Av. İSMAİL SAY
MÜSİAD Ankara Yönetim Kurulu Üyesi

A GENERAL OVERVIEW OF THE LEGAL REGULATIONS TO BE IMPLEMENTED WITHIN THE SCOPE OF THE 10TH JUDICIAL PACKAGE

As part of the Judicial Reform, the Law on the Execution of Sentences and Security Measures and the Proposal for Amendments to Certain Laws, commonly referred to as the "new judicial package," was submitted to the Turkish Grand National Assembly in 2025. The new reform strategy document aims to further strengthen judicial independence and impartiality, enhance legal certainty, ensure trials are completed within a reasonable timeframe, establish a solution-oriented, predictable, restorative, and compensatory justice system, expand restorative and compensatory justice practices, and strengthen the effectiveness and deterrence of the criminal justice system. The amendments specifically aim to redefine the scope and conditions of criminal enforcement procedures to ensure their more effective implementation, and fill the legal gap created by annulment decisions issued by the Constitutional Court.

The 10th Judicial Package is not limited to technical regulations; it aims to make the judicial culture more fair, transparent, and predictable.

1.Procedural Law and Regulations Made in Accordance with Constitutional Court Decisions

The new judicial package includes numerous regulations in line with the annulment decisions of the Constitutional Court.

- The amendment to Additional Article 1 of Code of Civil Procedure No. 6100 stipulates that the monetary limits as of the date of the lawsuit will be taken as the basis for legal appeals. In cases where the amount is increased through amendments, the monetary limits as of the date of the lawsuit will also be taken as the basis.
- Articles 125, 126, and 127 of the Notary Public Law are being amended, and Article 157 of the Law is being repealed. Notary public disciplinary provisions have been restructured in accordance with the justifications of the Constitutional Court annulment decisions; Penalties for notaries, including those for acts of indiscipline and disciplinary penalties stipulated in Article 126, are stipulated, depending on the nature of the situation and the severity of the act. Statutes of limitations have been stipulated.
- An amendment to Additional Article 1 of Law No. 2577 on Administrative Procedure Procedures stipulates that the monetary limits determining whether court decisions are subject to appeal are determined based on the date the case is filed.

Revisions to the Turkish Penal Code No. 25237:

In order to combat crimes more effectively and ensure deterrence, the penalties for certain types of crimes have been increased.

- The amendment to Article 35 of the Code increases the lower and upper limits of the periodic imprisonment for attempted murder.
- The amendment to Article 86 of the Code increases the penalties for the crime of intentional wounding and the aggravated consequences of intentional wounding.
- The lower limit of the prison sentence for the crime of threat is increased, and the upper limit of the sentence for aggravated murder is increased in the case of aggravated threats. An amendment to Article 170 of the law made it a crime to fire a weapon in a manner that would endanger life, health, or property, or in a manner that could cause fear, anxiety, or panic in individuals. Weapons capable of firing sound canisters and tear gas canisters are also included in the scope of the crime, aiming to prevent the use of these weapons in a manner that could cause fear, anxiety, or panic in individuals. The lower and upper prison sentences for the crime of intentionally endangering public security are being increased.
- The Code of Criminal Procedure has been amended to exclude certain crimes from the summary trial procedure.
- Article 223 of the law has been amended. In recent traffic disputes and subsequent actions that cause the obstruction or cessation of movement of vehicles, acts of force or threat are no longer considered elements of the crime. Therefore, if the perpetrator commits intentional injury, threat, damage to property, deprivation of liberty, or any other crime during the commission of this crime, the penalty will be assessed separately for the other crimes committed.
- To contribute to the establishment of traffic safety in Article 179 of the Law, the minimum prison sentence is increased, and the penalty for driving under the influence of alcohol or drugs is increased.

The 10th Judicial Reform Package adopts a holistic approach to not only establish justice but also to re-strengthen citizens' faith in it. It's not just a collection of legislative provisions; it's also a vision document for the future of our justice system.

- With the amendment to Code of Criminal Procedure No. 5271, crimes related to public security are excluded from the scope of the summary trial procedure.

3.Amendments Regarding the Criminal Law and Execution Regime

Amendments are envisaged in Law No. 5275 on the Execution of Penalties and Security Measures to prevent the perception of impunity and to make some improvements in execution practices.

- Article 11 of the law provides that the sentences of juvenile convicts will begin in closed juvenile penal institutions. Sentences to be served directly in juvenile reformatories are determined. Accordingly, juvenile convicts sentenced to a total of three years or less for intentional crimes and five years or less for negligent crimes will have their sentences served directly in juvenile reformatories.

- An amendment to Article 105/A tightens the conditions for accessing probation. It is now mandatory for convicts in open penal institutions or juvenile reformatories to serve at least one-tenth of the period until their conditional release in the penal institution before being transferred to probation. This period cannot be less than five days. The provisional article stipulates that the regulation in Article 105/A will not apply to crimes committed before the effective date of this article.

- The regulation in Article 108 of the Law also allows conditional release under certain conditions to convicts subject to second recidivism provisions. Accordingly, these convicts will be eligible for conditional release if they serve a certain portion of their sentence in the penal institution with good behavior.

- The scope of special execution procedures has been expanded with the amendments to Article 110 of Law No. 5275. The time limit for night and weekend executions has been set at 3 years for crimes committed intentionally and 5 years for crimes committed by negligence (excluding death). Weekend executions will be included during the week, depending on work and family circumstances. The scope of executions at home has been expanded, and decision and supervision procedures, particularly regarding illness and disability, have been clarified. Probation has also become available for those subject to special execution procedures.

- Those who fail to fulfill their obligations will not be eligible for special execution procedures.

4. Regulations Regarding Digital Media and Personal Rights

Amendments have been made to Law No. 5651 on the Regulation of Publications Made on the Internet and Combating Crimes Committed Through Such Publications.

- In this context, removal of content is defined as removing it from the internet, rather than removing it from servers or hosted content. This measure When implemented, the

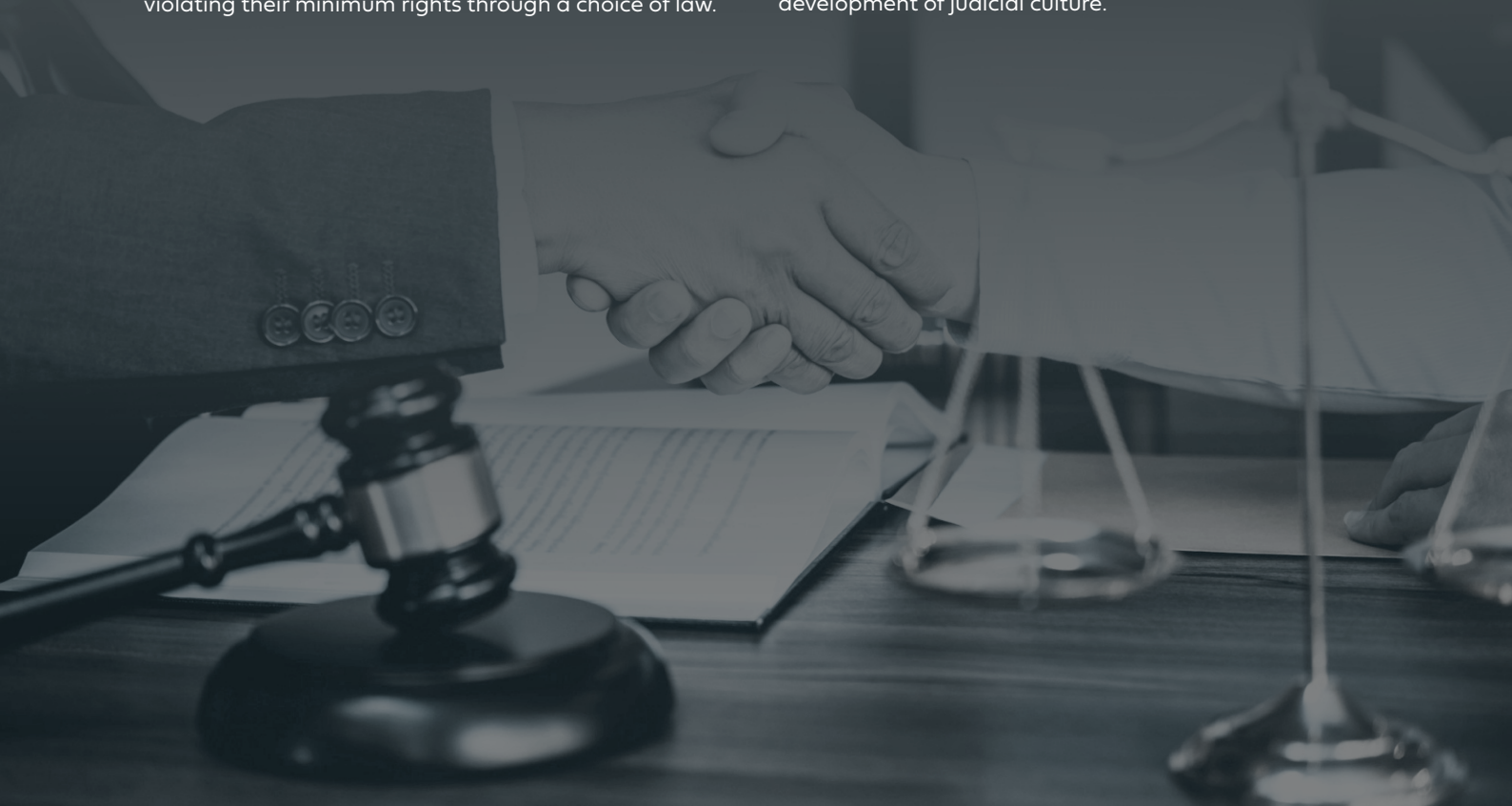
content in question will be removed from the internet in a reversible manner, if necessary.

- Article 9 of the law has been amended. The procedure for applying to a criminal court of peace in the event of a violation of personal rights has been defined. If a violation is prima facie evident, the criminal judge of peace may decide to remove the content and/or block access within 24 hours. If the violation is not prima facie evident, the application will be rejected. The decision is subject to appeal, and the parties may be heard if deemed necessary. Additionally, additional regulations have been introduced to ensure the enforceability of content removal decisions for foreign social network providers with more than 10 million daily access.

5. Other Procedural Regulations

- Article 27 of Law No. 5718 on International Private and Procedural Law is being amended. Even if the parties have chosen a law in their employment contract, the judge is granted the authority to apply the law of the country that is more closely related to the contract. However, mandatory rules that must be applied during the work (working hours, holidays, overtime, etc.) will in any case be subject to the law of the place where the work is performed. This regulation prioritizes the protection of workers and prevents the employer from violating their minimum rights through a choice of law. The aim is to ensure an interpretation in favor of the employee and to comply with the principle of balance.

- Article 28 of Law No. 6087 on the Council of Judges and Prosecutors has been amended, revising the relationship between the tenure of office between members of the higher judiciary and the Board. The time spent by individuals elected from the Court of Cassation or the Council of State to the Council of Judges and Prosecutors during their term as Board members will not be counted towards their term as a high court member. This effectively preserves the full term of high court membership at 12 years.

Conclusion

The 10th judicial reform package presents itself as a multifaceted and holistic reform in terms of its scope. The restructuring of the execution regime and the updating of sentences are particularly important for preventing the perception of impunity in society. The impact of these regulations will be seen through the judiciary's interpretation of the provisions. With judicial bodies acting in a unified manner and the correct interpretation of the legislation, it is possible for new regulations to address existing problems. In this respect, the proposed law offers an opportunity not only for legislative changes but also for the development of judicial culture.