12th JUDICIARY PACKAGE
LEGAL BRIEFING NOTE ON AMENDMENTS TO LEGISLATION

The 12th Judiciary Package, submitted to the Grand National Assembly of Türkiye on June 22, 2026, and recently approved by the Justice Commission, is officially titled the ***"Draft Law on Amendments to Certain Laws for the Effective and Efficient Operation of the Judiciary."*** This Draft Law was prepared within the framework of the **4th Judicial Reform Strategy Document (2025–2029)**—a policy text aimed at structuring the legal framework for digitizing judicial processes and eliminating procedural delays through legislative amendments. The Package consists of 29 articles and 1 provisional article.

Accordingly, comprehensive amendments are scheduled across numerous fundamental laws, including the Enforcement and Bankruptcy Law *(**"EBL"**)*, the Code of Civil Procedure *(**"CCP"**)*, the Code of Criminal Procedure *(**"CrPC"**)*, the Code of Administrative Legal Procedure (**"*CALP*"**), the Law on Judges and Prosecutors, the Turkish Civil Code (**"*TCC*"**), the Turkish Code of Obligations (**"*TCO*"**), the Notary Public Law, the Law on the Council of State, the Law on the Establishment and Duties of Regional Administrative Courts, Administrative Courts, and Tax Courts (**"*Law No. 2576*"**), the Law on Certain Regulations Regarding the Council of Forensic Medicine (**"*Law No. 2659*"**), the Law on Legal Interest and Default Interest (**"*Law No. 3095*"**), and the Turkish Criminal Law (**"*TCL*"**).

Core Objectives of the Package:

- (i) Concluding judicial proceedings within a reasonable timeframe,
- (ii) Strengthening procedural economy,
- (iii) Filling legal gaps arising from the annulment decisions of the Constitutional Court,
- (iv) Expanding digitalization across the judicial landscape.

While the majority of the provisions will enter into force upon publication in the Official Gazette, specific exceptions apply:

- **Article 12** (TCC Art. 440 – Electronic sale of movable property belonging to persons under guardianship)
- **Article 13** (TCC Art. 444 – Electronic sale of immovable property belonging to persons under guardianship), and
- **Article 23** (CCP Art. 149 – Signature regulations for SEGBİS / Audio and Video Information System System) will enter into force three months after publication.

Furthermore, Article 4, regarding the number of chambers in the Council of State, will take effect on July 23, 2026.

AMENDMENTS TO THE ENFORCEMENT AND BANKRUPTCY LAW

EBL Art. 34/A: An obligation to apply to the administration prior to initiating enforcement proceedings is introduced for monetary claims awarded against public administrations in the decisions of the Court of Cassation, Regional Courts of Appeal, and First Instance Courts.

CURRENT REGULATION	NEW REGULATION
Monetary claims based on judicial decisions can directly be subject to execution proceedings without any mandatory prior notification to the debtor public administration.	The creditor will be required to submit a prior written notification to the public administration, providing their bank account details. If the administration fails to make the payment within 1 month following this notification, the creditor may then initiate execution proceedings based on the judgment

EBL Art. 2: New rules govern the sale of inherited real estate, where the first auction will be restricted solely to heirs, and new sanctions are introduced for failing to deposit the security or the tender price.

CURRENT REGULATION	NEW REGULATION
In auctions for the dissolution of co-ownership, non-heirs can also participate in the first auction. Security exemptions apply based on the share ratio, and if the tender price is not deposited, the security is simply returned.	For inherited real estate, the first auction will be held exclusively among the heirs, and the minimum bidding threshold will be 100% of the appraised value. Shareholders will now be required to deposit security, and a successful bidder who fails to deposit the necessary purchase price will face an administrative fine equal to 5% of their bid.

AMENDMENTS TO THE CODE OF CIVIL PROCEDURE

CCP Art. 107: The institution of "unspecified claims case" is repealed; its functions will henceforth be met through the framework of partial claims

CURRENT REGULATION	NEW REGULATION
In cases where the exact amount of a claim cannot be fully and definitively determined at the outset, filing an unspecified claims case is permitted.	Unspecified claims cases can no longer be filed. The rights granted under partial claims will assume this function. Ongoing unspecified claims cases filed prior to this amendment will remain subject to the old provisions.

CCP Art. 109: A plaintiff filing a partial claim may demand the remaining balance of their claimed amount until the end of the trial stage without needing to resort to an amendment of the claim. The statute of limitations will be deemed interrupted for the entirety of the claim from the beginning of the lawsuit.

CURRENT REGULATION	NEW REGULATION
In a partial claim, the plaintiff can only demand the remaining balance of the claim via an amendment. The statute of limitations is interrupted solely for the specific portion initially sued for.	A plaintiff filing a partial claim may, once per lawsuit, demand the remaining portion of the entire claim until the end of the trial stage, without being subject to the prohibition on expanding the claim. The statute of limitations for the increased portion will also be deemed interrupted retroactively from the original filing date of the lawsuit.

CCP Art. 147: In lawsuits subject to the written procedure, the time interval between consecutive hearings is, as a rule, capped at three months.

CURRENT REGULATION	NEW REGULATION
The law does not specify any upper limit for the duration between consecutive hearings.	The interval between hearings shall not exceed three months. Exception: In mandatory circumstances, such as prolonged expert examinations or judicial assistance, the judge may schedule a later hearing date by explicitly stating the underlying justification.

CCP Art. 149: New regulations stipulate that parties participating in hearings via Audio and Video Information System (***SEGBİS***) will not be required to provide physical signatures.

CURRENT REGULATION	NEW REGULATION
There is uncertainty in practice regarding whether physical signature provisions should apply to remote participants via SEGBİS.	Except for procedural actions that strictly require a signature (such as confession, oath, waiver, acceptance, and settlement), it will not be mandatory to obtain signatures from party representatives participating via SEGBİS.

CCP Art. 166/1-168: An independent path for interlocutory appeal is introduced against consolidation decisions, and the binding nature of such decisions is conditioned upon their finalization.

CURRENT REGULATION	NEW REGULATION
When connected cases in courts within the same judicial district are consolidated, the decision immediately binds the court where the first case was filed. Objections regarding errors or unlawfulness could only be reviewed on appeal at the end of the case along with the final judgment on the merits. This provision was annulled by the Constitutional Court on June 17, 2025, as it allowed a court's jurisdiction over a case to change without adequate judicial review.	A consolidation decision will no longer produce immediate binding effects; it will only bind the court where the first case was filed once it becomes final. Furthermore, parties can now directly appeal the consolidation decision without waiting for the end of the trial, allowing the upper court to review the lawfulness of the consolidation at an early stage.

CCP Art. 362: Decisions rendered on the merits by Regional Courts of Appeal following a reversal or order setting aside the first-instance judgments are can be appealed before the Court of Cassation, provided they exceed the statutory monetary threshold.

CURRENT REGULATION	NEW REGULATION
The path to Court of Cassation appeal was closed against decisions rendered on the merits following the partial or full acceptance of an interlocutor appeal. This was annulled by the Constitutional Court on February 26, 2026, on the grounds that it disproportionately restricted the freedom to seek legal remedies.	Decisions rendered anew on the merits by accepting an interlocutory appeal in whole or in part can be appealed before the Court of Cassation, provided that the amount or value in dispute exceeds the statutory finality threshold. Claims falling below the threshold remain closed to appeal.

AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE

CrPC Art. 80/2: The retention, destruction, and utilization of molecular genetic examination results are bound by explicit statutory rules.

CURRENT REGULATION	NEW REGULATION
While the law provided for the destruction of data in cases of acquittal or non-prosecution, it left the duration and procedure undetermined for other outcomes, such as convictions or the abatement of public prosecution. This was annulled by the Constitutional Court on December 25, 2025, as it failed to meet the principle of legality while restricting the right to request the protection of personal data.	Data will be destroyed immediately in cases of acquittal or non-prosecution. In all other scenarios, the data will be destroyed in the presence of a public prosecutor 20 years after the finalization of the judgment. This data can only be utilized by a judge or prosecutor's order solely for the purpose of establishing the material truth.

CrPC Art. 134: Explicit rules are introduced for the preservation and deletion of data obtained through digital searches and seizures.

CURRENT REGULATION	NEW REGULATION
There was no explicit statutory provision detailing how data obtained from searches and seizures of computers, phones, digital storage devices, and other electronic media should be stored, how long it should be retained, or the procedure for its destruction. This was annulled by the Constitutional Court on February 12, 2026, due to the absence of adequate safeguards for personal data protection.	Seized digital data will be retained for 15 years from the finalization of the court judgment or the decision of non-prosecution. At the end of this period, it will be destroyed in the presence of a public prosecutor, and an official minute will be drafted. Additionally, if the grounds for storing the data cease to exist or if there is a justified reason, relevant individuals may request the court to delete the data before the expiration of the 15-year period.

CrPC Art. 231/5-14: It is explicitly decreed that the Suspension of the Pronouncement of the Judgment (***HAGB***) cannot be applied to crimes of torture, torment, and ill-treatment committed by public officials due to their duties.

CURRENT REGULATION	NEW REGULATION
There was no explicit statutory restriction barring the application of HAGB for these specific offenses. This was annulled by the Constitutional Court on July 10, 2025, finding it in violation of Article 17 of the Constitution (Prohibition of Torture and Ill-Treatment).	HAGB provisions shall not apply to crimes of torture, torment, or ill-treatment committed by a public official falling within the scope of Article 17 of the Constitution.

CrPC Art. 247/3: Absconding defendants against whom security measures have been ordered are granted the right to request a retrial, provided they exercise their right to defense.

CURRENT REGULATION	NEW REGULATION
When a security measure was ordered against an absconding defendant, it was not possible for the defendant to claim that they were not evading justice and demand a re-evaluation.	An absconding defendant subject to a security measure may request a retrial by declaring their intention to exercise their right to defense, on the condition that they appear and are present in court.

CrPC Art. 308/1: The scope and time limits of the Chief Public Prosecutor of the Court of Cassation's power to object to decisions are restructured, clarifying who can request such an objection.

CURRENT REGULATION	NEW REGULATION
The time limit to object is one month from the date of the judicial decision.	The time limit to file an objection is set at three months from the date the judicial decision is physically delivered to the Chief Public Prosecutor's Office of the Court of Cassation. No time limit shall apply to objections filed in favor of the defendant. The request for an objection can be made by the defendant, individuals entitled to appeal on behalf of the defendant, the intervening party, or victims of the crime.

AMENDMENTS TO THE CODE OF ADMINISTRATIVE LEGAL PROCEDURE

CALP Art. 45/3-5: The explicit power of Regional Administrative Courts to dismiss an interlocutory appeal without order setting aside the first-instance judgment by simply modifying or correcting its legal reasoning is regulated, and the grounds for remanding files back to first-instance courts are expanded.

CURRENT REGULATION	NEW REGULATION
If a Regional Administrative Court finds the outcome of a first-instance decision lawful, it can dismiss the appeal by correcting typographical/material errors or leaving it as is. What should be done if the outcome is correct but the reasoning is deficient or erroneous was unclear. Remands back to first-instance courts were limited to narrow procedural errors, such as jurisdiction or initial review mistakes.	Three distinct scenarios for dismissal are structured as follows: • If the decision is lawful → Dismissal of appeal. • If the outcome is correct but the reasoning is wrong/deficient → Dismissal of appeal by modifying the reasoning. • If there is a material/typographical error → Dismissal of appeal by correcting the error. Additionally, the following new grounds for remanding a file back to the first-instance court have been added: • Rendering a judgment on the merits when the statement of claim should have been rejected initially, • Concluding a case with an incomplete or incorrect adversarial party, • Failing to render a judgment on a specific request or delivering an incomplete ruling, • Accepting an interlocutory appeal filed against other final procedural decisions (e.g., cases deemed not filed, rejection without review). In cases involving a failure to conduct an on-site discovery, expert examination, or a mandatory hearing, the Regional Administrative Court will not remand the file; it will resolve these deficiencies itself and render the final decision.

CALP Art. 46: Decisions rendered by a Regional Administrative Court after a first-instance judgment has been vacated are opened to appeal.

CURRENT REGULATION	NEW REGULATION
Decisions rendered anew by Regional Administrative Courts after vacating a first-instance court decision were closed to high appeal review. This was annulled by the Constitutional Court on March 27, 2025, for violating the freedom to seek legal remedies.	Decisions rendered anew following a order setting aside the first-instance judgment can be appealed before the Council of State within 30 days of notification. Exceptions: Lawsuits heard by a single judge, disputes concerning agricultural assets, immovable possession, immigration/foreigner law, and decisions solely concerning attorney fees or trial expenses will remain closed to high appeal.

AMENDMENTS TO THE LAW ON JUDGES AND PROSECUTORS

Art. 10: The curriculum, training modules, and the principles and procedures governing the written/oral examinations for assistant judges and prosecutors are explicitly anchored in statutory law.

CURRENT REGULATION	NEW REGULATION
Training and examination principles were governed primarily by administrative regulations. This was annulled by the Constitutional Court on July 10, 2025, ruling that such matters fall exclusively within the domain of statutory legislation.	The training subjects are now listed explicitly within the text of the law, examinations will be evaluated out of a 100-point scale, and the right to a make-up examination under justified excuses is legally guaranteed.

TCC Art. 63: Appointing a non-legal expert on matters that can be resolved through the professional legal knowledge required of a judge or prosecutor is established as a disciplinary offense.

CURRENT REGULATION	NEW REGULATION
Violating the rules while selecting experts entailed disciplinary sanctions, but there was no explicit sanction for appointing an expert when no specialized or technical knowledge was required.	Appointing an expert on matters that can be resolved via the standard legal knowledge inherent to the profession is explicitly defined as a disciplinary infraction requiring a formal warning penalty.

OTHER LEGISLATIVE AMENDMENTS

TCC Art. 440 - 444: The sale of movable or immovable property belonging to persons under guardianship will be conducted via an electronic sales portal integrated into the National Judiciary Informatics System (***UYAP***).

CURRENT REGULATION	NEW REGULATION
The sale of under guardianship 's property could only be carried out through physical public auctions	Sales will be migrated to the electronic sales portal integrated into UYAP, thereby ensuring access to a wider pool of participants.

TCC Art. 55: The accrual date for interest in compensation claims concerning the loss of support and loss of working capacity is restructured, and the method for deducting advance payments is established.

CURRENT REGULATION	NEW REGULATION
Interest applied to the entirety of the compensation award—including the portion calculated for hypothetical future earnings—retroactively from the date of the tortious event.	For the period where actual earnings are known, interest will run from the date of the event. For the portion concerning the unknown (future) period, interest will only begin to accrue from the date of the court judgment. Advance payments made up until the start of the trial stage will be deducted proportionally.

Notary Public Law Art. 55: The procedure for transmitting notary documents to courts, public prosecutor's offices, and criminal judgeships of peace is simplified, rendering electronic transmission mandatory and exempting such requests from fees.

CURRENT REGULATION	NEW REGULATION
Physical delivery was the standard method for transmitting notary records to judicial authorities, and separate fees or charges could apply.	Upon a request for a certified copy, the notary public will scan the document, sign it with a secure electronic signature, and transmit it digitally to the relevant judicial authority. No fees, taxes, or valuable paper charges shall be collected, save for standard postal expenses if applicable.

Provisional Art. 27/13 of the Council of State Law: The maximum period prescribed for reducing the number of chambers in the Council of State to 10 is extended by four years, and the downsizing of member seats is halted.

CURRENT REGULATION	NEW REGULATION
It was mandatory to reduce the number of chambers to 10 by July 23, 2026, and the practice of electing only one new member for every two vacated seats was ongoing.	The maximum period has been extended until July 23, 2030. Until this date, a new member will be elected for every single vacated seat, preventing a reduction in the total number of members.

Law No. 2576 Art. 7/1: The categories of lawsuits that can be heard by a single judge in administrative courts are expanded, and the monetary thresholds are updated.

CURRENT REGULATION	NEW REGULATION
Annulment and full remedy claim whose subject matter does not exceed 486,000 TL for the year 2026 could be resolved by a single judge.	The monetary threshold is officially updated to 486,000 TL. Additionally, certain disputes concerning public officials (temporary assignments, public housing, travel allowances, leaves, warning penalties), disciplinary decisions of professional organizations, student disciplinary penalties, grading/exam results, student dormitories, credits, and scholarships, as well as cases concerning pensions for needy, vulnerable, and lonely Turkish citizens over 65, will now also be heard by a single judge.

Law No. 2659 Art. 26: The appointment criteria and terms of office for the heads and members of specialization boards within the Council of Forensic Medicine are set by statutory law.

CURRENT REGULATION	NEW REGULATION
These criteria and terms were governed by Presidential Decrees. This was annulled by the Constitutional Court on October 8, 2025, ruling that these matters fall exclusively under the statutory authority of parliament.	To be appointed as a head or member of a specialization board, candidates must hold a specialty certificate in medicine/dentistry or a PhD degree in the relevant field. The term of office for chairs, members, and group heads is fixed for four years.

Law No. 3095 Art. 1: In non-contractual debt relations, the statutory legal interest rate is indexed to the discount rates of the Central Bank of the Republic of Türkiye.

CURRENT REGULATION	NEW REGULATION
The law contained a fixed-rate interest clause, which was annulled by the Constitutional Court on July 22, 2025, due to high inflation eroding claims.	Where interest must be paid under the Turkish Code of Obligations or the Turkish Commercial Code but the rate has not been determined by contract, it will be calculated at 80% of the short-term discount rate applied by the TCMB on December 31 of the preceding year. If a difference of 5 points or more arises between the rate determined on June 30 and the December 31 rate, a new rate will apply for the second half of the year.

TCL Art. 158: A specific sentence reduction is introduced for individuals who participate in the crime of aggravated fraud solely by providing their payment instruments or account access information to others. *(This provision was not in the initial draft text but was added via a motion during the Commission sessions on June 25, 2026.)*

CURRENT REGULATION	NEW REGULATION
No specific sentence reduction existed for such complicity; individuals providing access were subject to the same criminal liability as the principal perpetrator under general complicity rules.	If the complicity in the crime is strictly limited to providing one's own or another's payment instruments (such as bank/credit cards) or providing the necessary credentials/tools to allow others to use an account held before a bank, broker, payment service provider, or crypto-asset service provider to secure an unfair advantage, the sentence to be imposed shall be reduced by half.

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