, who said, “*The media is in the hands of those in power; it is used to divert attention from the real issues.*” This view shows that the media is perceived not only as a tool for conveying information but also as a force that influences judicial processes. Two main indicators of the perception that justice is biased stand out. First, it is stated that there is a different process in political and high-profile cases. For example, P3 emphasises that “*defence rights are restricted*” in political cases,

while P7 states that *“public reaction influences decisions”* in cases involving famous people. It is widely believed that such cases follow a different process from cases involving ordinary citizens. Second, it is argued that the media influences the speed of judicial processes. Some cases are concluded quickly due to public pressure, as exemplified by P1’s statement that *“the message is being sent that the public is not being kept waiting”* and P2’s example of the *“Narin Güran case, which was concluded quickly.”* There are also statements that some cases are deliberately slowed down. For example, P10 emphasises that the judicial process is not objective in this regard, saying that *“cases that are not reflected in the media are progressing much more slowly.”* For example, P5 suggests that public interest can complicate the process, stating that *“when cases attract attention, the investigation is prolonged and more care is taken.”* Despite all these critical assessments, some participants are cautious about allegations of manipulation by the media. P5 argues that media outlets only play a conveying role, stating that *“the media is not biased, it only provides information.”* On the other hand, P8 warns that the media can lead to summary justice, saying, *“There is a culture of lynching in the media, and sometimes innocent people are targeted.”*

## VII. Discussion

The perception of impunity in Türkiye reflects deep concerns about the rule of law and the independence of the judiciary. The widespread belief that criminals go unpunished is a serious problem. This perception may stem from objective causes, such as shortcomings in judicial processes, but it can also arise without such problems. What matters is that, even if there is no objective situation of impunity, this subjective perception among individuals undermines trust in the justice system and creates social unrest. It is therefore crucial to identify the roots of this perception. The research findings examine three main dimensions of the perception of impunity in Türkiye: social prevalence and demographic distribution, the institutional legitimacy of the legal system and social impacts, and finally, the media, institutional distrust and individual experiences as sources of impunity.

### A. General Overview of the Perception of Impunity

The research findings show that the perception of impunity is widespread and deep-rooted in Türkiye. Most participants believe that criminals escape punishment and that the justice system is inadequate in punishing criminals.

This reveals that a large part of society finds the justice system inadequate and is concerned about impunity. Qualitative findings support this, with participating lawyers emphasising that the perception of impunity is not exceptional but an observable reality. Lawyers define impunity as either criminals not receiving any punishment or the punishment received not being fair or deterrent. This is said to be particularly true for individuals with economic or political power.

The research also reveals that impunity stems not only from individual mistakes but also from structural and systemic problems. Lawyers point out that impunity is rooted in a system in which individuals with economic and political power, large families, and opinion leaders are influential. These groups are able to escape legal sanctions thanks to their political connections and influence. This has led to a widespread perception that “if you have connections, you will not be punished.” These findings show that impunity is not only a legal failure but also a phenomenon that reinforces power structures. The literature reveals how impunity overlaps with structural factors such as “the use of power without accountability”<sup>119</sup> and “its use as a tool to preserve existing inequalities.”<sup>120</sup> From this perspective, impunity functions as a mechanism that serves to perpetuate inequalities at the societal level.

## **B. Temporal Change in the Perception of Impunity and Its Impact on the Young Population**

The research findings show that the perception of impunity has deepened in Türkiye, especially among young people, and that trust in the law has seriously declined. Quantitative data reveal that most participants believe that criminals do not receive punishment and that trust in the law has declined among young people. Qualitative data also confirms this situation, with participating lawyers attributing the increase in the perception of impunity to factors such as new types of crime, weakening state control, misreporting by the media, and decisions that do not meet public expectations. Furthermore, misinformation spread on social media and inconsistencies in the judiciary deepen the perception of impunity.

Among young people, distrust in the law is associated with easy access to media coverage of injustice and the prevalence of unverified news. Young

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<sup>119</sup> Eurasia Group, *The Atlas of Impunity 2024* (n 16).

<sup>120</sup> Cribari-Neto and Santos (n 15) 2.

people believe that justice works in favour of the powerful and wealthy, and this perception is more pronounced among young people than among adults. Among the reasons for the decline in trust in the justice system are the protection of political and economic powers by judges, concerns about judicial independence, and suspicion of bias in political cases.

Research shows that the perception of impunity has increased and that this undermines trust in the justice system. According to TÜİK data,<sup>121</sup> satisfaction with judicial services has declined, while SODEV<sup>122</sup> research has revealed an increase in the percentage of people who question the independence of the judiciary. ASAL Research (2025)<sup>123</sup> also states that 71% of the public believes that there is no justice in Türkiye. These findings support the view that the perception of impunity erodes trust in the legal system and damages democracy. Studies such as Forst<sup>124</sup> and Crane<sup>125</sup> also confirm these findings.

### C. The Effects of Social Justice and the Rule of Law

Impunity is more than just a legal phenomenon; it has far-reaching consequences that deeply affect perceptions of social justice and weaken the fabric of society.<sup>126</sup> Justice is the foundation of every society, and impunity lies at the heart of the relationship between social justice and the rule of law. Impunity is not limited to the failure to punish offenders; it also leads to the consolidation of structural problems that create injustice and inequality.

The study indicates that the perception of impunity in Türkiye reflects the roles attributed to impunity in the literature, namely functioning as the exercise of power without accountability and as a mechanism for maintaining existing inequalities.<sup>127</sup> The observations of lawyer participants that “those who hold economic and political power” can escape punishment reveal that impunity has become a strategy to protect certain interests and functions as a tool of social control.<sup>128</sup> This

<sup>121</sup> Türkiye İstatistik Kurumu, ‘Yaşam Memnuniyeti Anketi’ (2024) (n 82).

<sup>122</sup> Sosyal Demokrasi Vakfı (SODEV) (n 84).

<sup>123</sup> ASAL Araştırma (n 85).

<sup>124</sup> Forst (n 49) 3.

<sup>125</sup> Crane (n 50).

<sup>126</sup> Cribari-Neto and Santos (n 15) 2; Eurasia Group, The Atlas of Impunity 2024 (n 16).

<sup>127</sup> Eurasia Group, The Atlas of Impunity 2024 (n 16); Cribari-Neto and Santos (n 15) 2.

<sup>128</sup> Cribari-Neto and Santos (n 15) 2.



situation shows that impunity has become a powerful factor shaping social structures and is part of a system that works in favour of certain groups.

The literature indicates that impunity is widespread in countries where the rule of law is weak and the judiciary is powerless.<sup>129</sup> The example of Türkiye confirms this situation. Participants stated that the weakening of the bond between legal and social structures and the dysfunction of the judiciary increase the perception of impunity, which in turn leads to social unrest and insecurity. These findings demonstrate that impunity is not merely a legal deficiency but a phenomenon that deeply affects society's understanding of justice and undermines the social structure in the long term.

#### D. Judicial Independence and Loss of Trust

Judicial independence is a critical element for the rule of law and plays an important role in combating impunity.<sup>130</sup> However, the relationship between impunity and judicial independence is cyclical in nature. In this context, the lack of judicial independence fuels impunity, while the widespread perception of impunity also weakens the independence of the judiciary. Research findings show that perceptions of impunity reduce individuals' trust in the state and justice. The vast majority of participants believe that the judiciary and justice system in Türkiye are not equal and impartial. These findings are consistent with the literature indicating that impunity weakens public trust in the rule of law and erodes the legitimacy of the justice system.<sup>131</sup>

Qualitative findings confirm the inequalities in the justice system and the problems in the judiciary. Participating lawyers stated that the principles of legal equality are not sufficiently reflected in practice, and that cases are conducted at different speeds due to the heavy caseload of courts and political influence in the appointment of judges and prosecutors. Furthermore, the inclusion of unqualified judges and prosecutors in the system enables powerful elites to obstruct justice processes.<sup>132</sup> Institutional problems such as the weakening of judicial independence, political interference, corruption and lack of transparency are key factors reinforcing the perception of impunity.<sup>133</sup>

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<sup>129</sup> Opotow (n 1) 155.

<sup>130</sup> Human Rights Watch (n 47).

<sup>131</sup> Kukutschka (n 48); Forst (n 49) 3; Crane (n 50).

<sup>132</sup> Kukutschka (n 48); Iglesias (n 48) 4.

<sup>133</sup> Human Rights Watch (n 47); Iglesias (n 48) 4.

The research shows that most participants believe that judges and prosecutors are subject to political pressure. This pressure is related to factors such as appointment, promotion, career concerns and doubts about merit. This undermines trust in the justice system and reinforces the perception of impunity. Although there are differing views on whether political influence is present in the decisions of high judicial bodies, the prevailing view is that the high judiciary is not independent due to the political nature of appointment mechanisms. These findings reinforce the link between impunity and judicial independence and highlight the weakening structure of the justice system in Türkiye.

### E. Crime Rates and Their Effects on Deterrence

The research findings indicate that participants believe the perception of impunity is a significant factor that increases crime rates and leads to recidivism. The vast majority of participants stated that the perception of impunity leads individuals to not take the law seriously and increases their propensity to commit crimes. These results are consistent with rational choice theory<sup>134</sup> and Agnew's general strain theory.<sup>135</sup> These theories argue that the uncertainty of punishment can encourage crime.

Qualitative findings reveal a consensus that perceptions of impunity increase crime rates. Impunity increases the willingness to commit crimes and leads to the normalisation of crime. Furthermore, it has been observed that perceptions of impunity trigger the cycle of crime by reinforcing the belief among repeat offenders that they will not be punished. These findings are consistent with the literature suggesting that impunity "deterrence of future offences weakens"<sup>136</sup> and "perpetuated in a vicious cycle."<sup>137</sup> In quantitative data, 78% of participants stated that the perception of impunity "enables individuals to resort to alternative forms of punishment." Qualitative findings also show that the perception of impunity triggers individual justice-seeking behaviours such as lynching, revenge and street justice. This can undermine the rule of law and lead to a spiral of violence.<sup>138</sup>

<sup>134</sup> Clarke and Cornish (n 56) 167; Gartner and Piliavin (n 54) 295.

<sup>135</sup> Agnew (n 59) 69.

<sup>136</sup> Cribari-Neto and Santos (n 15) 2.

<sup>137</sup> Hooper (n 18) 187.

<sup>138</sup> Crane (n 50); Eurasia Group, The Atlas of Impunity 2024 (n 16).

## F. The Strengthening of Feelings of Inequality and Injustice in Society

The perception of impunity reinforces feelings of inequality and injustice in society. Lighter penalties for crimes committed by powerful individuals or the disregard of crimes increases social injustice. This reinforces the idea that punishment is only directed at the powerless. This undermines society's trust in the justice system and leads to unrest. Research indicates that impunity fuels inequality, corruption, and crime, hindering social progress. In societies where wealth and power are concentrated in the hands of a few, impunity can be a tool for preserving existing inequalities. This shows that impunity is not merely a legal issue but also a function of power structures.<sup>139</sup>

Quantitative data reveal that the perception of impunity is widespread. Participants indicate that the perception of impunity is an indicator of social inequality and that the powerful are less likely to be prosecuted. Furthermore, there is high agreement with the statements that "people close to those in power are protected" and "opposition politicians receive harsher punishments." This aligns with findings that the unequal application of the law provides impunity for wealthy individuals and white-collar criminals.<sup>140</sup> The impunity of powerful and well-known individuals is also widely perceived. Participants noted that these individuals do not face punishment even when they commit crimes.

There is a similar perception of impunity towards organised crime groups. This is consistent with views that impunity undermines the principle of equality before the law and fuels public discontent.<sup>141</sup> Qualitative data reveals that political connections and economic power provide advantages in judicial processes, leading to impunity. Participating lawyers have stated that political influence, media manipulation, and economic power create impunity. Celebrities and organised crime groups receive lighter sentences thanks to political protection or social status, reinforcing the perception of "state-mafia collusion." This can undermine social trust by feeding the perception that "justice is for those who can afford it."<sup>142</sup>

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<sup>139</sup> Cribari-Neto and Santos (n 15) 2.

<sup>140</sup> Cribari-Neto and Santos (n 15) 2.

<sup>141</sup> Opotow (n 1) 155; Beyrer (n 13) 360; Cribari-Neto and Santos (n 15) 2.

<sup>142</sup> Saygı (n 53).

### G. Loss of Reputation of the State and Public Officials

Impunity and the perception of impunity undermine the respect and authority of the state and public officials. When society believes that public officials are failing to punish offenders or are themselves involved in corruption, this damages the authority of the state and erodes public trust in institutions. This loss can increase feelings of anger and rebellion, leading people who believe that justice is not being served to participate in protests or social movements. Some individuals may resort to taking the law into their own hands to seek justice, which can lead to social polarisation and conflict. As a result, the legitimacy of the state may be questioned, and social instability may arise.

The literature indicates that impunity can erode trust in institutions<sup>143</sup> and constitute a political and legal problem. Situations where the law is not applied equally undermine the international community's expectations of legitimacy and violate the rule of law. This can fundamentally undermine the state's legitimacy and lead to governance crises and social unrest.<sup>144</sup> Research shows that low trust in the justice system concretises the risk of loss of state prestige and can lead to social instability.<sup>145</sup>

### H. Weakening of Individual and Social Responsibilities

The perception of impunity weakens individuals' sense of social responsibility. Failure to punish criminals creates a reluctance among individuals to fulfil their social responsibilities and creates an environment of irresponsibility in society.<sup>146</sup> Impunity weakens trust in the rule of law by facilitating human rights violations and leads to the erosion of ethical values.<sup>147</sup> The impunity of powerful individuals for unethical behaviour leads to the spread of similar behaviour, resulting in moral decline.

The Broken Windows Theory<sup>148</sup> and Moral Disengagement<sup>149</sup> explain the normalisation of unethical behaviour in environments of impunity. These theo-

<sup>143</sup> Cribari-Neto and Santos (n 15) 2.

<sup>144</sup> Wang (n 67) 75.

<sup>145</sup> Cribari-Neto and Santos (n 15) 2.

<sup>146</sup> Saygi (n 53).

<sup>147</sup> Forst (n 49) 3.

<sup>148</sup> Wilson and Kelling (n 71) 30.

<sup>149</sup> Bandura (n 72) 193-209.

ries support the validity of the perception of impunity in the Turkish context, which normalises crime and increases the tendency to disregard the law. Lawyers' warnings can also be seen as concrete manifestations of these theories. The unpunished behaviour of individuals in leadership positions leads to the spread of similar behaviour within the organisation.<sup>150</sup> The concept of "Teflon leadership" refers to leaders who avoid responsibility, thereby increasing insecurity and low morale within the organisation and spreading unethical behaviour.<sup>151</sup> This situation can lead to a vicious cycle that reinforces the spread of unethical behaviour at the societal level, known as the "Teflon effect."<sup>152</sup>

### I. The Impact of the Media and Public Opinion on the Perception of Impunity

It is seen that the media and social media play an important role in the formation and reinforcement of the perception of impunity in Türkiye. The majority of participants stated that they learned about the perception of impunity from the media and that examples of crimes that remain unpunished are frequently reported in the media. These findings show that the perception of impunity is spread and reinforced through media channels. Saygı<sup>153</sup> has also revealed that crimes that go unpunished reinforce the perception of impunity in society, partly due to the influence of the media. In particular, the impunity of powerful individuals can reach large audiences through the media and reinforce the feeling that justice is not being served.

The media and social media can also reinforce the perception that justice is biased. Excessive media coverage of crimes reinforces the idea that justice is not applied equally. In addition, there is a perception that media and public pressure accelerate the administration of justice. Participants stated that judges' decisions are influenced by this pressure. This shows that the perceptions of crime created by the media shape society's expectations regarding impunity and the functioning of justice.

Qualitative findings also confirm that the media and social media play a decisive role in shaping perceptions of impunity. Lawyer participants empha-

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<sup>150</sup> Robert Jackall, *Moral Mazes: The World of Corporate Managers* (Oxford University Press 1988).

<sup>151</sup> Tepper (n 74) 180; Schmidt (n 74) 113.

<sup>152</sup> Metz and Kövesdi (n 75).

<sup>153</sup> Saygı (n 53).

sised the impact of these channels on perception formation and highlighted the complementary effects of traditional and digital media. There are three main mechanisms shaping perceptions of impunity: triggering emotional reactions, the viral effect, and the dual role of public pressure. These findings are consistent with warnings that the media can “erode public trust and weaken institutional integrity”<sup>154</sup> and “lead to wrong decisions.”<sup>155</sup> In summary, the media and social media shape perceptions of impunity, deepening and sometimes misdirecting perceptions of the functioning of justice in society and increasing social unrest.

### VIII. Conclusion and Recommendations

This study aims to comprehensively examine the structure, prevalence, causes, consequences and individual experiences of the “perception of impunity” rather than “impunity” itself among individuals over the age of 18 in Türkiye. The study makes important contributions to the literature by combining quantitative and qualitative methods to provide a multidimensional and comprehensive perspective on the perception of impunity in the Turkish context. The empirical demonstration that perception is not just a feeling but a social reality supported by concrete data emphasises that the issue is a structural problem requiring urgent intervention. In particular, its focus on the erosion of trust in the law among the young population provides critical information for future policy and intervention strategies. By providing an in-depth analysis of why the perception of impunity is so widespread, the study has developed concrete and actionable policy recommendations for policymakers and practitioners. In doing so, it fills an important gap in the existing literature by combining macro-level statistical data with the micro-level experiences of individuals working in the field of law.

Although this research presents valuable findings, it has some limitations. The cross-sectional nature of the study limits its ability to identify changes in the perception of impunity over time or to establish definitive cause-and-effect relationships. The quantitative sample was collected using convenience sampling, which may not fully represent the entire population of individuals aged 18 and over in Türkiye, particularly as individuals with limited internet access

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<sup>154</sup> Kukutschka (n 48).

<sup>155</sup> Eichen (n 62) 6.

or low socioeconomic status may have been excluded, potentially introducing bias. Although the expert opinions of the lawyer participants in the qualitative sample provide in-depth information, this specific group may not represent all legal professionals or other segments of society. Furthermore, self-reported data and potential researcher bias in qualitative analysis should also be taken into account. In this context, Türkiye's dynamic socio-political and legal context indicates that the findings are specific to the data collection period and may change over time.

Future research should conduct longitudinal studies to understand changes in the perception of impunity and its causal links. Demographic limitations in the quantitative sample of the current study (overrepresentation of female participants, young age, and high concentration of educated individuals) may affect the generalisability of the findings. Additionally, the predominance of male lawyers in the qualitative sample highlights the need for an in-depth examination of different perspectives. To increase generalisability, more representative quantitative samples from different regions, socioeconomic and age groups could be used. Qualitative research could include different professional and social groups within the justice system, such as judges, prosecutors, police officers and victims of crime. New surveys and scales could be developed and validated to measure perceptions of impunity more reliably. The perception of impunity in Türkiye can be examined in comparison with other countries to investigate the impact of cultural and structural differences. Research assessing the effectiveness of policies aimed at reducing the perception of impunity is also important. The specific dynamics of the perception of impunity for certain types of crime (e.g. hate crimes) should be examined in more detail. The impact of digital technologies (artificial intelligence and social media) on perceptions of impunity should also be investigated. The relationship between the quality of legal education, the number of law schools, and the level of legal literacy among the public and perceptions of impunity should also be examined more comprehensively. In addition, studies should be conducted on how victims are psychologically and sociologically affected by perceptions of impunity.

In this study, reservations about participating in surveys and interviews reflect concerns about freedom of expression. The relationship between these reservations and the perception of impunity should be examined in greater depth. This study provides important information for policymakers and law

enforcement officials seeking to restore public trust and strengthen the rule of law in Türkiye.

Combating the perception of impunity requires a multifaceted approach. In this context, beliefs about political influence over the judiciary require changes in the appointment processes for judges and prosecutors. The perception of immunity among the powerful can be broken by strictly enforcing the principle that all citizens are equal before the law. Making the Council of Judges and Prosecutors (HSK) more independent and pluralistic will weaken this perception. Presenting the grounds for public trials to the public will increase confidence in the administration of justice. Concerns about long trial periods necessitate procedural changes to speed up the resolution of cases. Strengthening the monitoring systems, especially in trials without detention, will increase deterrence. Access to legal services should be expanded, taking into account economic barriers. Technological innovations such as artificial intelligence-supported judicial systems can facilitate the understanding of legal processes. Public perception that practices such as conditional release, probation, good behaviour discounts and amnesty laws weaken the deterrent effect of punishment requires a review of these practices. It is important to further restrict good behaviour discounts for serious crimes such as murder and to be particularly cautious in cases of violence against women. Furthermore, shortening or abolishing statutes of limitations is critical for protecting the rights of victims. Penalties for repeat offences should be revised and rehabilitation programmes strengthened. Given the role of social media in the perception of impunity, it is important to increase legal literacy in the digital sphere. The public should be accurately informed about the complexity of judicial processes, and misinformation should be combated more effectively. Furthermore, the functioning of the justice system should be explained to the public in a transparent and understandable manner.

The perception of impunity should be recognised as being linked to socio-economic and political inequalities. The changes to be made should target not only the legal system but also social perceptions and trust. The legitimacy of the justice system in Türkiye must be rebuilt. The recommendations set out in this study can serve as a guide for other countries facing similar problems. Strengthening judicial independence, increasing legal literacy, and penal reform are universal goals.



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