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The Judicial System at Risk: A Comparative Analysis of the Instrumentalization of Judicial Power in Turkey and the United States

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Democratic backsliding is often associated with abrupt authoritarian rupture, yet in both the United States and Turkey it has advanced through the gradual weakening and political capture of legal institutions. This report compares Donald Trump and Recep Tayyip Erdoğan's use of the judiciary as a central arena for expanding executive power and reducing institutional accountability. While the two cases differ sharply in political context and intensity, both reveal how courts can be transformed from independent checks on authority into instruments of partisan consolidation. In the United States, Trump's influence operated primarily through strategic judicial appointments and the politicisation of law enforcement, extending his ideological reach beyond his time in office. In Turkey, Erdoğan pursued a more direct strategy, relying on purges, prosecutions, and control over judicial recruitment to marginalise opponents and reinforce loyalist rule. Together, these cases show that democratic erosion can occur through both subtle institutional reshaping and overt executive intervention, making judicial independence a crucial battleground for democratic resilience.

I. Introduction

At first glance, the United States and Turkey may seem politically very different, but under Donald Trump and Tayyip Erdoğan, both countries show signs of democratic backsliding. Although the two nations differ in history and institutions, both administrations contribute to the ongoing backsliding through institutional transformation and political instrumentalization of the judiciary. This analysis compares how each leader used the legal system to expand executive influence and reduce institutional checks on power.

II. Institutional transformation

Under President Trump, the federal judiciary became increasingly politicized as he and Senator Mitch McConnell worked to fill over 200 judicial vacancies with conservative appointees. Christopher Kang, who vetted judicial nominees in the Obama White House, explains how "the reason President Trump had 200 judgeships to fill in the first place is because McConnell obstructed" (Johnson, 2020). McConnell blocked many of President Obama's nominations while he was still president, as he was clearly meticulously waiting for a Republican president, such as Trump, to be in power before filling these vacancies (Johnson, 2020). As a result, the courts became increasingly shaped by partisan strategy and conservative interests rather than a political agenda formed via a neutral appointment process.

This is significant because the courts are supposed to serve as a check on executive power, but when they are shaped through partisan obstruction and loyal appointments, as evidenced in this case, their independence is weakened. Additionally, it shows how a president can have long-lasting political and judicial influence, even after they leave office. With this, it is clear Trump's influence over the federal judiciary reflects a broader trend of Trump's democratic sliding, one that parallels Erdoğan's efforts to bring the courts under stronger political control.

Under Erdoğan, the judiciary was also reshaped to serve executive power, but more directly, through purges, prosecutions, and control over judge and prosecutor appointments. Many of these executive actions transpired after the 2016 coup attempt. For context, on June 15, a military faction attempted to overthrow President Erdoğan's government by taking control of several key

governmental areas, including the Turkish Parliament. However, within just one day, loyalist Turkish forces successfully crushed the operation. Following the coup, millions of Turkish citizens were investigated for alleged involvement in the military conflict, plunging the country into a state of immense instability and uncertainty. Subsequently, Erdoğan removed thousands of individuals from the judiciary. A loyalist board, known as the Supreme Court of Judges, dismissed 4,260 judges and prosecutors, and prosecuted 1,546 lawyers (Bowcott, 2019).

These individuals were wrongfully dismissed due to accusations of terrorism, however, according to the Law Society, this was "without credible evidence" (Bowcott, 2019). Furthermore, President Erdoğan's government passed Law No. 7393, which lowered the national electoral threshold from 10% to 7% (Library of Congress, 2022). While this change may appear to democratize elections by requiring fewer votes for parties to gain parliamentary seats, it actually complicates the opportunities for opposition parties. Previously, the high threshold of 10% increased the likelihood of smaller parties collaborating to maximize their electoral chances. However, the reduction to 7% encourages smaller parties to break away from larger alliances, making them more inclined to divide rather than unite.

This division ultimately strengthens Erdoğan's loyalist group, facilitating their ability to retain parliamentary seats. Therefore, it is clear that Erdoğan's government employs both direct and indirect measures to maintain control of the judiciary, employing measures to influence long term influence and control. The judges and prosecutors who were not removed likely followed his political agenda, which, similar to the case with Mitch McConnell, underscores how Erdoğan's administration is committed to maintaining control over the judiciary. In this case, President Erdoğan's actions directly contribute to the ongoing problem of democratic backsliding.

Despite differences in their specific methods and implementation, both Trump and Erdoğan engaged in an institutional transformation of the judiciary, reshaping it in ways that undermined its role within the system of checks and balances. Regarding the United States, Trump reshaped the courts through the means of deliberate and strategic appointments, through the help of Senator McConnell. This ensures his administration's long-term ideological alignment. Erdoğan,

however, was far more direct in his approach. Instead of subtly manipulating the appointment process of the judiciary, he was much more straightforward in his actions, removing and replacing members of the judiciary, favoring loyalists. Despite these differences, both administrations contributed to the unjust formation of a judiciary more focused on executive interests rather than serving as an independent check on executive power. This parallel underscores how both gradual and direct interventions can lead to partisan control over the judiciary, even in democratic nations.

III. Political Instrumentalization

Several instances of judicial politicization during Trump's second term suggest that his approach to the legal system is not simply about enforcing law, but about using legal institutions to reinforce political loyalty and punish opposition. Notably, after losing the 2020 election, he increasingly treated the justice system as an extension of his political agenda. Last February, Pam Bondi, the United States Attorney General, wrote a memo stating that every Department of Justice employee must "zealously advance, protect, and defend" President Trump's interests (Stone, 2026).

This reflects this concept because it replaces legal neutrality with personal loyalty and suggests that legal institutions are being asked to serve the president rather than the constitution. Likewise, the FBI raid in Fulton County on January 28, 2026, exemplifies the politicization of the judiciary during Trump's second term. FBI agents entered the Fulton County election office with a search warrant, authorizing the seizure of all ballots from the 2020 election in that county. Tulsi Gabbard, the Director of National Intelligence, was notably present, which sparked outrage, questioning why the Director of National Intelligence would be needed during the raid (Levine, Chidi, 2026).

The presence of political figures such as Tulsi Gabbard further blurred the line between law enforcement and partisan politics. In this case, the issue is not only that Trump challenges unfavorable rulings, but that he appears to normalize the idea that justice institutions should serve the president's interests. This weakens democratic accountability because courts and prosecutors are supposed to constrain executive power, as a form of checks and balances, not

operate as tools of it. It also illustrates how law enforcement can be used to sustain Trump's claims about the 2020 election even after two recounts confirmed that Joe Biden was the clear winner in Georgia and state investigators had debunked Trump's claims (Levine, Chidi, 2026).

This event sparked strong political discussion, as ex-Federal Prosecutor Randall Ealison expressed frustration over the administration's approach to the Justice Department (Stone, 2026). He claimed, "This Justice Department has been transformed into a political wing of the Trump administration, using the power of the justice system to punish Trump's enemies and reward his friends with little regard for the law." Taken together, these examples show how Trump's use of the legal system is not merely unjust but also structurally damaging, as it weakens the institution that is supposed to check presidential power. It is clear Trump has weaponized the justice system to his advantage, often attempting to bypass laws to further his agenda.

Erdoğan, similarly, used the judicial system to weaken opposition and consolidate political control in close ways to that of Trump. Rather than functioning as an independent check on the executive department, the judicial system has increasingly been used to target political rivals, as seen in the prosecution of Ekrem İmamoğlu and the broader investigations into protesters, lawyers, and journalists. During local elections, Turkish authorities increased politically motivated persecutions, targeting even the elections in the capital, Istanbul (Human Rights Watch, 2025).

Ekrem Imamoğlu, a political rival to President Erdoğan and the former mayor of Istanbul, was sentenced to 20 months in prison on charges of corruption and aiding a terror group. This is significant because it shows that legal authority is being applied selectively, not neutrally. In other words, the judiciary does not simply punish criminal behavior: it unjustly defines who is allowed to participate in politics and who is not, following the terms favorable to the administration. The removal of an opposing political figure reflects a tactic commonly seen in authoritarian regimes and highlights the extent to which judicial politicization has progressed since the 2016 coup attempt. Furthermore, there has been a dramatic rise in the investigations and prosecutions of hundreds of young protesters, lawyers, and journalists (Human Rights Watch, 2025).

Additional evidence indicates that the recruitment process for future judges and prosecutors is being manipulated, along with the standards for selecting judges that do not align with the principles of judicial independence. The manipulation of judge and prosecutor recruitment further deepens the problem, since a recruitment board dominated by executive and Ministry of Justice figures undermines the legality and trustworthiness of future appointments (Human Rights Watch, 2025). The manipulation of the selection processes means biases are a given in the judicial system, further emphasizing how the judiciary has turned into a tool of executive control.

Both administrations engage in the political instrumentalization of the judiciary, prioritizing loyalty over a neutral institution. In the United States, actions from Pam Bondi and the presence of Tulsi Gabbard at the Fulton County raid raise concerns about politically charged law orders and how they serve to meet the president's interests. For Turkey, the prosecution of figures like Ekrem Imamoğlu and the targeting of protesters and journalists demonstrates how the administration's judiciary is being used to suppress dissent. In both cases, legal institutions are applied selectively, serving the interests of those in power while employing questionable methods to do so.

IV. Conclusion

The actions of Donald Trump and Recep Tayyip Erdoğan highlight the concept of democratic backsliding through the transformation of institutions and the political manipulation of the judiciary. In both cases, they began reshaping the courts to align with their respective administrations' agendas, subsequently using these institutions to ensure political loyalty and maintain power. Although the methods and political contexts in each country differ, the parallel is undeniably clear: the judiciary's role as a check on power is significantly weakened. Ultimately, this comparative study demonstrates that even democratic nations are at risk of having their judicial systems manipulated and eroded. This can occur through direct and immediate actions, as seen in Turkey, or through more gradual, indirect actions, as observed in the United States.

V. References

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