

## The Recent Pivotal Developments Introduced in Turkish Legislation

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Turkey's rapidly changing agenda always leaves one with a sense of astonishment. A shattering piece of news that you wake up to one morning may lose its significance by the next. Nevertheless, this is also the case when it comes to the developments in Turkish legislation since there is a continuous flow of amendments in the legal system. The Civil Procedure Law had its share from the trend. Especially critical after the Covid-19 pandemic, the parties could now attend the hearings virtually solely with the Court's approval, which was previously subject to counter-party's consent. Thus, big-city based lawyers would hereinafter save time and energy by attending out-of-town hearings virtually, leaving the client with a great benefit of saving case-related costs.

Worthy to attention, some important amendments, aiming to shorten the term of litigation, have also been introduced. In this respect, expedited procedure was expanded to any commercial lawsuit below TRY 500,000.00 from TRY 100,000.00. The expedited procedure consisting of only one round of pleadings exchange could remarkably shorten the term of litigation. Another hot topic akin to the desire of an accelerated judicial process concerns the addressing of lawsuits arising from lease relation. Not only the receivable lawsuits, but also other types of lawsuits arising from the lease relation could now be appealed before the High Court of Appeal instead of being finalized before the Regional Court of Second Instance.

Furthermore, there is another change that could rejoice the parties who attach particular value to their privacy. The judges may decide to hold confidential proceedings if the relevant parties' superior interests require confidentiality. Former provisions authorized confidential proceedings merely for public order and safety. While these are some of the most important amendments to the Civil Procedure Law, unmentioned changes should also be considered meticulously and professionally before filing a lawsuit and/or taking any sort of legal action.

Employees are amongst the most affected groups by the Covid-19 pandemic. This required inevitable changes in the Employment Law and Unemployment Insurance Law, laws that were enacted with the aim of protecting the employees working within a Social State. As a matter of fact, effective as of 17 April 2020, employers from all sectors were prohibited to terminate any type of employment or service agreements and let go of their employees for a period of three months. The only exception to this prohibition was dismissing the employment agreement on just causes based on employee's behaviors contradicting with morality and good faith principles. On the other hand, the lawmaker did not neglect the employers, perhaps the other most affected group due to the current circumstances. In this respect, employers had the right to request their employees to take an unpaid leave, without their consent. Moreover, businesses that carried out imperative requirements could benefit from short-term working allowance; State's monetary support for the employees who do not actively work yet whose employment agreements are not terminated as well. The latest amendment authorized the President of the Republic to extend the termination prohibition and unpaid leave periods until 30 June 2021 and the short-term working system until 31 December 2020. This amendment was rapidly followed by presidential decrees, extending the prohibition of termination and unpaid leave periods until 17 September 2020 and the short-term working system for another month, which shall be calculated according to current condition of the concerned business. Considering the severity of the Covid-19 pandemic, further changes about laws related to employment relations may come along the way, in parallel with how the pandemic unfolds in the next weeks and months. Hence, in order to take better advantage of the laws granted by the State during this critical time, the developments must be monitored with utmost attention to avoid any inconvenience.

Finally, yet importantly, we wonder if the State is trying to implement the culture of consensus or instead trying to reduce the workload of the courts through imperative alternative dispute resolution methods? After the mandatory prerequisite mediation has been introduced to Turkish law for specific commercial and employment lawsuits, the consumer lawsuits where are also included in this group. As per the latest amendment in the Consumer Protection Law, the consumer must now apply to the mediator before filing a non-monetary consumer lawsuit or a consumer lawsuit with a monetary claim above TRY 10,390.00. Notwithstanding the rule, the following consumer lawsuits are not subject to mandatory prerequisite mediation: Objections to the consumer arbitration committee's decisions; injunction orders; lawsuits regarding the suspension of production or sales and the recall of goods from the market; disputes arising from the real estate's kind and which have the nature of consumer actions. Thus, a good portion of lawsuits under Turkish law have become subject to mandatory prerequisite mediation through the amendments made within the last 3 years.

In light of the selected examples, one could easily argue that Turkish legislation is quite dynamic with the constant amendments. In this respect, we recommend business owners to thoroughly monitor the developments in Turkish legislation that could affect their businesses.

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