



Constitutional Court of Türkiye



Kadir ÖZKAYA

President
of the Turkish
Constitutional
Court

Mr. Özkaya was born in 1963 in Tarsus. He studied at Bandırma Middle School, followed by the Land Registry and Cadastre Vocational High School. He graduated from the Faculty of Economics and Administrative Sciences, Department of Public Administration at Gazi University in 1985.

He began his professional career as a civil servant at the General Directorate of Land Registry and Cadastre and subsequently served as an inspector at the Agricultural Credit Cooperatives of Türkiye. After completing his administrative judge internship, which began on 4 February 1991, he was appointed as a rapporteur-judge at the Council of State on 13 May 1993, where he served until November 2004. On 21 October 2005, he was officially appointed as a rapporteur-judge at the Constitutional Court, a position he had been filling on a temporary basis since November 2004. While serving in this capacity, he was elected as a member of the Council of State by the High Council of Judges and Prosecutors in 2011, and subsequently appointed by the President as a member of the Constitutional Court on 18 December 2014, assuming his role on 22 December 2014.

In 2002, he completed the Public Administration Specialisation Programme at the Public Administration Institute for Türkiye and the Middle East, culminating in a thesis on *The Loss of Organisational Characteristics by the Elected Bodies of Local Governments*. He has also co-authored two books: “*Annotated and Jurisprudential Administrative Judicial Procedure Law*” and “*Investigation, Trial, and Removal of Mayors, Council Members, and Mukhtars*”.

He was elected twice as the Vice-President of the Constitutional Court by the Plenary of the Constitutional Court on 12 March 2020 and 5 March 2024, and served as the Vice-President presiding over the Second Section between 4 April 2020 and 19 April 2024.

He was elected as the President of the Constitutional Court by the Plenary of the Court on 21 March 2024, assuming the office on 20 April 2024.

Composition of the Constitutional Court



First Section

Hasan Tahsin GÖKCAN	Vice-President
Recai AKYEL	Member
Yusuf Şevki HAKYEMEZ	Member
Selahaddin MENTEŞ	Member
İrfan FİDAN	Member
Muhterem İNCE	Member
Yılmaz AKÇİL	Member

Second Section

Basri BAĞCI	Vice-President
Engin YILDIRIM	Member
Rıdvan GÜLEÇ	Member
Yıldız SEFERİNOĞLU	Member
Kenan YAŞAR	Member
Ömer ÇINAR	Member
Metin KIRATLI	Member

Pursuant to Article 146 of the Constitution, the Court is composed of fifteen members, each serving a non-renewable term of twelve years. However, the tenure of a member shall terminate upon reaching the age of 65.

The Court elects a President and two Vice-Presidents from among its members for a term of four years through a secret ballot and by absolute majority of the total number of members. Re-election is permissible after the termination of their tenure.

The composition of the Court reflects a diverse range of professional backgrounds, encompassing judges, auditors, university professors, governors, lawyers, ambassadors, and rapporteur-judges of the Constitutional Court. This diversity ensures a broad spectrum of experience from various sectors and socio-political fields.

The Grand National Assembly of Türkiye (GNAT) shall elect two members from the Court of Accounts from among three candidates to be nominated for each vacant position by its members, and one member

from among self-employed lawyers to be nominated by the heads of bar associations. Remaining twelve members shall be appointed by the President of the Republic; three members from the Court of Cassation from among three candidates to be nominated for each vacant position by its members; two members from the Council of State from among three candidates to be nominated for each vacant position by its members; three members from among the faculty members from among three candidates to be nominated for each vacant position by the Council of Higher Education; and four members from among high-level officials, self-employed lawyers, first-category judges and public prosecutors, and rapporteur-judges of the Constitutional Court having served for a minimum of five years in the position.

Rapporteur-judges are tasked with assisting the Court by preparing and presenting case reports as well as drafting judgments. They are selected from among judges and prosecutors with at least five years of judicial experience, auditors of the Court of Accounts, and academics holding a PhD in law, economics or political sciences.

Structure and Duties

The Court functions in the form of the Plenary, Sections, and Commissions. The Plenary comprises of fifteen members and chaired by the President. There are two Sections, each chaired by a Vice-President, and each of these Sections has three Commissions.

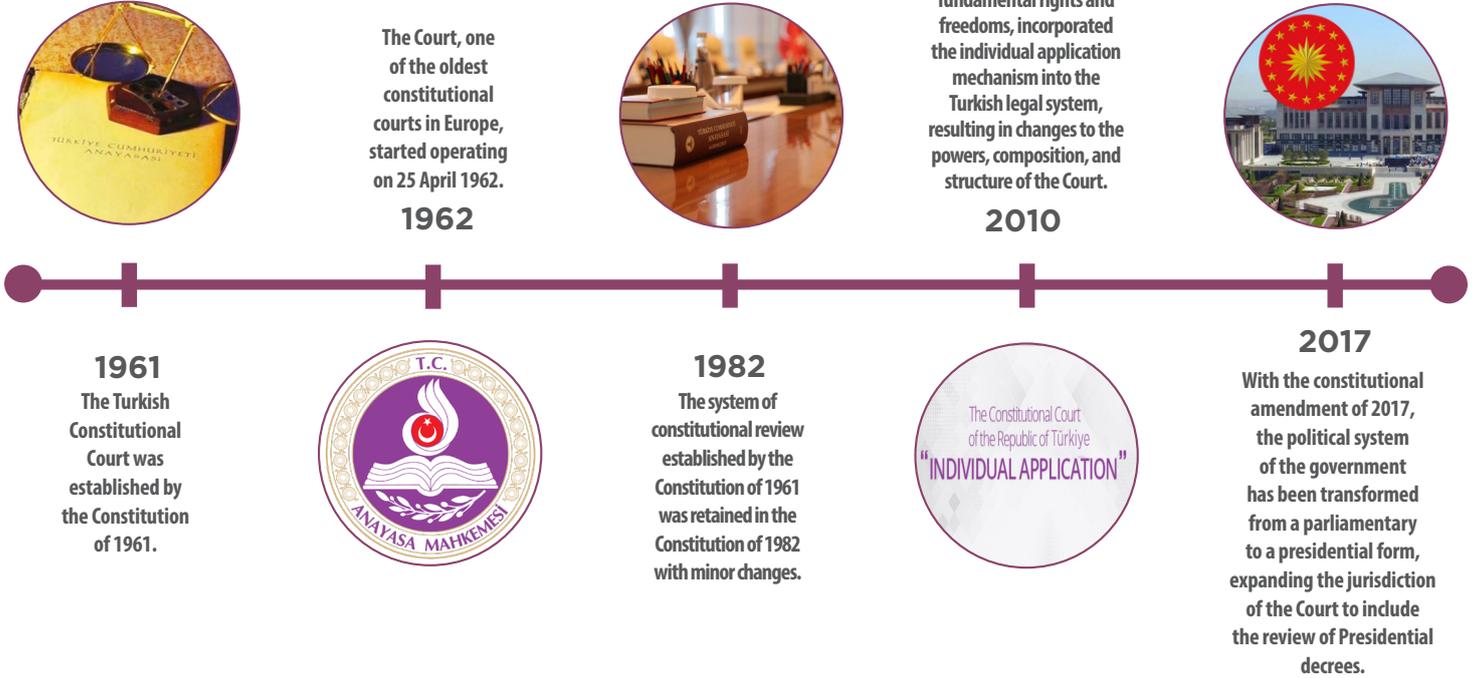
The Plenary primarily reviews the constitutionality of norms (laws, Presidential decrees and the Rules of Procedure of the GNAT); functions as the Supreme Criminal Tribunal hearing the cases against high-level State officials; reviews and adjudicates individual applications referred to the Plenary by the Sections; decides on the cases related to the dissolution of political parties; conducts financial audits of political parties; and reviews

the decisions of the GNAT regarding the lifting of parliamentary immunity or disqualification from membership.

The two **Sections** of the Court examine and adjudicate individual applications on the merits. Each of the “First Section” and the “Second Section” consists of six members and a Vice-President. Sections convene with five members including the presiding Vice-President.

Commissions consist of two members under each Section and are primarily responsible for deciding on the admissibility of individual applications. The Vice-President presiding over the Section shall not take part in the Commissions and they shall be chaired by the senior member.

Key Dates



Jurisdictions of the Court

The Court exercises constitutional review only upon receiving applications, rather than acting *ex officio*. Constitutional review can be initiated through the following means:

A. CONSTITUTIONALITY REVIEW

1) Action for Annulment (Abstract Review)

The constitutionality of laws, Presidential decrees and the Rules of Procedure of the GNAT or specific provisions thereof may be directly challenged before the Court through an annulment action by the President of the Republic, the two political parties with the highest number of members in the GNAT, and at least one-fifth of the total number of members of the GNAT, which currently equals to 120 members.

Action for annulment must be initiated within sixty days after the publication of the contested law, Presidential decree, or the Rules of Procedure of the GNAT in the Official Gazette.

2) Claim of Unconstitutionality (Concrete Review)

Claim of unconstitutionality can be filed by the civil, criminal or administrative courts and high courts *ex officio* or upon the request of parties involved in a given case. If a court hearing a case finds that the law or the Presidential decree to be applied in the case is unconstitutional, or it is convinced of the seriousness of such claim raised by one of the parties, it shall refer the question of unconstitutionality to the Constitutional Court and postpone the consideration of the case until the latter decides on the issue within five months.

If the Court dismisses a claim of unconstitutionality, no claim can be filed with regard to the same legal provision unless ten years elapse after publication in the Official Gazette of the Court's decision dismissing the application on its merits.

B. INDIVIDUAL APPLICATION

As specified in Article 148 of the Constitution; after having exhausted ordinary legal remedies, everyone can apply to the Court on the grounds that one of the fundamental rights and freedoms under joint protection of the Constitution and the European Convention on Human Rights has been violated by action or omission of public authorities.

Individual application shall be lodged within thirty days from the exhaustion of legal remedies or, if no remedy is available, from the date when the violation is known.

C. OTHER

Other primary jurisdictions of the Court also include the issues related to the dissolution and financial audit of political parties, the trial of high-level State officials before the Supreme Criminal Tribunal, and the cases of parliamentary immunity and loss of parliamentary membership.

International Cooperation

The Constitutional Court of Türkiye, recognised as the world's one of the oldest constitutional justice institutions, has long played a pivotal role within regional and global network of constitutional courts. In recent years, the Court has attracted significant attention for its precedent judgments in the field of human rights and constitutional review, reflecting its distinctive approach to constitutional interpretation.

The Court maintains continuous institutional contact with both national and international judicial authorities. Furthermore, it is among the first members of both the "Conference of European Constitutional Courts (CECC)" and the "Association of Asian Constitutional Courts and Equivalent Institutions (AACC)". The Turkish Constitutional Court is also one of the founding members of the World Conference on Constitutional Justice (WCCJ), which is an umbrella organisation

encompassing constitutional justice institutions and organisations from around the world.

In addition, at the Court's initiative, two new constitutional platforms were officially established in 2022, namely the Conference of Constitutional Jurisdictions of the Islamic World (CCJ-I) and the Conference of Constitutional Jurisdictions of the Turkic World (TÜRK-AY). The Court was unanimously elected as the first term president of both platforms for a two-year period (2022-2024).

More recently, the Court has become a founding member of the Balkan Constitutional Courts Forum, which was officially established on 27 October 2023. The Court also holds an observer status in the Conference of Constitutional Jurisdictions of Africa (CCJA) since 2017.

The Court has signed bilateral memorandum of cooperation with constitutional/supreme courts of 29 countries.



The Court Building

The construction of the building was completed by the end of March 2009. Designed to meet the current and future needs of the Court, the building incorporates advanced features as a smart building that optimizes the utilisation of natural resources, such as sunlight and rainwater.

The library within the building plays a vital role in supporting constitutional adjudication and research activities, providing staff with efficient access to a wide array of constitutional and legal materials.

“Constitutional History Gallery” was also opened in the premises of the Court on the occasion of its 60th anniversary on 25 April 2022, which was primarily designed for foreign guests and law faculty students. It offers a chronological presentation of information on constitutional activities around the world and in Türkiye, dating back to the Ottoman Empire.

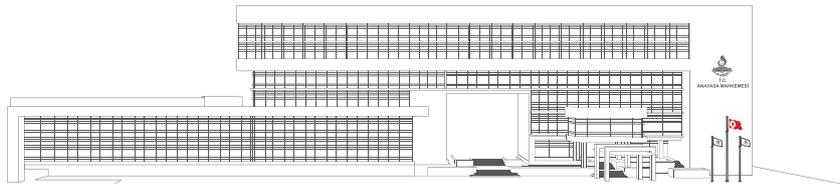
The Court is situated amidst a vast forested area in one of the most tranquil and peaceful locations in Ankara. To complement the beauty of its location, the building is surrounded by a vast garden thoroughly designed to enhance the serenity of the environment.



Documentary Film
of the Court



Constitutional
History Gallery



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